



THE STATUS AND TREATMENT OF REFUGEES

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THE STATUS AND TREATMENT OF REFUGEES
(Deliberated)

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I. Introduction

A. Background

1. The Asian-African Legal Consultative Organization (AALCO) has been concerned with the issues relating to the status and treatment of refugees ever since this topic was introduced in its agenda in 1964 at the behest of Arab Republic of Egypt. Within AALCO, this has been a keenly debated subject during its Annual Sessions, which has contributed immensely to the exploring and framing of policies that take into account the rights of refugees in the Member States. While working in pursuance of its mandate, AALCO has collaborated with the Office of the United Nations High Commissioner for Refugees (UNHCR), both formally as well as informally. This cooperation and mutual assistance was formalized by the signing of the Memorandum of Understanding (MOU) between the two Organizations on 23rd May 2002. The MOU provides for the undertaking of joint studies and envisages holding of seminars and workshops on topics of mutual interest and concern.

2. It is pertinent to remember here the distinguished record of contributions on the part of AALCO to the cause of the protection of refugees. This includes the adoption of the “Principles Concerning the Treatment of Refugees” in 1966 at its Eighth Annual Session, which are commonly known as ‘Bangkok Principles’. Further study improved upon these principles by adopting two addenda. The first, which was adopted in 1970 at AALCO’s Eleventh Session held in Accra, contained an elaboration of the ‘right to return’ of any person who, because of foreign domination, external aggression or occupation, has left his/her habitual place of residence. Furthermore, in 1987 at the Twenty-Sixth Session held in Bangkok, AALCO had adopted ‘Burden Sharing Principles’ as an addendum to the Bangkok Principles of 1966. These principles have highlighted the growing trend towards finding durable solutions to the refugee problems and for international assistance to relieve the burden of those countries faced with large-scale influx of refugees. Burden and responsibility sharing arrangements, including resettlement, represent a significant component of durable solutions for displacement situations. These principles provide a legal framework, which, while “recommendatory in nature”, nevertheless forms guiding principles for State practices in the Asian-African region. They remain a term of reference and an expression of the region’s concern for refugees.

3. Apart from the adoption of the 2001 revised text of the Bangkok Principles, two other important initiatives of AALCO related to refugee protection need to be mentioned here: the “Concept of Establishment of Safety Zones for Internally Displaced Persons” and the preparation of the “Model Legislation of Refugees”. As regards the concept of safety zone (an area within a Country to which Internally Displaced Persons (IDPs) and prospective refugees can flee to secure assistance and protection), AALCO had adopted “A Framework for the Establishment of a Safety Zone for Displaced Persons in Their Country of Origin” in 1995. It incorporates some twenty principles that provide for: the aim of the establishment of safety zone; the conditions for establishment; the supervision and management of the zone; the duties of the Government and of the conflicting parties involved; and the rights and duties of the displaced persons.

4. Besides, the AALCO Secretariat was mandated by the Thirty-First Session that took place at Islamabad, Pakistan in 1992, to prepare draft model legislation on refugees to assist Member States in enacting national laws on refugees. Accordingly, the Secretariat had submitted “A Model Legislation on the Status and Treatment of Refugees” to the Thirty- Fourth Annual Session held at Doha in 1995. The draft emphasized the need to provide for the rights and duties of refugees; rules for the determination of refugee status; mechanisms to address the refugee exodus etc.

5. It is also pertinent here to recall the special study that was undertaken by AALCO along with UNHCR on “The Problem of Statelessness: An Overview from the African Asian and Middle Eastern Perspective”, which was released during the formers’ Forty-Sixth Annual Session that took place at Cape Town, Republic of South Africa in 2007.

6. The AALCO Secretariat’s Report for 2014 focuses on various severe displacement issues in the Asian, African and Middle East regions. Political instability, and various persistent and new international, ethnic and communal conflicts have contributed to the displacement of over nearly 30 million people in these regions. Developing countries have the greatest burden to bear with respect to refugees particularly the Internally Displaced Persons (“IDP”), according to former UNHCR Deputy High Commissioner for Refugees, Alexander Aleinikoff, as many as eighty percent of the world’s displaced are coming from and cared for in developing countries. Economic situations exacerbate the refugee problems, complicating the settlement and resettlement procedures. It is because of these conditions that the refugee and IDP situations in these regions require examination.

