

**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**



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**THE STATUS AND TREATMENT OF REFUGEES**

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**Prepared By  
The AALCO Secretariat  
29-C, Rizal Marg  
Diplomatic Enclave, Chanakyapuri  
New Delhi – 110021  
INDIA**

## THE STATUS AND TREATMENT OF REFUGEES

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## THE STATUS AND TREATMENT OF REFUGEES

### I. Introduction

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. 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. AALCO adopted 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 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.
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 on 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 a 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 item entitled “Legal Protection of Migrant Workers” was included on the agenda of AALCO at the reference of the Government of Philippines during AALCO’s Thirty-Fifth Annual Session held at Manila in 1996. Ever since, it has been a subject of intense deliberations at various Annual Sessions of AALCO and occasionally in special meetings.
7. The resolution adopted at the Thirty-Sixth Annual Session at Tehran in 1997 directed the AALCO Secretariat to study the utility of drafting a Model Legislation on the legal protection of migrant workers within the framework of the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the ICMW, 1990), international labour Conventions and Recommendations along with the relevant resolutions of the UN General Assembly. This was in accordance with the established practice of AALCO to adopt legal instruments in the nature of principles, guidelines or model legislations to enable Member States to incorporate internationally recognized principles into their national legal systems.
8. The year 2000 saw a fresh impetus being given to the topic when AALCO entered into a Cooperation Agreement with the International Organization for Migration (IOM). Against this backdrop, Resolution SP/1 “Special Meeting on Some Legal Aspects of Migration” adopted on 24th June, 2001 at the Fortieth Annual Session of AALCO, *inter alia*, directed the Secretariat to explore the feasibility of drafting a “Model Agreement for Cooperation Among Member States on Issues Related to Migrant Workers” and requested the Secretary-General to consider the possibility of convening an open-ended working group for an in-depth consideration of these issues. Pursuant to that mandate, a draft Model Agreement was prepared by the Secretariat in collaboration with IOM. Useful input was also received from the Office of the High Commissioner for Human Rights (OHCHR). This agreement, which has a Preamble and twenty articles, is yet to be adopted formally by the Member States.

9. The AALCO Secretariat's Report for the current year will focus on the ongoing displacements, particularly in Asia, Africa and the Middle East, and in relation to developing countries in those regions which have the greatest burden to bear with respect to refugees and migration. The Secretariat's Report will also focus on the proposed UN Global Compacts on both Refugees as well as Migration which were proposed as part of the *New York Declaration for Refugees and Migrants* in 2016. While AALCO generally address issues relating to refugees and migration under the separate topics of "The Status and Treatment of Refugees" and "Legal Protection of Migrant Workers", the current year's Report will address issues relating to both topics due to the fact that the New York Declaration relates to both refugees and migrants.

## **II. Ongoing Refugee Crises in the Asian-African Region<sup>1</sup>**

10. The global refugee crisis continues to spiral out of control with no end in sight, despite small steps taken towards normalcy for some refugees. According to the UN Refugee Agency (UNHCR), as of 2015, there were over 65 million displaced persons in the world, with more than 21 million<sup>2</sup> of them classified as refugees as well as 10 million classified as Stateless persons. In comparison, only 107,000 of these refugees were resettled in 2015, illustrating the gravity and scope of the refugee crisis.
11. The Asian-African regions in general, and the AALCO Member States in particular are bearing the brunt of this crisis. For example, more than 50 percent of the world's non-Palestinian refugees originate from Syria, Afghanistan and Somalia,<sup>3</sup> while 82 percent of these persons are hosted in countries in the Middle East, Africa and Asia. The States hosting the largest numbers of refugees are also comprised of predominantly AALCO Member States including: Turkey, Pakistan, Lebanon, Iran, Ethiopia, and Jordan.<sup>4</sup> UNHCR has also designated certain ongoing refugee situations as emergencies, including refugee situations in Iraq, Syria, Yemen, South Sudan, and Central African Republic (CAR).

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<sup>1</sup> All figures and statistics are courtesy of the UN Refugee Agency (UNHCR) and available at [www.unhcr.org](http://www.unhcr.org)

<sup>2</sup> Approximately 16 million of these persons are refugees under UNHCR's mandate and the remaining 5 million are Palestinian refugees under the mandate of the United Nations Relief and Works Agency for Palestine (UNRWA)

<sup>3</sup> Approximately 4.9 million, 2.7 million and 1.1 million respectively.

