

THE MYTH OF A UNIVERSAL REFUGEE REGIME: A COMPARATIVE ANALYSIS OF FRAGMENTATION IN GLOBAL REFUGEE PROTECTION

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Abstract

The international refugee protection system is often described as a universal legal framework built on the 1951 Refugee Convention and its 1967 Protocol.⁵⁷² This paper challenges that assumption, arguing that this sense of universality is more apparent than real.⁵⁷³ By comparing refugee protection practices across Europe, Africa, the Middle East, and Asia, the study shows that the global refugee system is highly fragmented, with significant differences in how protection is provided in different regions.⁵⁷⁴ Although the legal norms may appear consistent, their actual implementation is shaped by political priorities, economic capacity, and institutional strength, leading to uneven and often inconsistent outcomes for refugees.⁵⁷⁵ The paper ultimately argues that, rather than functioning as a single, coherent regime, the current system operates as a set of regionally distinct frameworks—highlighting the need to rethink how global refugee governance is understood and structured.⁵⁷⁶

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⁵⁷² Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137; Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267.

⁵⁷³ B.S. Chimni, The Geopolitics of Refugee Studies: A View from the South, 11 J. Refugee Stud. 350, 351–52 (1998).

⁵⁷⁴ Alexander Betts, Survival Migration: Failed Governance and the Crisis of Displacement 23–27 (2013).

⁵⁷⁵ James C. Hathaway, The Rights of Refugees Under International Law 3–10 (2d ed. 2021).

⁵⁷⁶ Gil Loescher, Alexander Betts & James Milner, The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection into the Twenty-First Century 70–75 (2008).

1. Introduction

The modern international refugee regime is often seen as a cornerstone of global human rights protection.⁵⁷⁷ Built on the 1951 Refugee Convention and expanded by the 1967 Protocol, it is commonly described as a universal legal framework that applies across countries.⁵⁷⁸ In theory, this suggests that refugees—regardless of where they seek protection—are entitled to a consistent set of rights and safeguards.⁵⁷⁹

In practice, however, this idea of universality does not hold up⁵⁸⁰. Refugee protection varies significantly across regions, shaped by differences in legal systems, political priorities, economic capacity, and institutional strength.⁵⁸¹ The result is a fragmented global landscape, where the level of protection a refugee receives depends less on international law and more on geography.⁵⁸² This paper challenges the notion of a truly universal refugee regime.⁵⁸³ It argues that global refugee protection is fundamentally uneven, with clear disparities in legal standards, enforcement mechanisms, and real-world outcomes.⁵⁸⁴ Through a comparative analysis of Europe, Africa, the Middle East, and Asia, the paper shows that the international refugee system functions less as a unified framework and more as a patchwork of regional approaches.⁵⁸⁵

The central argument is that the “universality” of refugee law is largely theoretical rather than practical.⁵⁸⁶ Recognising and understanding this fragmentation is essential if meaningful reform of the global refugee system is to be achieved.⁵⁸⁷

⁵⁷⁷ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 15 (3d ed. 2007).

⁵⁷⁸ Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137; Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267.

⁵⁷⁹ James C. Hathaway, *The Rights of Refugees Under International Law* 91–95 (2d ed. 2021).

⁵⁸⁰ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 351 (1998).

⁵⁸¹ Alexander Betts, *Survival Migration* 23–27 (2013).

⁵⁸² Gil Loescher, *Beyond Charity* 42–45 (1993).

⁵⁸³ Hathaway, *supra* note 3, at 6–8.

⁵⁸⁴ Betts, *supra* note 5, at 30–32.

⁵⁸⁵ Alexander Betts & Paul Collier, *Refuge* 54–60 (2017).

⁵⁸⁶ Chimni, *supra* note 4, at 352–53.

⁵⁸⁷ Loescher et al., *UNHCR: The Politics and Practice of Refugee Protection* 70–75 (2008).