B. Issues for Focused Deliberation at the Fifty-Third Annual Session

7. Escalating violence in the recent past in various parts of Asia, Africa and the Middle East, continues to set back the refugee, displacement, and statelessness situations in this regions. The States in this region are therefore faced with the challenge of dealing with these setbacks and dealing with refugees and IDPs in a manner that is consistent with the UNHCR’s standards.

8. The main issue for this deliberation will therefore be upon:

- What the specific challenges faced by AALCO Member States in these regions;
- How the States in these regions have dealt with the various issues concerned with refugee movement and internal displacement;
- What particular problems have not been overcome;
- Methods for creating lasting, durable and sustainable solutions for refugee and IDP situations in the problematic regions; and,
- How the Bangkok Declaration as well as the 13 Guidelines for Internally Displace Persons may be applied in problematic situations.

II. Focus on Africa

A. Refugee and Displacement Situations in Africa¹

9. Continuing and new conflicts in Sub-Saharan Africa have created an environment rife with violence and human rights abuses with UNHCR foreseeing over 300 thousand new refugees and asylum seekers displaced in 2014 compared to 2012 (3.4 million to 3.1 million). In addition to this, there is also a foreseen number of 5.4 million internally displaced persons (IDPs), including stateless persons and returnee, adding up to an estimated 11 million people requiring the attention of UNHCR in Africa.

10. Central Africa has seen over 6.4 million people displaced, with the Democratic Republic of Congo (DRC) and the Central African Republic (CAR) have seen the exodus of over 750,000 refugees and nearly 4 million IDPs due to internal conflicts and continuing violence. Ongoing instability and continuing armed conflict in the eastern part of DRC have forced over 450,000 people to seek refuge in neighbouring countries, particularly Burundi, Rwanda, the United Republic of Tanzania and Uganda, and caused approximately 2.6 million people to be internally displaced. However, the laying down of arms by the M23 movement provides some optimism for return in DRC with UNHCR anticipating to facilitate the voluntary return of 36,000 refugees to the DRC.

11. The Central African Republic has dealt with a political upheaval for decades. Since December 2012, the CAR has been experiencing political and social instability as well as insecurity, and the seizure of power by force in March 2013 has seen the disruption of normal life, human rights violations, and the massive displacement of populations. Over 400,000 people are estimated to be internally displaced, compared to about 90,000 in early 2012, while 65,000 individuals have fled to the DRC, the Republic of the Congo, Chad and Cameroon, raising the number of Central African refugees to over 220,000.

12. Conflict also continues to plague East Africa, with Sudan, South Sudan, and Eritrea bearing the brunt of it. Somalia has seen over a million refugees flee the country, and a million more displaced internally. However, recently acquired stability in the country with the establishment of a new Federal Government in 2012 has seen a reversal of trends and stemmed the tide of displacement in the country, with more people returning.

13. Sudan's situation has been marred by new conflicts over mining rights and breakdown in law and order in the Darfur region as well as the continuing violence in the South Kordofan and Blue Nile regions, has sent refugees into Chad, thus reversing the progress made in the previous two years. Over 300,000 persons were displaced in the first half of 2013 alone. Ethnic conflict and economic problems also displaced over 130,000 South Sudanese in 2013.

¹ All statistics courtesy of the '2014 UNHCR country operations profile – Africa', available at: <<http://www.unhcr.org/pages/4a02d7fd6.html>>; '2014 UNHCR country operations profile – Middle East and North Africa (MENA)', available at: <<http://www.unhcr.org/pages/4a02db416.html>>

14. Southern Africa has seen relative stability and security with most of the persons being refugees from other regions in Africa seeking asylum in Southern African States. However, the influx of refugees in these regions has created its own problems with increasing competition for scarce resources and economic opportunities breeding xenophobia and some degree of ethnic violence. National asylum systems in the sub-region work under severe capacity constraints, and have difficulties in identifying people in need of international protection. While nearly all of the countries in the sub-region have signed the 1951 Refugee Convention, its 1967 Protocol and the 1969 OAU Convention, most have done so with reservations regarding freedom of movement and access to employment.

