

# **An Asian-African Perspective on the Global Compact on Refugees**

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Abstract:

*In the backdrop of the Syrian Refugee Crises, the UN General Assembly met in 2015 and 2016 with a rejuvenated vigour to affirm past commitments and to layout the future architecture of international cooperation for the protection of migrants and refugees. The meetings culminated in the UN Summit for Refugees and Migrants in September 2016 where the New York Declaration for Refugees and Migrants was adopted. As part of the NY Declaration, States agreed to a two-year process of negotiations for the Global Compact on Refugees (GCR). The need for such a Compact arises from four pressing shortcomings that have been identified with the present legal regime governing refugees; these include a fragmented legal regime, a lack of responsibility sharing, a lack of access to protection and overlapping legal mandates. The legal characteristic of the GCR as a non-binding, multilateral instrument is analysed along with its objectives, contribution and lacuna. In order to analyse not only the implementation of the GCR but also its impact on Asian-African states, a hypothetical imposition of the GCR's principles is made upon two real and highly drawn-out refugee populations, one from Asia (Burmese refugee crises in Thailand) and one from Africa (Somali refugee population in Kenya). In order to understand the implementation, use is made of a study of the effects of the CRRF programme in Ethiopia where it was launched prior to the incorporation of the GCR. The article concludes with certain recommendations which would see the Compact's impact maximise on the long-term behaviour of States.*

## **1. Introduction**

The 1951 Refugee Convention and its 1967 Protocol define a refugee as:

*“A person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of*

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*his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”<sup>1</sup>*

The definition narrowly classifies a refugee as a person deprived of choice in being uprooted against their will. In this way, economic migrants, even those fleeing unemployment or harsh poverty, fall outside the purview of a ‘refugee’ since they do not face a threat of persecution.<sup>2</sup> The United Nations High Commissioner for Refugees (UNHCR) stated in a report in the year 2018 that the number of people who have faced forceful displacement away from their home countries is upwards of 70.8 million, including 25.9 million refugees, 3.5 million asylum seekers, and 41.3 million internally displaced persons (IDPs).<sup>3</sup> The total number of displaced people grew from 33.9 million in 1997, more than doubling in two decades.<sup>4</sup> The UNHCR is the supervisory body of the 1951 Convention and the lead agency within the UN system in responding to refugee crises.

The Global South hosts a disproportionate number of these refugees as compared to the North. By 2020, more than 5.6 million Syrians were displaced to Turkey, Lebanon, and Jordan, nine years after the start of the civil war. Similarly, 40 years after their first displacement, some 7 million Afghan refugees remain in Pakistan and Iran, making it one of the longest protracted refugee situations in the world.<sup>5</sup> Despite this, the world took notice when more than one million people, mostly Syrians, Iraqis, and Afghans, crossed European borders in 2015 to seek asylum. International migration became a priority for the Security Council, the Secretary-General, and the General Assembly of the UN.<sup>6</sup>

For the purposes of this paper, the term Global South is defined as *“the nations of the world which are regarded as having a relatively low level of economic and industrial development, and are typically located to the south of more industrialized nations.”* In turn, the Global North is defined as, *“the nations of the world which are characterized by a high level of economic and industrial development, and are typically located to the north of less industrialized nations.”* Therefore, later references to nations in Latin America, Asia and Africa will fall within the description of the term ‘Global South.’

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<sup>1</sup> Convention relating to the Status of Refugees (adopted 26 May 1969, entered into force 27 January 1980) 189 UNTS 137 (Refugee Convention) art 1.; Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 189 UNTS 137 art A (2).

<sup>2</sup> Alexander Betts, *Survival Migration: Failed Governance and the Crisis of Displacement* Ithaca (NY: Cornell University Press 2013).

<sup>3</sup> United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2018* (UNHCR, 2019).

<sup>4</sup> Ibid.

<sup>5</sup> UNICEF, *Afghanistan Refugees Appeal 2023 - Humanitarian Action for Children* (2023).

<sup>6</sup> UNSC Res 2240 (9 October 2015) UN Doc S/RES/2240.