2. Theoretical Foundations of the Refugee Regime

2.1 The Idea of Universality

The international refugee regime is built on the premise that certain rights are universal, meaning that all individuals, regardless of their nationality or location, are entitled to basic protections when fleeing persecution.⁵⁸⁸ It also assumes that states share a collective responsibility for providing this protection, rather than leaving the burden to a few countries.⁵⁸⁹ Further, it is based on the expectation that legal standards will be applied uniformly, ensuring consistency in how refugees are treated across different jurisdictions.⁵⁹⁰ The 1951 Refugee Convention gives concrete form to these principles by establishing a common definition of who qualifies as a refugee, setting out minimum rights that must be guaranteed to them, and placing clear legal obligations on states to uphold these standards.⁵⁹¹ Together, these elements create the impression of a coherent and universally applicable system of refugee protection.⁵⁹²

2.2 Normative Strength of the Framework

From a legal perspective, the refugee regime appears robust and well-developed.⁵⁹³ The principle of non-refoulement, which prohibits the return of individuals to places where they may face persecution, is widely accepted and often regarded as a fundamental rule of international law.⁵⁹⁴ In addition, the rights of refugees are clearly articulated within the Convention, covering key aspects of protection and treatment.⁵⁹⁵ Institutional mechanisms also exist through the United Nations High Commissioner for Refugees (UNHCR), which plays a central role in supervising implementation, providing assistance, and

⁵⁸⁸ Universal Declaration of Human Rights art. 14, G.A. Res. 217 (III) A (Dec. 10, 1948).

⁵⁸⁹ Hathaway, *supra* note 3, at 19–21.

⁵⁹⁰ Goodwin-Gill & McAdam, *supra* note 1, at 21–23.

⁵⁹¹ Refugee Convention, *supra* note 2, arts. 1, 2–34.

⁵⁹² Hathaway, *supra* note 3, at 25.

⁵⁹³ Goodwin-Gill & McAdam, *supra* note 1, at 16–18.

⁵⁹⁴ Refugee Convention, *supra* note 2, art. 33.

⁵⁹⁵ Hathaway, *supra* note 3, at 91–100.

promoting compliance.⁵⁹⁶ On paper, therefore, the framework appears comprehensive and capable of ensuring meaningful protection for refugees worldwide.⁵⁹⁷

2.3 The Problem of Enforcement

Despite its normative strength, the refugee regime is limited by a critical weakness: the lack of effective enforcement.⁵⁹⁸ There is no central authority with the power to ensure that states comply with their obligations, and the system relies heavily on voluntary adherence by individual governments⁵⁹⁹. Furthermore, there are no consistent or meaningful sanctions for violations, which reduces the incentive for strict compliance.⁶⁰⁰ This situation creates a clear gap between the legal norms established at the international level and the realities of how those norms are implemented in practice.⁶⁰¹ In many cases, what the law promises does not fully translate into what refugees actually experience on the ground.⁶⁰²

2.4 From Universality to Fragmentation

This gap between legal norms and actual practice leads directly to fragmentation within the refugee regime.⁶⁰³ States often interpret their obligations differently, influenced by domestic political considerations, economic capacity, and institutional strength.⁶⁰⁴ As a result, implementation varies widely across regions, and the level of protection offered to refugees becomes uneven.⁶⁰⁵ While the framework continues to present itself as universal in theory, its practical operation reveals a system that is fragmented and inconsistent.⁶⁰⁶

3. Conceptualising Fragmentation in Refugee Protection

3.1 What is Fragmentation?

Fragmentation in refugee protection refers to the lack of uniformity in how international standards are understood, applied, and experienced in different parts of the world.⁶⁰⁷ It involves divergence in legal standards across jurisdictions, inconsistency in how those standards are implemented, and significant variation in the outcomes faced by refugees.⁶⁰⁸ Rather than functioning as a single, cohesive system, the refugee regime operates as a collection of uneven and sometimes conflicting approaches.⁶⁰⁹

3.2 Types of Fragmentation

(a) Legal Fragmentation

Legal fragmentation arises from differences in domestic legal frameworks.⁶¹⁰ In some countries, international refugee law is fully incorporated into national legislation, providing clear legal protections and procedures.⁶¹¹ In others, however, there is little or no formal refugee law, leading to ad hoc or discretionary approaches to protection.⁶¹² This results in significant variation in the legal standards that refugees encounter depending on where they seek asylum.⁶¹³

(b) Institutional Fragmentation

Institutional fragmentation reflects differences in the strength and effectiveness of asylum systems.⁶¹⁴ Some states have well-developed administrative structures, independent courts, and established procedures for processing refugee claims.⁶¹⁵ Others lack the necessary

⁵⁹⁶ U.N. High Comm'r for Refugees, Statute of the Office of the UNHCR, G.A. Res. 428 (V) (1950).