15. As envisaged in the Comprehensive Solutions Strategy for Angolans initiated in 2010, all of the countries hosting significant numbers of Angolan refugees have declared the cessation of refugee status for Angolans who arrived before 2002. Voluntary repatriation to Angola continues to be promoted. Namibia, South Africa and Zambia have developed systems to grant temporary residence to those Angolans who meet specific criteria.

16. In West Africa, Mali continues to be the main humanitarian crisis situation with over 350,000 IDPs and 175,000 refugees in neighbouring countries such as Burkina Faso, Mauritania and Niger, due to the political and military crises that have occurred since 2012. However, international military intervention in January 2013 and the deployment of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in July 2013 have brought signs of improvement in the overall situation in the country.

17. Nigeria also currently faces security challenges from religious extremist activities in the north of the country. The impact of the ongoing militant activities has spilled over into neighbouring countries, particularly Niger and Cameroon, where over 10,000 Nigerian refugees have sought asylum to date.

18. Egypt has seen a large influx of refugees due to particular Eritrean, Ethiopian, Iraqi, Somali, Sudanese and Syrian refugees, as well as Palestinians fleeing from the Syrian Arab Republic (Syria). Following the conflict that erupted in northern Mali in 2012, by mid-August 2013, 72,000 Malian refugees had sought refuge in Mauritania. In addition to nearly 47,000 registered refugees in urban areas, there were around 90,000 Sahrawis in the Tindouf camps (Algeria).

B. Priorities in Africa

19. UNHCR plans to build a more favourable protection environment by countering the trend of restrictive policies and attitudes directed at asylum-seekers and long-staying refugees by supporting governments to ensure efficient asylum systems and strong institutional frameworks, as well as providing advice on national asylum legislation.²

² Ibid.

20. As has been the case in the past, sexual and gender-based violence remains a principal concern, and UNHCR's updated strategy to deal with such violence will guide its prevention and response efforts. Particular attention will be paid to the needs of displaced women and children and age, gender and diversity will be brought into consideration for programme activities. Key priorities with regard to the protection of children include registration and documentation of displaced children at birth; equal access to education, especially for girls; completion of Best Interest Determination (BID) for unaccompanied, separated and at-risk children; and reduction of malnutrition and mortality through the provision of greater access to health care, supplementary nutrition and therapeutic feeding. Important protection activities will include UNHCR's livelihood projects in Chad, the DRC, Ethiopia and Somalia aimed at giving women and girls the means and skills to provide for themselves and their families. In eastern Sudan, UNHCR will implement a regional strategy and plan of action to curb the smuggling and trafficking of people in an effort to strengthen the protection of people of concern.

21. 6 December 2012 saw the coming into force of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the "Kampala Convention"). The coming into force of this Convention was a major milestone as it is the first-ever binding regional instrument on internal displacement. The Convention provides an important international legal framework for the protection of the internally displaced in Africa. The Convention sets out the obligations of not only the State parties, but also of the African Union, international organizations and members of armed groups, to prevent displacement, protect and assist people once displacement has occurred, and to find lasting solutions to displacement. Under the Convention, "States have specific obligations to allocate resources, adopt national policies and strategies and enact or amend national laws to ensure that displacement is prevented and that IDPs are protected and supported until they reach a sustainable solution to their displacement."³ UNHCR will continue to promote the ratification and implementation of the Convention by African states.

III. Focus on Asia

A. Refugee and Displacement Situations in Asia⁴

22. The Asia and the Pacific region has one of world's largest refugee situations with the region accounting for approximately a third of the global population of concern to UNHCR, or some 9.5 million people.

23. The Afghanistan refugee situation constitutes the world's largest protracted refugee situation. There are over 2.5 million Afghan refugees with 1.6 million registered Afghan refugees in Pakistan and almost 1 million in the Islamic Republic of Iran. It is also estimated that in addition to the number of registered Afghans,

³ Statement by the UN Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, to mark the coming into force of the Kampala Convention, available at <<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12868&LangID=E>>

⁴ All statistics courtesy of '2014 UNHCR country operations profile - Asia and the Pacific, available at <<http://www.unhcr.org/pages/4a02d8ec6.html>>

approximately a million unregistered and undocumented Afghan refugees reside in both Pakistan and the Islamic Republic of Iran. Despite ongoing efforts since 2002 and the voluntary return of over 5 million Afghans to Afghanistan, efforts have been hampered by the unpredictable security situation and lack of both the opportunity for livelihood and basic facilities. Additionally, there are approximately 600,000 IDPs in Afghanistan.