<sup>4</sup> Approximately 2.5 million, 1.6 million, 1.1 million, 979,000, 736,000 and 664,000 respectively.

**A. Situations in the Middle East and North Africa<sup>5</sup>**

12. In Yemen, continued fighting and intensification of hostilities in March 2015 has led to a mounting humanitarian catastrophe with approximately two million people being displaced within and outside the country. Of these, over 180,000 people have fled the country as refugees to neighbouring countries, while nearly 280,000 refugees from the Horn of Africa are themselves seeking refuge in Yemen. The majority of the refugees from Yemen have found themselves in Oman, Saudi Arabia, Djibouti, Somalia, Ethiopia and Sudan.
13. In the Syrian Arab Republic, whose situation is also deemed an emergency, over 10 million people have been displaced from their homes since 2011. Nearly 5 million people have fled the country, primarily to Turkey, Lebanon, Iraq, Egypt and Jordan, while an additional 6 million remain as Internally Displaced Persons (IDPs). Inside Syria too, safe, unimpeded and sustained humanitarian access has remained a significant challenge. An estimated 13.5 million people were in need of humanitarian assistance, including 4.5 million in hard-to-reach locations. With respect to onward movement, 2015 witnessed a notable increase in those seeking refuge in Europe. By the end of the year, Syrians comprised the largest proportion of those who undertook dangerous journeys by sea.
14. In Iraq, UNHCR estimates that 11 million people are in need of assistance, with more than 3 million being internally displaced and over 200,000 living as refugees abroad. This number also does not include the approximately 1 million Iraqis displaced by sectarian violence between 2006 and 2008. Nearly 2 million Iraqis and Syrians have sought refuge in the Kurdistan region where 20 percent of the population consists of displaced persons and where the strain of accommodating and assisting these persons, and the growing numbers of Iraqis facing precarious living conditions and impoverishment, resorted to negative coping strategies or onward movement. has led to the situation being noted as an emergency by UNHCR.

**B. Situations in Africa<sup>6</sup>**

15. In South Sudan, more than 1.5 million people have fled the country; 1.4 million of which have become refugees after 15 December 2013. UNHCR expects this number to continue growing to nearly 2 million by the end of 2017 due to the intensification of the conflict that has been occurring since July 2016. These refugees have been primarily fleeing to Uganda, Ethiopia and Sudan, as well as Kenya and the Democratic Republic of Congo. In addition to

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<sup>5</sup> All statistics courtesy of UNHCR, available at <<http://www.unhcr.org/middle-east-and-north-africa.html>>

<sup>6</sup> All statistics courtesy of UNHCR, available at <<http://www.unhcr.org/africa.html>>

the refugees to the neighbouring countries, over 1.6 million people also remain as IDPs within the country itself.

16. During 2015, efforts were made to consolidate relief activities and improve services for refugees from the Central African Republic in Cameroon, Chad, the Congo and the DRC. Despite a small number of returns, the number of refugees from the CAR continued to grow steadily, particularly ahead of the presidential and legislative elections that took place at the end of the year and required a second round of elections in February 2016. UNHCR assisted around 60 per cent of refugees in neighbouring countries to successfully participate in the presidential elections.
17. The situation in the DRC remained tense in 2015. Sporadic violence, particularly in the North Kivu area, resulted in further internal displacement and prevented humanitarian access for much of the year. In total, some 1.5 million IDPs remained displaced in the DRC at the end of the year, while the country also hosted 106,000 refugees from the CAR, 245,000 from Rwanda (figure based on an initial pre-registration exercise carried out by the Government), and 20,000 from Burundi following the recent conflict.
18. Despite the signature in June 2015 of the Agreement for Peace and Reconciliation in Mali, a sporadic resurgence of violence prevented voluntary return at anticipated levels. Humanitarian agencies were blocked from accessing the north and central regions of the country. More than 139,000 refugees remained in Burkina Faso, Mauritania and Niger, and some 61,000 people remained displaced inside the country. A critical lack of funding also hampered the delivery of assistance, with the displaced population growing more vulnerable as a result of recurrent droughts and chronic poverty.
19. The conflict and violence in Nigeria escalated in 2015, with insurgents attacking civilian populations across the borders in Cameroon, Chad and Niger. Despite the contribution of troops by these countries, the death toll continued to rise at the end of 2015 and into 2016, with a growing trend of women and girls being used as suicide bombers in markets, schools and other populated areas. By the end of the year, Cameroon was host to 62,000 refugees from Nigeria and had nearly 93,000 IDPs displaced by the conflict; Chad hosted 14,000 refugees and had 52,000 IDPs; and Niger hosted 138,000 refugees from Nigeria and had 50,000 IDPs.
20. In Somalia insecurity prevailed, but the violence and bombing throughout 2015 in Yemen caused some 27,000 Somalis—both refugees and migrants—to cross the Red Sea in order to return home. Some 3,000 new Yemeni arrivals also took refuge in the country. Others sought asylum in Djibouti (17,500 Yemenis and 300 Somalis since April 2015); Ethiopia (1,200 Yemenis and 2,500 Somalis); and Sudan (some 700 Yemenis and Somalis). At least 13,000