⁵⁹⁷ Loescher et al., *supra* note 11, at 3–5.

⁵⁹⁸ Hathaway, *supra* note 3, at 6–10.

⁵⁹⁹ Chimni, *supra* note 4, at 360–62.

⁶⁰⁰ Betts, *supra* note 5, at 45–47.

⁶⁰¹ Goodwin-Gill & McAdam, *supra* note 1, at 24–26.

⁶⁰² Loescher, *supra* note 6, at 50–52.

⁶⁰³ Betts & Collier, *supra* note 9, at 60–65.

⁶⁰⁴ Chimni, *supra* note 4, at 355–57.

⁶⁰⁵ Hathaway, *supra* note 3, at 10–12.

⁶⁰⁶ Goodwin-Gill & McAdam, *supra* note 1, at 27.

⁶⁰⁷ Alexander Betts, *Survival Migration* 23–27 (2013).

⁶⁰⁸ Alexander Betts, *Survival Migration* 23–27 (2013).

⁶⁰⁹ Alexander Betts, *Survival Migration* 23–27 (2013).

⁶¹⁰ James C. Hathaway, *The Rights of Refugees Under International Law* 10–15 (2d ed. 2021).

⁶¹¹ James C. Hathaway, *The Rights of Refugees Under International Law* 10–15 (2d ed. 2021).

⁶¹² James C. Hathaway, *The Rights of Refugees Under International Law* 10–15 (2d ed. 2021).

⁶¹³ James C. Hathaway, *The Rights of Refugees Under International Law* 10–15 (2d ed. 2021).

⁶¹⁴ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 24–30 (3d ed. 2007).

⁶¹⁵ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 24–30 (3d ed. 2007).

institutional capacity, leading to delays, inefficiencies, or inconsistent decision-making.⁶¹⁶ The roles played by courts, administrative agencies, and enforcement bodies also vary widely, further contributing to uneven protection.⁶¹⁷

(c) Political Fragmentation

Political fragmentation is driven by the influence of domestic politics on refugee policy.⁶¹⁸ Governments often shape their approach to refugee protection based on internal political pressures, public opinion, and electoral considerations.⁶¹⁹ In many cases, migration is increasingly treated as a security issue, leading to restrictive policies and heightened border controls.⁶²⁰ This politicisation results in inconsistent interpretations and applications of international obligations.⁶²¹

(d) Economic Fragmentation

Economic fragmentation arises from disparities in resources between states.⁶²² Wealthier countries generally have greater capacity to provide support, infrastructure, and integration opportunities for refugees.⁶²³ In contrast, less developed countries often host large numbers of refugees despite having limited resources, leading to significant strain on their systems.⁶²⁴ This imbalance contributes to unequal burden-sharing at the global level.⁶²⁵

3.3 Consequences of Fragmentation

The combined effect of these forms of fragmentation is a system in which protection standards vary widely across regions.⁶²⁶ Refugees often move toward countries

perceived as offering better protection, contributing to complex migration patterns.⁶²⁷ At the same time, certain host countries face disproportionate pressure, which can strain their resources and institutions.⁶²⁸ Ultimately, the level of protection a refugee receives becomes heavily dependent on geography rather than on universally guaranteed rights, highlighting the limitations of the current global framework.⁶²⁹

4. Europe: Institutionalised Universality with Political Constraints

4.1 Legal Framework

Europe is often seen as having the most developed and structured system of refugee protection.⁶³⁰ Its framework is built on multiple overlapping legal instruments, including the 1951 Refugee Convention, the Common European Asylum System (CEAS), and the European Convention on Human Rights.⁶³¹ Together, these instruments create a detailed and relatively coherent system that aims to standardise refugee protection across member states while also embedding it within a broader human rights framework.⁶³²

4.2 Judicial Enforcement

A defining feature of the European model is the central role played by courts in enforcing refugee rights.⁶³³ Judicial decisions have been instrumental in shaping and strengthening the system.⁶³⁴ Key cases such as *Hirsi Jamaa v. Italy* and *Chahal v. United Kingdom* have reinforced the principle of non-refoulement and placed clear limits on arbitrary deportation practices.⁶³⁵ Through such rulings, European courts have acted as important safeguards, ensuring that

⁶¹⁶ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 24–30 (3d ed. 2007).