24. Escalating conflict in Myanmar in June 2012 also resulted in large numbers of people being internally displaced as well as fleeing to Thailand, Bangladesh and Malaysia. Inter-communal tension remains high with almost 140,000 people still displaced in Rakhine State as well as over 800,000 persons estimated to be without citizenship in the northern part of Rakhine State. An agreement to reduce hostilities in Kachin State between the Government and the Kachin Independence Organization (KIO) has potentially opened the way for further peace efforts where about 100,000 people are displaced. It is also estimated that over 230,000 IDPs remain displaced in the south-east of Myanmar, in areas where UNHCR is operating.

25. India continues to grant asylum and provide assistance to an estimated 200,000 refugees. In Nepal, more than 69,000 of an original total of 108,000 refugees from Bhutan have found a durable solution in third countries, thanks to the support of resettlement States and the cooperation of the Government of Nepal. Meanwhile, in the Democratic Socialist Republic of Sri Lanka, five years after the end of the conflict, over 500,000 displaced people have returned to their places of origin, while an undetermined number remain displaced in various parts of the country. Over 300,000 refugees from Viet Nam have also integrated in China and are receiving protection from the Government of China.

B. Priorities in Asia⁵

26. While 2014 is expected to be a critical transition year for Afghanistan due to the planned elections and withdrawal of international security forces, the need to pursue sustainable solutions for Afghan refugees remaining in exile will remain acute. The Solutions Strategy for Afghan Refugees, launched in 2012, has the triple goal of facilitating voluntary repatriation, sustaining reintegration and maintaining adequate support for refugees and their host communities. In mid-2013, the Government of Pakistan approved a new Afghan refugee policy, calling upon UNHCR to help create conditions conducive to voluntary repatriation, while strengthening support to host communities. Meanwhile, the Islamic Republic of Iran will continue providing Afghan refugees with access to education, health and livelihood services through a wide range of initiatives. UNHCR estimates that some 600,000 people within Afghanistan have been uprooted from their homes by conflict. Many have been displaced more than once, owing to lack of protection or livelihood opportunities in areas of return, or because of food insecurity or natural disasters. UNHCR's work with IDPs in Afghanistan in 2014 will focus primarily on assisting those still displaced by conflict, and advocating for them to be able to return and reintegrate.

27. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) and the Almaty Process on Mixed Migration and

⁵ Bureau For Asia and the Pacific, Regional Update, March 2014, available at <<http://www.unhcr.org/5000139a9.html>>

International Protection provide some regional platforms for dialogue and cooperation to protect asylum space and address mixed migratory flows.

28. In South-East Asia, under the auspices of the Bali Process, the operationalization of the Regional Cooperation Framework to reduce irregular migration in the Asia-Pacific region continued to gain momentum, and a Regional Support Office (RSO) was opened in Bangkok in September 2012 under the oversight and direction of the Bali-Process co-chairs, Australia and Indonesia, with the support of UNHCR and IOM. The protection component of the work of the RSO consists of information sharing on refugee protection and international migration, capacity building and exchange of best practices, pooling of technical resources, initiating pilot projects, or joint activities with a focus on specific caseloads or topics such as irregular movements by sea. In 2013, two important founding projects were completed by the RSO; a Regional Roundtable on Irregular Movements by Sea was convened in March 2013 and a regional study mapping and analyzing the protection situation of unaccompanied and separated children in South-East Asia was finalized.

29. On 5 June 2013, the second Ministerial Conference on Refugee Protection and International Migration took place in Almaty, Kazakhstan. Organised jointly by the Government of Kazakhstan, UNHCR and IOM, the Conference brought together government officials from nine Central Asian and neighbouring States to explore collaborative responses to challenges of mixed migration and refugee protection through the operationalization of a regional consultative process. Building on recommendations made in the Almaty Declaration of March 2011, the Ministerial Conference endorsed the Operating Modalities for the Almaty Process and agreed to further develop a Regional Action Plan and a Regional Cooperation Framework as a platform for future action. In line with the Operating Modalities, the participants elected Kazakhstan as the Almaty Process's first Chairman and agreed to establish a Support Unit, which would act as a Secretariat to the Process.

