

GA6: Legal

*Discussing the legal rights of refugees
passing through LDCs*

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**RESEARCH
REPORT**



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Issue: Discussing the legal rights of refugees passing through LDCs

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Introduction

Refugees transiting through least-developed countries (LDCs) are granted legal rights and protections under international law. According to the 1951 Refugee Convention and its 1967 Protocol, a refugee is someone who has left their home country out of a well-founded fear of being persecuted due to their race, religion, nationality, political opinion, or membership in a particular social group. The Convention outlines various legal rights and protections for refugees, such as the right to non-refoulement (the idea that refugees shouldn't be sent back to their country of origin if they will face persecution there), the right to work, the right to education, and the right to freedom of movement.

However, refugees passing through LDCs face some very critical issues where their legal rights are not fully upheld. In addition to frequently lacking the infrastructure and resources needed to adequately protect and aid refugees, LDCs may also experience political and social difficulties that make it challenging to safeguard the rights of refugees. In countries such as Sudan, Bangladesh, Afghanistan, and Syria, the world has seen some of the greatest refugee crises due to unlawful rulings such as that of the Taliban or economic instabilities.

United Nations High Commissioner for Refugees (UNHCR) also shared data which shows that 80% of refugees all around the world are currently located in developing countries. This instability caused by the four-fifths of the refugees all over the world causes the poorer countries to tackle the influx of refugees. With the situation at hand, it should be a priority to support the rights of refugees in LDCs. These efforts would include the aim to strengthen the legal protections and rights of refugees passing through LDCs, improve access to essential services, and promote greater social and economic inclusion for refugees.

Definition of Key Terms

Asylum: Protection provided by a state to a person who has fled their home country due to persecution, hostilities, or other forms of violence.

Refugee: A person who left their own country out of fear of persecution, violence, or war and is unable or unwilling to go back because of that fear.

Internally Displaced Person (IDP): someone who has fled their home against their will but has not gone across an international boundary. According to international law, IDPs are entitled to the same protections as refugees.

Protection: The steps taken to safeguard the security and well-being of displaced people, such as protection from refoulement, access to asylum procedures, and essential amenities like healthcare and education.

Non-Refoulement: The idea that if returning refugees or other displaced people to their country of origin will put them at risk of harm or persecution, they shouldn't be forced to do so.

Resettlement: The transfer of refugees from a host nation to a third nation that has agreed to take them in.

Host Community: Locals in a nation that is sheltering refugees and other displaced people.

Statelessness: The status of not being accorded nationality or citizenship by any state. People who lack a state are frequently denied access to fundamental rights and services.

Development Assistance: Support for the economic and social development of LDCs and other nations hosting refugees by monetary or other types of aid from donor nations and international organizations.

General Overview

After World War II emerged the need to assist people seeking refuge away from their war-torn states. Because of this need a refugee convention was created in 1951 and in 1967 the convention was further developed. The 1967 Protocol is a legal instrument that extends the protection of the 1951 Refugee Convention to all refugees, regardless of when they fled their country of origin. In response to the large number of refugees who were escaping war and other crises in the 1960s, the Protocol was enacted.

The decolonization process, which started in the 1950s and 1960s, resulted in an enormous rise in the number of refugees, especially in Africa. Numerous LDCs were among the nations most impacted by this wave of emigration, and they had substantial difficulties in protecting and helping refugees.

The legal rights of refugees transiting through LDCs saw several notable developments in the 1990s. They include the OAU Convention on the Particular Aspects of Refugee Issues in

Africa, which was adopted by the African Union in 1969 and updated in 1986 to include measures for the protection of refugees in transit. A number of conflicts and crises occurred throughout the 1990s, notably the Balkan Wars and the Rwandan genocide, which resulted in sizable refugee flows and emphasized the need for better legal protections for refugees.

The Syrian refugee crisis, which has resulted in massive displacement and brought attention to the continuous difficulties experienced by refugees traveling through LDCs, has been one of the ongoing wars and crises that have defined the 21st century. The Global Covenant on Refugees and the Comprehensive Refugee Response Framework have both been adopted in an effort to strengthen the legal rights and safeguards of refugees traveling through LDCs.

Major Parties Involved and Their Views

UNHCR: The UNHCR is the UN agency responsible for protecting refugees and promoting their rights. To help and safeguard refugees and other displaced people, it collaborates with governments, NGOs, and other partners. Concerning the legal rights of refugees transiting through LDCs, the UNHCR is heavily engaged and has numerous reports on the issue.

Bangladesh: More than 1 million Rohingya refugees from Myanmar's violence and persecution currently reside in Bangladesh. The treatment of the Rohingya, including limitations on their freedom of movement and restricted access to essential services, has drawn criticism to the government.

Ethiopia: More than 700,000 refugees, mostly from South Sudan, Eritrea, and Somalia, reside in Ethiopia. By enacting a new refugee law in 2019 that gives refugees access to education and work permits, the government has made steps to improve refugee protection.

Sudan: Consisting of people mostly from South Sudan, Eritrea, and Syria, almost 1 million refugees currently reside in Sudan, which has long served as a refugee destination for citizens of nearby nations. In 2014, the government changed the refugee law as part of its efforts to strengthen refugee protection.

Uganda: Uganda has a progressive refugee policy that permits refugees to live, work, and travel anywhere they like. More than 1.4 million refugees are housed by the government, most of them are from Burundi, the Democratic Republic of the Congo, and South Sudan.

Yemen: Yemen has been a destination for refugees and other migrants from the Horn of Africa for many years. However, the ongoing conflict in Yemen has made it more difficult for refugees to access protection and assistance. Additionally, 4 million Yemeni refugees are displaced which indicates a refugee problem within.