⁶¹⁷ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 24–30 (3d ed. 2007).

⁶¹⁸ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 355–60 (1998).

⁶¹⁹ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 355–60 (1998).

⁶²⁰ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 355–60 (1998).

⁶²¹ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 355–60 (1998).

⁶²² Alexander Betts & Paul Collier, *Refugee* 54–60 (2017).

⁶²³ Alexander Betts & Paul Collier, *Refugee* 54–60 (2017).

⁶²⁴ Alexander Betts & Paul Collier, *Refugee* 54–60 (2017).

⁶²⁵ Alexander Betts & Paul Collier, *Refugee* 54–60 (2017).

⁶²⁶ Gil Loescher, *Beyond Charity* 42–50 (1993).

⁶²⁷ Gil Loescher, *Beyond Charity* 42–50 (1993).

⁶²⁸ Gil Loescher, *Beyond Charity* 42–50 (1993).

⁶²⁹ Gil Loescher, *Beyond Charity* 42–50 (1993).

⁶³⁰ Violeta Moreno-Lax, *Accessing Asylum in Europe* 12–18 (2017).

⁶³¹ Violeta Moreno-Lax, *Accessing Asylum in Europe* 12–18 (2017).

⁶³² Violeta Moreno-Lax, *Accessing Asylum in Europe* 12–18 (2017).

⁶³³ *Hirsi Jamaa v. Italy*, 2012-II Eur. Ct. H.R. 97; *Chahal v. United Kingdom*, 1996-V Eur. Ct. H.R. 1831.

⁶³⁴ *Hirsi Jamaa v. Italy*, 2012-II Eur. Ct. H.R. 97; *Chahal v. United Kingdom*, 1996-V Eur. Ct. H.R. 1831.

⁶³⁵ *Hirsi Jamaa v. Italy*, 2012-II Eur. Ct. H.R. 97; *Chahal v. United Kingdom*, 1996-V Eur. Ct. H.R. 1831.

states remain accountable to their legal obligations.⁶³⁶

4.3 Strengths of the European Model

The European system benefits from a number of structural strengths.⁶³⁷ It relies on codified procedures that provide clarity and predictability in asylum processes.⁶³⁸ Refugees and asylum seekers generally have access to courts, allowing them to challenge decisions and seek remedies.⁶³⁹ The presence of structured asylum systems helps ensure a more organised approach to processing claims, while integration policies in many countries aim to support refugees beyond immediate protection.⁶⁴⁰ These features together make Europe one of the most institutionally advanced regions in terms of refugee protection.⁶⁴¹

4.4 Internal Fragmentation

Despite its strengths, the European system is far from uniform.⁶⁴² Significant internal divisions persist among member states.⁶⁴³ Responsibility for hosting refugees is unevenly distributed, leading to tensions over burden-sharing.⁶⁴⁴ Some countries, particularly Hungary and Poland, have openly resisted aspects of the common framework.⁶⁴⁵ At the same time, migration has become a politically sensitive issue, generating backlash and influencing national policies.⁶⁴⁶ These internal differences

reveal that even a highly developed system can struggle with consistency.⁶⁴⁷

4.5 Externalisation of Borders

In recent years, Europe has increasingly shifted its focus toward controlling migration before it reaches its borders.⁶⁴⁸ This has involved outsourcing migration management and entering into agreements with third countries to limit the movement of refugees.⁶⁴⁹ While these measures are often justified as practical solutions, they raise serious concerns about accountability and access to protection.⁶⁵⁰ In effect, such practices risk undermining the very idea of universality that the system is built upon.⁶⁵¹

4.6 Key Insight

Europe ultimately demonstrates that even the most advanced and institutionalised refugee protection system remains vulnerable to political pressures, and that legal strength alone is not enough to ensure consistent protection.⁶⁵²

5. Africa: Progressive Norms, Implementation Gaps

5.1 Legal Framework

Africa's refugee protection framework is notable for its progressive and expansive approach. The OAU Convention goes beyond the 1951 Refugee Convention by broadening the definition of a refugee to include individuals fleeing generalised violence, public disorder, and external aggression.⁶⁵³ This wider definition reflects the realities of displacement on the continent and makes the framework more inclusive in scope.