IV. Focus on the Middle East

A. Refugee and Displacement Situations in the Middle East⁶

30. The conflict in the Syrian Arab Republic has caused massive deterioration in the humanitarian situation. Current estimates are that more than 2.4 million Syrian refugees are estimated to have fled the country while there are more than 6.5 million IDPs for a staggering 9 million people of concern to UNHCR. Sanctions have had a significant impact on the socio-economic situation of large parts of Syria. The Syrian Pound has been devalued by more than 50 per cent since the outbreak of the conflict two years ago. In most parts of the country, prices for basic food and domestic items are rising, and cooking gas, heating oil and electricity are in short supply.

31. Meanwhile, sectarian violence in Iraq and now the rise of the Islamic State of Iraq and the Levant will only contribute to the already dire refugee and displacement situation in Iraq. The most recent estimates by UNHCR, as of January 2014, showed that an estimated 400,000 Iraqis were refugees in neighbouring countries while nearly

⁶ All statistics courtesy of '2014 UNHCR country operations profile – Middle East and North Africa (MENA)', available at: <<http://www.unhcr.org/pages/4a02db416.html>>

a million were internally displaced. However, that number is expected to grow exponentially with the onslaught of fresh communal violence and the recent fleeing of tens of thousands of people from Christian communities in northern Iraq.

32. As of 2013, the number of internally displaced people (IDPs) in the Republic of Yemen stood at over 306,000, the vast majority of whom are in the northern governorates, a decrease of 21 per cent from the end of 2012, mainly due to the return of some 65,000 individuals to the south of Yemen. New, small-scale displacements in February 2013 uprooted some 8,000 people in the Al-Baidha and Dhamar Governorates. Additionally, Yemen is also hosting over 240,000 refugees from other States. However, despite the challenges, Yemen's hospitality towards refugees has been lauded by UNHCR as, amongst other contributions, Yemen continues to provide land and security for the Kharaz Refugee Camp, as well as access to the public health system and education in urban areas.

33. A serious situation remains in Gaza, Israel, and the State of Palestine, where the UNHCR does not have a mandate to work. The increased bombardment of the Gaza area continues to create a displacement situation that requires attention. However, the United Nations Relief and Works Agency (UNRWA) is engaged in the region, in addition to in Syria, Lebanon and Jordan, in providing humanitarian aid to Palestinian refugees. UNRWA estimate in January 2014 that there are approximately 1.2 million registered Palestinian refugees living in Gaza, with over 750,000 more in the West Bank, plus about 2 million living in Jordan, with a half million each in Syria and Lebanon.⁷

B. Priorities in the Middle East

34. The main priorities of UNHCR in Syria is currently to maintain access in order to continue its life-saving activities, which is a difficult task considering the insecurity in the region. The provision of protection, health, shelter and other essential humanitarian services through continuing inter-agency coordination as well as the establishment of logistical bases and warehouses is extremely important for the protection of IDPs and monitoring of the situation. Moreover, reducing protection risks faced by people of concern, particularly discrimination, sexual and gender-based violence, as well as specific risks faced by children continues to be a pressing concern. Violence faced by women in the conflict zones, as well as limited resources in terms of gender-based violence services and support in the region continue to compound the problem. While the Syrian Arab Red Crescent (SARC) remains a key non-food item planning and delivery partner, UNHCR continues to identify additional local partners to augment and complement outreach and capacity.⁸

35. In Iraq, UNHCR will continue to coordinate the international humanitarian response to the Syrian refugee emergency and the fresh sectarian and religious violence, and a coordination mechanism will be maintained in Baghdad, co-led by UNHCR and the Ministry of Displacement and Migration, with the participation of concerned UN agencies, NGOs and other humanitarian actors. UNHCR will also work closely with partners and civil society institutions to enhance its response to sexual and gender-based violence (SGBV), through improved monitoring, increased

⁷ Statistics available at <www.unrwa.org>

⁸ Ibid.