Afghanistan: For many years, Afghanistan has been a major source of refugees, with millions of Afghans escaping to nearby nations like Pakistan and Iran. The number of Afghan refugees is rising as a result of the well-founded worries of widespread persecution, torture, and extrajudicial killings under the Taliban and their terrorist organizations.

Syria: Since 2011, more than 6 million Syrians have fled their homes as a result of the violence in their country, making it one of the biggest refugee crises in contemporary history. Many of these refugees are currently residing in the region in other states such as Jordan, Lebanon, and Turkey.

Treaties and Events

The 1951 Refugee Convention: This multilateral treaty that defines a refugee and their rights, has been the groundwork for refugee-related issues.

Kampala Convention: It puts a legal framework to prevent internal displacement in Africa

OAU Convention on the Specific Aspects of Refugee Problems: This is a regional legal instrument governing refugee protection in Africa

The New York Declaration for Refugees and Migrants: This document sets forth commitments for refugees and migrants on a global level

Evaluation of Previous Attempts to Resolve the Issue

The Global Compact on Refugees: This is a framework on refugee issues that was adopted by the United Nations. General Assembly in December 2018. The Compact contains a number of commitments relevant to the help and protection of refugees, including those who are passing through LDCs. It underlines the value of countries sharing burdens and responsibilities and calls on the international community to aid LDCs in their efforts to protect and aid refugees.

The Comprehensive Refugee Response Framework (CRRF): This is yet another framework that reflects the problems of refugees and CRRF was adopted by the UN in 2016. With the help of a variety of stakeholders, including refugees themselves, host communities, governments, and international organizations, the CRRF seeks to reorient the refugee response away from crisis management and toward a more thorough and long-term strategy. The CRRF is a promising strategy for addressing the legal rights of refugees transiting through LDCs and has been applied in a number of nations, including Ethiopia, Uganda, and Bangladesh.

The Kampala Convention: African nations ratified the Kampala Convention, a regional treaty, in 2009. A variety of legal rights and protections are outlined in the Convention for refugees and

internally displaced people (IDPs), including those who are traveling through LDCs. It highlights the significance of defending the rights and respect of refugees and IDPs and calls for more help and collaboration among nations to address the difficulties faced by those who have been forcibly displaced.

The New York Declaration for Refugees and Migrants: The United Nations adopted the New York Declaration in 2016 as a political declaration. The Declaration contains a number of promises dealing with the help and protection of migrants and refugees, particularly those who pass through LDCs. It urges further assistance for LDCs taking in significant numbers of migrants and highlights the necessity of a comprehensive strategy for dealing with the refugee crisis that involves a variety of parties and addresses the underlying causes of displacement.

Possible Solutions

It should be recognized that one of the main problems in this refugee crisis is the economic instability of host countries. Either funding or other developmental support should be offered to the LDCs that have the burden of providing for displaced people passing through. To support the LDCs economically, providing job opportunities for refugees and engaging them in the work field of their host country is definitely beneficial.

Another problem faced by the LDCs is that they are mostly politically tense or war-torn countries that cannot effectively put legislation into work. Therefore, it is recommended that more developed countries (MDCs) provide support for the refugees in LDCs.

Lastly, of course, it should be the main priority of nations to tackle the problem that has caused the need for displacement in the first place. Countries that cause their residents to move should be given support and the refugees' rights should be supported at all costs.

Useful Links

<https://www.internal-displacement.org/>

<https://www.iom.int/>

<https://www.unhcr.org/>

<https://rli.sas.ac.uk/>

Bibliography

- "African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)." *Africa Union*, 6 Dec. 2012, au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa. Accessed 2 Mar. 2023.
- "Comprehensive Refugee Response Framework." *UNCHR: The UN Refugee Agency*, www.unhcr.org/comprehensive-refugee-response-framework-crrf.html. Accessed 2 Mar. 2023.
- "The Economic Impact of Forced Migration." *Carnegie Endowment for International Peace*, 22 Apr. 2016, carnegieendowment.org/2016/04/22/economic-impact-of-forced-migration-pub-63421. Accessed 2 Mar. 2023.
- "The Global Compact on Refugees." *UNCHR: The UN Refugee Agency*, www.unhcr.org/the-global-compact-on-refugees.html. Accessed 2 Mar. 2023.
- "New York Declaration for Refugees and Migrants." *UNHCR: The UN Refugee Agency*, www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html. Accessed 2 Mar. 2023.
- "The 1951 Refugee Convention." *UNHCR: The UN Refugee Agency*, www.unhcr.org/1951-refugee-convention.html. Accessed 2 Mar. 2023.
- "Refugees and Migrants." *Human Rights Watch*, www.hrw.org/topic/refugees-and-migrants. Accessed 2 Mar. 2023.

"Tackling the refugee problem." *Government of the Netherlands*,

www.government.nl/topics/asylum-policy/tackling-the-refugee-problem. Accessed 2 Mar. 2023.

"UNHCR report: 80% of world's refugees in developing countries." *UNHCR: The UN Refugee*

Agency, 20 June 2011, UNHCR report: 80% of world's refugees in developing countries. Accessed 2 Mar. 2023.

United Nations Human Rights Office of the High Commissioner.

www.ohchr.org/en/ohchr_homepage. Accessed 2 Mar. 2023.

"Yemen." *Refugee International*,

www.refugeesinternational.org/yemen#:~:text=4%20million%20Yemenis%20are%20displaced,of%20basic%20goods%20and%20services. Accessed 2 Mar. 2023.