nationals from Djibouti, Ethiopia and Sudan also chose to return. At the same time, relatively small numbers of Somali refugees in Dadaab camp in Kenya decided to avail themselves of the pilot voluntary repatriation programme into areas deemed safe in Somalia (Baidoa, Kismayo, Luuq and Mogadishu). Some 5,700 repatriated voluntarily during the year.

### **C. Situations in Asia<sup>7</sup>**

21. Afghans remain one of the largest protracted refugee populations of concern to UNHCR. While more than 2.6 million Afghan refugees have found asylum in around 70 countries, 95 per cent of them continue to be hosted in the Islamic Republics of Iran and Pakistan where, for almost four decades, they have benefited from protection, assistance and support. Both countries also host large numbers of undocumented Afghans – an estimated 1.5 to 2 million in the Islamic Republic of Iran and 1 million in Pakistan. Moreover, Afghans, including large numbers of separated and unaccompanied minors, continue to be one of the largest groups arriving in Europe.
22. Within Afghanistan, some 1.2 million people remain internally displaced. Since mid-2015, the deteriorating situation in the country and increased levels of violence have led to large-scale internal displacement and diminished humanitarian access. However, despite the complex political and security environment in Afghanistan, there has been a surge in the return of Afghan refugees from Pakistan since July 2016. By mid-October, some 265,000 Afghan refugees had returned from Pakistan, and estimations are that some 365,000 Afghan refugees in total will return from Pakistan by the end of 2016. UNHCR expects this trend to continue in 2017.
23. In Myanmar, the signing of a nationwide ceasefire agreement in 2015, followed by the installation of a democratically-elected government led by the National League for Democracy in April 2016, is expected to impact on the large number of refugees originating from Myanmar in the region, as well as the hundreds of thousands of people who remain displaced inside the country. The week of 24 October saw the first pilot voluntary returns of Myanmar refugees from Thailand.

### **III. The New York Declaration**

24. Against the background of the ongoing refugee crises around the world, on 19 September 2016, a high-level UN Summit was held at the UN Headquarters in New York, where the 193 attending countries adopted the *New York Declaration for Refugees and Migrants*. This

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<sup>7</sup> All statistics courtesy of the UNHCR, available at < <http://www.unhcr.org/asia-and-the-pacific.html> >

Declaration signified the commitment of the UN Member States to address the ordeals and problems faced by the rapidly increasing numbers of refugees and migrants around the world. The Declaration encompassed both issues relating to refugees fleeing war, persecution and other humanitarian crises, as well as economic and other migrants.

25. In particular the Declaration renewed the commitments of Member States to protecting the most vulnerable—namely women and children—through the provision of education, prevention of sexual and gender-based violence, ending the practice of detaining children to determine their migration status and, in general, mitigating the effects of physical insecurity, discrimination, and lack of access to basic services. Additionally, the Declaration also recognized the rights and responsibilities of States themselves as well as the need for assistance to be provided *to* States in order to help them manage the flow of refugees and migrants efficiently and effectively.
26. The Declaration also annexed a comprehensive refugee response framework, which outlines steps towards the achievement of a global compact on refugees in 2018, as well as a global compact for safe, orderly and regular migration in 2018.