capacity dedicated to prevention and awareness-raising, and an enhanced network of quality legal, medical and social or psycho-social services for referral.⁹

36. The UNHCR is strengthening its partnerships in the Gulf Cooperation Council countries. Building upon previous resource mobilization efforts, which resulted in unprecedented contributions for the Syria crisis and worldwide operations.¹⁰

37. With regard to the situation in Gaza, Commissioner-General of UNRWA, Pierre Krähenbühl, has stated that:

“[The] situation of the population of Gaza and of Palestine Refugees here has become completely unsustainable. Israel’s illegal blockade has deepened poverty levels and youth or female unemployment levels (at 65% and over 80% respectively). Gaza's aquifer will have been entirely contaminated in the next three to four years making the strip essentially unlivable. But today, these indicators pale in comparison to the intensity of the bombardments and the fears for security and survival.”¹¹

38. The Commissioner-General also reiterated that the refugee situation in Gaza and Palestine situation will only continue to deteriorate, hastened by the bombardment, until and unless a political solution is found. UNRWA continues to provide humanitarian services encompassing primary and vocational education, primary health care, relief and social services, infrastructure and camp improvement, microfinance and emergency response, but true alleviation of the plight of Palestinian refugees can only happen with a resolution of the situation.

V. Comments and Observations of the AALCO Secretariat

39. In addition to the pre-existing and ongoing refugee situations in countries such as Afghanistan and parts of the African continent such as Sudan and South Sudan, new and dire crises have made an appearance in 2014 in several regions, but most notably the Middle East. Continuing violence, instability and insecurity in Syria caused by the ongoing civil war shows little sign of abating, have displaced steadily increasing numbers of persons to seek refuge in neighbouring countries. Additionally there are also the ongoing humanitarian abuses being perpetrated upon the IDPs in the region.

40. Iraq has recently seen the rise of the militant extremist group “ISIS”, which is attempting to fill in the void in power as the new Government has been struggling to handle a staggeringly precarious situation that brings with it the very real threat of genocidal brutality. The violence wrought by ISIS also threatens the stability and security of neighbouring countries such as Jordan, Israel, Palestine, Lebanon, Kuwait, Cyprus, and Turkey. Fresh abuses include the alleged widespread kidnapping, rape

⁹ Ibid.

¹⁰ Ibid.

¹¹ Statement by the Commissioner-General on 14 July 2014, available at: <<http://www.unrwa.org/newsroom/official-statements/commissioner-general-press-briefing-situation-gaza-strip>>

and general violence committed against women in the region,¹² as well as other allegations of torture and executions.¹³

41. Meanwhile, one of the overlooked refugee situations continues to be that occurring in Israel and the State of Palestine, particularly in Gaza. Bombardment through air strikes and rockets have contributed to a death toll of nearly 200¹⁴ and large displacements in fresh hostilities in Gaza have further exacerbating what was once referred to by former UNHCR High Commissioner António Guterres as “the only conflict in the world in which people are not even allowed to flee.”¹⁵ Nearly 100,000 refugees have already fled Palestine, and while the new hostilities have not immediately seen a large-scale exodus, the humanitarian situation in Gaza continues to worsen.

42. The short-term alleviation of some of these problems lies in international cooperation both between States as well as between States and international organizations and agencies such as UNHCR and the United Nations Relief and Works Agency (UNRWA) to ensure the provision of shelter, assistance, aid and essential commodities to refugees and IDPs in the various affected areas of Asia, Africa, and the Middle East. There is a need for the strengthening of institutional mechanisms within the various States in these regions through measures such as the ratification and implementation of instruments like the 1951 UN Convention Relating to the Status of Refugees, the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the “Kampala Convention”).

43. At this time, it is also perhaps appropriate for AALCO Member States to revisit and reaffirm the 1966 Bangkok Principles on Status and Treatment of Refugees. Particularly relevant is Article X of the Bangkok Principles pertaining to Burden Sharing.

44. To reiterate, Article X propounds that:

1. The refugee phenomenon continues to be a matter of global concern and needs the support of international community as a whole for its solution and as such the principle of burden sharing should be viewed in that context.