5.2 Strengths

One of the key strengths of the African approach is its recognition of mass

⁶³⁶ Hirsi Jamaa v. Italy, 2012-II Eur. Ct. H.R. 97; Chahal v. United Kingdom, 1996-V Eur. Ct. H.R. 1831.

⁶³⁷ European Commission, Common European Asylum System (CEAS) Overview (2014).

⁶³⁸ European Commission, Common European Asylum System (CEAS) Overview (2014).

⁶³⁹ European Commission, Common European Asylum System (CEAS) Overview (2014).

⁶⁴⁰ European Commission, Common European Asylum System (CEAS) Overview (2014).

⁶⁴¹ European Commission, Common European Asylum System (CEAS) Overview (2014).

⁶⁴² Daniel Thym, Reforming Europe's Common Asylum System, 44 Eur. L. Rev. 302, 305–10 (2019).

⁶⁴³ Daniel Thym, Reforming Europe's Common Asylum System, 44 Eur. L. Rev. 302, 305–10 (2019).

⁶⁴⁴ Daniel Thym, Reforming Europe's Common Asylum System, 44 Eur. L. Rev. 302, 305–10 (2019).

⁶⁴⁵ Daniel Thym, Reforming Europe's Common Asylum System, 44 Eur. L. Rev. 302, 305–10 (2019).

⁶⁴⁶ Daniel Thym, Reforming Europe's Common Asylum System, 44 Eur. L. Rev. 302, 305–10 (2019).

⁶⁴⁷ Daniel Thym, Reforming Europe's Common Asylum System, 44 Eur. L. Rev. 302, 305–10 (2019).

⁶⁴⁸ Moreno-Lax, supra note 24, at 150–60.

⁶⁴⁹ Moreno-Lax, supra note 24, at 150–60.

⁶⁵⁰ Moreno-Lax, supra note 24, at 150–60.

⁶⁵¹ Moreno-Lax, supra note 24, at 150–60.

⁶⁵² Betts & Collier, supra note 16, at 70–75.

⁶⁵³ Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa art. 1(2), Sept. 10, 1969, 1001 U.N.T.S. 45.

displacement, which allows for a more realistic and humanitarian response to large-scale refugee movements.⁶⁵⁴ The framework is strongly oriented toward humanitarian principles and emphasises regional cooperation among states.⁶⁵⁵ This collective approach helps create a sense of shared responsibility, even in challenging circumstances.

5.3 Implementation Challenges

Despite these progressive legal norms, implementation remains a major challenge. Many African states face significant resource constraints, which limit their ability to provide adequate protection and services.⁶⁵⁶ Institutional weaknesses further complicate the situation, as administrative and legal systems are often underdeveloped.⁶⁵⁷ In addition, there is a heavy reliance on international aid, making long-term sustainability difficult.⁶⁵⁸

5.4 Case Insight: Uganda

Uganda is frequently cited as an example of a relatively progressive refugee policy in practice. It grants refugees the right to work, allows freedom of movement, and provides access to land for settlement.⁶⁵⁹ These measures go beyond basic protection and aim to promote self-reliance and integration, making Uganda one of the more open and forward-looking refugee-hosting countries globally.

5.5 Structural Constraints

However, even in cases like Uganda, structural limitations remain evident. Resource constraints continue to affect the quality and reach of protection, and refugee camps are still widely used across the region.⁶⁶⁰ This highlights the

⁶⁵⁴ James C. Hathaway, *The Rights of Refugees Under International Law* 190–95 (2d ed. 2021).

⁶⁵⁵ Marina Sharpe, *The 1969 OAU Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence*, UNHCR Legal & Prot. Pol’y Rsch. Series (2013).

⁶⁵⁶ Alexander Betts, *Survival Migration* 140–45 (2013).

⁶⁵⁷ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 40–45 (3d ed. 2007).

⁶⁵⁸ Gil Loescher et al., *UNHCR: The Politics and Practice of Refugee Protection* 120–25 (2008).

⁶⁵⁹ Alexander Betts et al., *Refugee Economies: Forced Displacement and Development* 85–90 (2017).

⁶⁶⁰ Betts, *supra* note 4, at 150–52.

gap between progressive legal frameworks and the realities of implementation on the ground.