**A. Salient Points of, and Obligations and Commitments in relation to, the Declaration**

27. The Declaration elucidates on commitments that apply to both refugees and migrants as well as more specific points that apply to persons falling within one specific category. Among the broader goals of the Declaration was the need to protect the human rights, and human dignity of both refugees and migrants, with a particular focus on those refugees and migrants who are most vulnerable.
28. The Declaration also referenced, *inter alia*, the *2030 Agenda for Sustainable Development*, the *Sendai Framework for Disaster Risk Reduction 2015-2030*, the report of the Secretary-General, entitled “In safety and dignity: addressing large movements of refugees and migrants” prepared pursuant to General Assembly decision 70/539 of 22 December 2015, and regional initiatives such as the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* as valuable reference points and instruments providing the context within which the *New York Declaration* was passed.
29. Under the general commitments made under the Declaration, States resolved to engage with a comprehensive approach to protecting refugees and migrants, especially those such as women and children who are particularly vulnerable, and make efforts to protect their human rights and fundamental freedoms both while in transit and upon arrival. The States also committed to taking cooperative action to collect accurate information and identify refugees and

migrants, and take measures to accurately track them in order to combat exploitation and abuse.

30. Special emphasis was placed on the most vulnerable, particularly women and children. Special commitments were therefore made under the declaration to target and eradicate some of the pervasive dangers faced by women and children refugees and migrants. Specific commitments included taking all efforts to combat gender violence as well as providing access to reproductive and sexual healthcare services.
31. States also undertook to comply with obligations under the Convention on the Rights of the Child and working to provide for basic health, education and psychosocial development and for the registration of all births in their territories. Additionally, they resolved to ensure that all children are receiving education within a few months of arrival, and to prioritize budgetary provisions to facilitate this. While generally affirming the right to due process in respect of the legal assessment of the status of migrants and asylum seekers, the Declaration also denounced the detention of children during the assessment of their status and undertook to work towards eliminating this practice.
32. The Declaration also called upon States to take steps towards strengthening their legal and response frameworks in relation to trafficking—including acceding to the *UN Convention against Transnational Organized Crime* and the two Protocols thereto, as well as implementing the *UN Global Plan of Action to Combat Trafficking in Persons*—for the protection of all refugees and migrants who are vulnerable to trafficking, and in particular, women and children.
33. In relation to migrants, the Declaration calls upon States to identify and address the drivers of migration while also reaffirming the right of people to leave their home countries and the commitment of States to safeguarding the rights of, protecting the interests of an assisting migrant communities abroad, including through consular protection, assistance and cooperation, in accordance with relevant international law. One of the major “push” factors identified for migration is the lack of educational opportunities for young people, and the Declaration calls upon States to commit to strengthening capacities, including in educational institutions and the enhancing employment opportunities, particularly for young people, in countries of origin.
34. The Declaration also called upon States to accede to, *inter alia*, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, while also acknowledging the contributions made by migrants both to their countries of origin as

well as the host countries. It therefore called on States to strengthen policies preventing racism, and xenophobia.

35. In relation to refugees, the Declaration identified armed conflict, persecution and violence, including terrorism, as some of the major factors which give rise to large refugee movements. It therefore called on States to work to address the root causes of such crisis situations and to prevent or resolve conflict by peaceful means. Reaffirming the principles of the 1951 *Convention relating to the Status of Refugees* and the 1967 Protocol thereto, as the foundation of the international refugee protection regime, the Declaration asserted the importance of their full and effective application by States. However, the Declaration also recognized also that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees.
36. Importantly, the Declaration underlined the centrality of international cooperation to the refugee protection regime and recognized the burdens that large movements of refugees place on national resources, especially in the case of developing countries. To address the needs of refugees and receiving States, the Declaration calls on States commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, while taking account of existing contributions and the differing capacities and resources among States.
37. The Declaration took note of the campaign of the Office of the United Nations High Commissioner for Refugees to end statelessness—which is intrinsically connected with forced displacement—within a decade and encouraged States to consider actions they could take to reduce the incidence of statelessness. The Declaration also encouraged States that have not yet acceded to the 1954 *Convention relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*, to consider becoming parties thereto.
38. In particular, the Declaration also focused on the needs of women and children, and called on States to commit to implementing measures protecting their rights, providing them with necessary and essential healthcare services, and particularly in the case of children, education.