¹² Zahra Radwan and Zoe Blumenfeld, “Surging Violence Against Women in Iraq”, *Inter Press Service News Agency*, 27 Jun 2014, available at: <<http://www.ipsnews.net/2014/06/op-ed-surging-violence-against-women-in-iraq/>>

¹³ Ruth Sherlock, “Hague urges unity as Iraq launches first counter-attack”, *The Telegraph*, 26 June 2014, available at: <<http://www.telegraph.co.uk/news/worldnews/europe/vaticancityandhollysee/10929292/Hague-urges-unity-as-Iraq-launches-first-counter-attack.html>>

¹⁴ Matthew Weaver and Alan Yuhas, “Egypt proposes Israel-Gaza ceasefire as death toll nears 200 - the day's events”, 14 July 2014, available at: <<http://www.theguardian.com/world/2014/jul/14/israel-shoots-down-gaza-drone-live-updates>>

¹⁵ UNHCR Briefing Notes, 6 January 2009, available at: <<http://www.unhcr.org/496355082.html>>

2. The principle of international solidarity and burden sharing needs to be applied progressively to facilitate the process of durable solutions for refugees, whether within or outside a particular region, keeping in perspective that durable solutions in certain situations may need to be found by allowing access to refugees in countries outside that region, due to political, social and economic considerations.
3. The principle of international solidarity and burden sharing should be seen as applying to all aspects of the refugee situation, including the development and strengthening of the standards of treatment of refugees, support to States in protecting and assisting refugees, the provision of durable solutions and the support of international bodies with responsibilities for the protection and assistance of refugees.
4. International solidarity and co-operation in burden sharing should be manifested whenever necessary, through effective concrete measures where major share be borne by developed countries in support of States requiring assistance, whether through financial or material aid (or) through resettlement opportunities.
5. In all circumstances, the respect for fundamental humanitarian principles is an obligation for all members of the international community. Giving practical effect to the principle of international solidarity and burden sharing considerably facilitates States fulfillment of their responsibilities in this regard.

45. Dealing with refugee situations in the Asian-African region require coordinated efforts on the part of all the States in the region to promote the welfare, safety, and eventually repatriation of the refugees seeking to escape conflict, violence and so on. It also requires consistent region-wide efforts from all involved States to institute the kind of top-down systems that will deliver assistance to refugees in the most efficient manner possible. This may also include ratifying and implementing the refugee, statelessness, and IDP-related Conventions. It also requires for States to honour their international obligations, particularly with regard to the respect of relevant humanitarian and human rights principles.

46. It may also be prudent to revisit the Guiding Principles on Internal Displacement at this time especially considering that IDPs account for a greater percentage of UNHCR's 'Persons of concern' statistics than refugees, and because there is no international legal instrument to handle their plight. It is, of course, not intended to be detrimental to the sovereignty of the States concerned that these guiding principles are raised, but rather to affect a durable solution to the various massive IDP crises in Asia, Africa, and the Middle East. Commitment or recommitment to the thirteen Guiding Principles by AALCO Member States may prove beneficial to the people of all those States which are currently affected by internal displacement, or those that may experience the ravages of this phenomenon in the future.

VI. ANNEX

SECRETARIAT'S DRAFT
AALCO/RES/DFT/53/S 3
SEPTEMBER 2014

THE STATUS AND TREATMENT OF REFUGEES (*Deliberated*)

The Asian-African Legal Consultative Organization at its Fifty-Third Session,

Having considered the Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 3;

Reaffirming the importance of the 1951 Convention relating to the Status of Refugees (the 1951 Convention), together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969, as the cornerstone of the international system for the protection of refugees;

Commending the Office of the United Nations High Commissioner for Refugees (UNHCR) for the important contribution that it has made towards the protection of refugees and internally displaced persons, since the establishment of the UNHCR;

Recognizing also the landmark achievement of the coming into force of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, also known as the "Kampala Convention";

1. **Acknowledges** the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;
2. **Calls upon** all States that have not yet done so to ratify/accede to, and implement fully the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, as well as other relevant international and regional instruments, including the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the Kampala Convention;
3. **Directs** the Secretariat to explore, in the near future, the possibility of organizing a joint seminar or workshop in collaboration with the UNHCR; and,
4. **Decides** to place this item on the provisional agenda at its Fifty-Fourth Annual Session.