5.6 Key Insight

The African experience shows that strong and inclusive legal norms do not automatically translate into effective protection, particularly when institutional capacity and resources are limited.⁶⁶¹

6. Interim Conclusion

This section has demonstrated that, while international refugee law presents itself as a universal system, its actual implementation is highly uneven.⁶⁶² Europe and Africa provide two contrasting examples: one characterised by strong institutions but growing political resistance, and the other by progressive legal norms but significant capacity constraints.⁶⁶³

The next part of the paper will extend this analysis to the Middle East and Asia, where fragmentation becomes even more pronounced. It will further develop the argument that the global refugee regime is not a single, unified system, but rather a collection of regionally distinct frameworks shaped by varying political, economic, and institutional realities.⁶⁶⁴

PART II: REGIONAL DIVERGENCE AND THE DEEPENING OF FRAGMENTATION

7. Middle East: Humanitarian Burden Without a Coherent Legal Framework

7.1 Regional Context

The Middle East hosts one of the largest refugee populations in the world, largely as a result of prolonged conflicts in Syria, Iraq, Yemen, and Palestine.⁶⁶⁵ Countries such as Turkey, Lebanon, and Jordan have taken in millions of displaced people, often under considerable economic and political pressure.⁶⁶⁶ Despite bearing such a significant humanitarian burden, the region

⁶⁶¹ Hathaway, *supra* note 2, at 200–05.

⁶⁶² B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 360–62 (1998).

⁶⁶³ Betts & Collier, *Refugee* 60–65 (2017).

⁶⁶⁴ Gil Loescher, *Beyond Charity* 50–55 (1993).

⁶⁶⁵ UNHCR, *Global Trends: Forced Displacement* (latest ed.).

⁶⁶⁶ *Id.*

does not have a unified or comprehensive legal framework to govern refugee protection, which makes responses largely uneven and ad hoc.⁶⁶⁷

7.2 Legal Structure

Most states in the Middle East are either not parties to the 1951 Refugee Convention or have entered substantial reservations that limit their obligations.⁶⁶⁸ In many cases, there is also an absence of domestic refugee legislation, leaving a clear legal gap.⁶⁶⁹ As a result, protection is typically based not on enforceable legal rights but on executive policies, temporary protection arrangements, and broader humanitarian considerations⁶⁷⁰. This creates a system where refugee protection lacks consistency and long-term certainty.

7.3 Reliance on International Actors

In this context, the United Nations High Commissioner for Refugees (UNHCR) plays a central operational role across much of the region.⁶⁷¹ It is often responsible for registering refugees, determining their status, and coordinating the delivery of humanitarian assistance.⁶⁷² However, this reflects a delegation of responsibility rather than the development of strong domestic institutions.⁶⁷³ States continue to retain ultimate control, and UNHCR's role remains dependent on state cooperation.

7.4 Case Study: Lebanon

Lebanon provides a clear example of the structural limitations within the region.⁶⁷⁴ It hosts a very large refugee population relative to its size, placing immense strain on its resources and infrastructure.⁶⁷⁵ At the same time, it does not formally recognise refugee status under its legal system and imposes significant

restrictions on residence and employment.⁶⁷⁶ As a result, many refugees live without legal security, rely heavily on external aid, and remain vulnerable to exploitation and precarious living conditions.⁶⁷⁷

7.5 Temporary Protection Model

Some countries in the region, particularly Turkey, have adopted temporary protection regimes as a way of managing large refugee inflows.⁶⁷⁸ These frameworks typically do not grant long-term legal status, offer only limited rights, and are built on the assumption that refugees will eventually return to their home countries.⁶⁷⁹ While such models provide immediate relief, they do not offer durable solutions or long-term stability for displaced populations.

7.6 Structural Challenges

The challenges faced by the region are deeply structural. Economic constraints limit the ability of states to provide sustained support, while ongoing political instability complicates policy responses.⁶⁸⁰ Demographic pressures further intensify the situation, especially in smaller states hosting large refugee populations.⁶⁸¹ In addition, limited administrative capacity makes it difficult to develop and implement consistent protection mechanisms.

7.7 Key Insight

The Middle East illustrates a model in which the humanitarian burden is extremely high, but legal and institutional frameworks remain weak.⁶⁸² This imbalance reinforces the broader pattern of fragmentation within the global refugee regime.

⁶⁶⁷ Gil Loescher et al., UNHCR: The Politics and Practice of Refugee Protection 100–05 (2008).

⁶⁶⁸ Convention Relating to the Status of Refugees, *supra* note 2.