## **B. The Proposed 2018 Global Compacts and Refugee Response Framework**

39. Annexed to the Declaration were a pair of proposed instruments, namely: i). A *Comprehensive Refugee Response Framework*, and ii). a plan for a *Global Compact for Safe, Orderly and Regular Migration*.

40. The aim of the comprehensive refugee response framework contained within ANNEX I is to better protect refugees and provide support to host States and communities based on the principles of international cooperation as well as burden-sharing and responsibility-sharing. The proposed Framework—to be developed by the Office of the United Nations High Commissioner for Refugees, in close coordination with relevant States, host countries and other UN bodies—would involve a multi-stakeholder approach, including national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith-based organizations and academia, the private sector, media and the refugees themselves.
41. The Annex to the *New York Declaration* identified 5 main areas for the Framework to focus on, namely: i) Reception and admission; ii) Support for immediate and ongoing needs; iii) Support for host countries and communities; iv) Durable solutions; and, v) The way forward.
42. The issues that the Framework addresses related to reception and admission included creating an efficient system for the identification, protection and assistance of refugees. The Framework *inter alia* reiterates the need to provide protection of the human rights and dignity of all refugees, particularly protecting women and children from gender and sexual violence, and provide essential services, such as healthcare, sanitation, nutrition and education. The utilisation of biometric technology for the registration and identification of refugees, as well as the streamlining of the registration and provision of legal documents are also mentioned.
43. Under the rubric of support for immediate and ongoing needs, the Framework provides for cooperation and coordination between States as well as between States and private sector partners and donors to mobilise finances, provide resources in a timely and consistent manner. Host States would also cooperate with the Office of the United Nations High Commissioner for Refugees and other United Nations entities, financial institutions and other relevant partners to provide access to humanitarian assistance for refugees, deliver assistance, through appropriate national and local service providers and support local civil society partners.
44. In relation to the support for host countries and communities, States, the Office of the United Nations High Commissioner for Refugees and relevant partners would implement a joint, impartial and rapid risk and/or impact assessment in order to identify and prioritize the assistance required for refugees, national and local authorities, and communities affected by a refugee presence; Incorporate the comprehensive refugee response framework in national development planning, in order to strengthen the delivery of essential services and infrastructure; and work to provide adequate resources for national and local government

authorities and other service providers in view of the increased needs and pressures on social services.

45. In terms of durable solutions, the Framework focuses on the goal of eventual repatriation of refugees and steps and measures necessary to facilitate this. Such steps include, ensuring the peaceful settlement of conflicts, support for infrastructural development within origin States, and ensuring the socioeconomic integration of repatriated refugees. The separate roles of the United Nations and its organs, host States, origin States and third States are also mentioned in this section in relation to the repatriation of refugees.
46. As the way forward, the Framework also works towards the adoption in 2018 of a *global compact on refugees*, based on the comprehensive refugee response framework and on the outcomes of the processes described within it. The UN High Commissioner will include such a proposed global compact on refugees in his annual report to the General Assembly in 2018, for consideration by the Assembly at its seventy-third session in conjunction with its annual resolution on the Office of the United Nations High Commissioner for Refugees.
47. ANNEX II to the *New York Declaration*, contained a plan for the launch of a process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration. This global compact would set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions and would aim to make an important contribution to global governance and enhance coordination on international migration.
48. This global compact would present a framework for comprehensive international cooperation on migrants and human mobility dealing with all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects of migration. It would be guided by the *2030 Agenda for Sustainable Development* and the *Addis Ababa Action Agenda of the Third International Conference on Financing for Development*,<sup>1</sup> and informed by the *Declaration of the High-level Dialogue on International Migration and Development* adopted in October 2013.
49. Some of the elements identified for the compact to focus on included, *inter alia*: the need to address drivers of migration; the facilitation of safe, orderly, regular and responsible migration and mobility of people; increasing the scope of international cooperation to better govern migration; combating trafficking in persons, smuggling of migrants and contemporary forms of slavery; protection of labour rights and a safe environment for migrant workers and those in precarious employment, protection of women migrant workers in all sectors and

promotion of labour mobility, including circular migration; and combating racism, xenophobia, discrimination and intolerance towards all migrants.