⁶⁶⁹ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 380–85 (3d ed. 2007).

⁶⁷⁰ Alexander Betts, *Survival Migration* 120–25 (2013).

⁶⁷¹ U.N. High Comm'r for Refugees, *Statute of the Office of the UNHCR*, G.A. Res. 428 (V) (1950).

⁶⁷² Loescher et al., *supra* note 3, at 110–15.

⁶⁷³ *Id.*

⁶⁷⁴ Dawn Chatty, *Syria: The Making and Unmaking of a Refugee State* 180–85 (2018).

⁶⁷⁵ UNHCR, *supra* note 1.

⁶⁷⁶ Chatty, *supra* note 10, at 190–95.

⁶⁷⁷ *Id.*

⁶⁷⁸ Kemal Kirişçi, *Syrian Refugees and Turkey's Temporary Protection Regime*, Brookings (2014).

⁶⁷⁹ *Id.*

⁶⁸⁰ Betts, *supra* note 6, at 130–35.

⁶⁸¹ UNHCR, *supra* note 1.

⁶⁸² Loescher et al., *supra* note 3, at 120–25.

8. Asia: Legal Vacuum and Discretionary Governance

8.1 Absence of Regional Framework

Unlike Europe and Africa, Asia does not have a regional refugee convention or any coordinated framework for protection.⁶⁸³ There are no shared legal standards or institutional mechanisms that bind states together in their approach to refugee issues.⁶⁸⁴ This absence creates a fragmented landscape in which each country develops its own policies, often without reference to a common framework.

8.2 Typology of Asian States

Asian states can broadly be grouped into three categories based on their approach to refugee protection. Some countries, such as Japan, are signatories to the Refugee Convention but adopt restrictive practices in implementation. Others, including India and Bangladesh, are not signatories but still provide limited or selective forms of protection. A third group, including Malaysia and Thailand, are non-signatories and maintain largely restrictive regimes, offering minimal formal protection to refugees.⁶⁸⁵

8.3 Core Characteristics

Across much of Asia, certain patterns are evident. Refugees are frequently treated as illegal migrants rather than as individuals entitled to protection.⁶⁸⁶ Detention is commonly used as a tool of migration control, and access to rights is often limited or entirely absent.⁶⁸⁷ In many cases, protection depends on executive discretion rather than enforceable legal frameworks, making outcomes unpredictable and inconsistent.⁶⁸⁸

8.4 Role of UNHCR

In several Asian countries, including India, UNHCR plays an important role in filling the legal

and institutional gap.⁶⁸⁹ It conducts refugee status determination, issues identity documentation, and provides basic assistance.⁶⁹⁰ However, its authority is not legally binding, and recognition by the state is often inconsistent.⁶⁹¹ This limits its effectiveness and leaves refugees in a precarious position.

8.5 Case Study: India

India reflects many of the broader trends seen across Asia. It does not have a dedicated refugee law and is not a party to the Refugee Convention.⁶⁹² Instead, it follows a group-based approach to protection, where treatment varies significantly depending on the refugee population in question.⁶⁹³ For instance, Tibetan refugees have received structured and relatively stable protection, while Rohingya refugees have faced detention and the threat of deportation. This selective approach highlights the discretionary nature of refugee governance in the region.

8.6 Legal and Policy Implications

The absence of a uniform legal framework leads to a system characterised by inconsistency and uncertainty. Protection depends heavily on executive decision-making rather than clearly defined legal rights, and refugees often lack access to enforceable protections. This creates a situation where outcomes are shaped more by policy choices than by legal obligations.⁶⁹⁴

8.7 Key Insight

Asia represents perhaps the most fragmented regional context, where refugee protection is least institutionalised and most dependent on political considerations and state discretion.⁶⁹⁵

⁶⁸³ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 365–68 (1998).

⁶⁸⁴ *Id.*

⁶⁸⁵ James C. Hathaway, *The Rights of Refugees Under International Law* 350–55 (2d ed. 2021).

⁶⁸⁶ Human Rights Watch, *World Report* (latest ed.).

⁶⁸⁷ *Id.*

⁶⁸⁸ Chimni, *supra* note 19, at 368–70.

⁶⁸⁹ UNHCR, *supra* note 7.

⁶⁹⁰ *Id.*

⁶⁹¹ Hathaway, *supra* note 21, at 360–62.