50. The roadmap for the negotiation of the global compact on safe, orderly and regular migration involved immediate preparation and initiation with negotiations planned to begin in early 2017, and culminating in an intergovernmental conference on international migration in 2018 at which the global compact will be presented for adoption. Regional consultations in support of the negotiations have also been deemed to be desirable, including through existing consultative processes and mechanisms, where appropriate.

#### **IV. Comments and Observations of the AALCO Secretariat**

51. The continuing global refugee crises and their connection to Asia, Africa and the Middle East continues to make AALCO an important stakeholder in developments in and the alleviation of these crises. Most of the largest origin States of refugees and migrants, as well as the host States to refugees are members of AALCO, making the regional perspective offered by AALCO and its Member States to the development and implementation of the Comprehensive Refugee Response Framework, as well as the proposed Global Compacts on Refugees and on the Safe, Orderly and Regular Migration particularly relevant and important.
52. It is pertinent to remember here the distinguished record of contributions on the part of AALCO to the cause of the protection of refugees and migrant workers. In addition to the adoption of the Bangkok Principles concerning the Treatment of Refugees in 1966, and its revision in 2001, the ‘Burden Sharing Principles,’ adopted as an addendum to the Bangkok Principles in 1987, are also of particular relevance. 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 pragmatic 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.
53. The experience gained through the adoption of these Burden Sharing Principles, as well as the exercises in the drafting of the “Model Legislation on the Status and Treatment of Refugees” in 1995 as well as the “Model Agreement for Cooperation Among Member States on Issues Related to Migrant Workers” places AALCO and its Member States in a unique position of being able to provide a regional perspective to the development and implementation of the Global Compacts and the refugee Framework, as well as being able to

offer insight into best practices, roadblocks, and the efficacy of these instruments. It also bears noting that it may well be worth revisiting the Model Legislations drafted by AALCO in relation to both refugees and migrants in order to revise them, where appropriate, and reconsider their adoption and implementation as a means towards building a consistent and effective regional legal framework for the protection of refugees and migrants.

54. As refugee and migrant crises continue to spiral in the developing world, particularly Asia and Africa, it is of particular importance for AALCO Member States to participate in the negotiations of the proposed compacts and support their interests and concerns. A definite positive aspect of the refugee Framework and the proposed compact on migration is the recognition of the rights of both the States as well as the individuals themselves in the quest to solve the ongoing refugee and migrant crises. Multilateral and bilateral cooperation, at the regional and international level, and between States and both private institutions and international organisations is increasingly being highlighted as a necessary component of the solution to the aforementioned crises. The continued participation of AALCO and its Member States in the process of negotiation for future compacts relating to these areas will undoubtedly benefit both the States as well as the people who are worst affected by these crises.

## ANNEX

SECRETARIAT'S DRAFT  
AALCO/RES/DFT/56/S3  
5 MAY 2017

### THE STATUS AND TREATMENT OF REFUGEES

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

**Having considered** the Secretariat Document No. AALCO/56/NAIROBI/2017/SD/S3,

**Welcoming** the introduction by the AALCO Secretariat,

**Reaffirming** the importance of the 1951 Convention relating to the Status of Refugees 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,

**Recognizing** 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,"

**Reiterating** the continued importance of the 1966 "Principles Concerning the Treatment of Refugees," also known as the "Bangkok Principles", as revised in 2001, and its 1987 addendum containing the "Burden Sharing Principles,"

**Expressing** concern about the gravity of refugee crises and emergencies afflicting every region of the world, particularly in the Asian-African region,

**Reaffirming** the need for cooperative and coordinated action in addressing refugees and migrant movement and ensuring the protection of their human rights, and their security,

**Welcoming** the 2016 New York Declaration for Refugees and Migrants, as well as its annexes,

**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,

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 UNHCR, Member States and other relevant organisations or institutions;
4. **Also Directs** the Secretariat to also continue monitoring developments in the negotiation of the proposed 2018 global compact on refugees as well as the 2018 global compact for safe, orderly and regular migration; and,
5. **Decides** to place the topic of “The Status and Treatment of Refugees” on the provisional agenda of subsequent Annual Sessions as and when necessary.