⁶⁹² Chimni, *supra* note 19, at 370–72.

⁶⁹³ *Id.*

⁶⁹⁴ Hathaway, *supra* note 21, at 365–68.

⁶⁹⁵ Chimni, *supra* note 19, at 372.

9. Comparative Synthesis: Mapping Fragmentation

9.1 Cross-Regional Comparison

A comparison across regions highlights the uneven nature of the global refugee regime.⁶⁹⁶ Europe stands out with a relatively strong legal framework, high levels of enforcement, and well-developed institutional capacity, although political pressures are increasing. Africa presents a progressive legal framework but faces challenges in enforcement and capacity, resulting in moderate levels of protection. The Middle East, by contrast, has a weak legal structure and minimal enforcement, with protection largely dependent on humanitarian responses. Asia shows the highest level of fragmentation, with absent or inconsistent legal frameworks, weak enforcement, and highly variable institutional capacity. Across all regions, political influence plays a significant role, though it is particularly pronounced in Asia and the Middle East.

9.2 Refugee Status Determination (RSD)

Refugee status determination varies widely across regions,⁶⁹⁷ further illustrating fragmentation.⁶⁹⁸ In Europe, it is generally formalised and rule-based, supported by legal procedures and judicial oversight. In Africa, systems are mixed, combining formal mechanisms with more flexible approaches. In the Middle East, UNHCR often takes the lead in determining status, reflecting the absence of strong domestic systems. In Asia, the process is highly fragmented and inconsistent, with no uniform approach across countries. There is, therefore, no single global procedure governing how refugee status is determined.

9.3 Non-Refoulement Across Regions

The principle of non-refoulement, often considered universal, is applied unevenly across regions.⁶⁹⁹ In Europe, it is strongly enforced through legal and judicial mechanisms. In

Africa, it is recognised but implemented inconsistently due to capacity constraints. In the Middle East, enforcement is relatively weak, and in Asia, its application is often selective and influenced by political considerations. This variation highlights the gap between the formal recognition of the principle and its practical application.

9.4 Socio-Economic Rights

Access to socio-economic rights also differs significantly. In Europe, refugees often benefit from structured integration policies that provide access to employment, education, and social services. In Africa, access is more limited but still present in certain contexts. In the Middle East, rights are generally restricted, particularly in relation to employment and long-term integration. In Asia, access is minimal or selectively granted, depending on state policy. These differences further reinforce the uneven nature of protection.

9.5 Core Observation

Across all regions,⁷⁰⁰ a consistent pattern emerges: refugee protection is shaped less by formal legal commitments and more by geography, state capacity, and political priorities. This reality challenges the idea of a truly universal system.

10. Structural Drivers of Fragmentation

10.1 Sovereignty and State Control

One of the primary drivers of fragmentation is the emphasis on state sovereignty.⁷⁰¹ Governments prioritise border control, national security, and demographic concerns, often placing these considerations above international obligations.⁷⁰² This limits the uniform application of refugee law and leads to varied approaches across states.

⁶⁹⁶ Betts & Collier, *Refugee* 60–70 (2017).

⁶⁹⁷ Hathaway, *supra* note 21, at 100–05.

⁶⁹⁸ Refugee Convention, *supra* note 4, art. 33.

⁶⁹⁹ Betts, *supra* note 6, at 140–45.

⁷⁰⁰ Loescher, *Beyond Charity* 50–55 (1993).

⁷⁰¹ James C. Hathaway, *The Rights of Refugees Under International Law* 6–10 (2d ed. 2021).

⁷⁰² B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 360–62 (1998).

10.2 Economic Inequality

Economic disparities also play a significant role.⁷⁰³ Developing countries host a large proportion of the world's refugees, despite having fewer resources.⁷⁰⁴ At the same time, wealthier states often have greater capacity but may limit access through restrictive policies.⁷⁰⁵ This imbalance results in unequal standards of protection.

10.3 Political Narratives

Political narratives surrounding refugees further shape policy responses.⁷⁰⁶ Refugees are frequently portrayed as economic burdens or security threats, which influences public opinion and leads to more restrictive measures.⁷⁰⁷ This politicisation contributes to inconsistency in how protection is provided.

10.4 Institutional Capacity

Institutional strength is another key factor.⁷⁰⁸ Countries with well-developed legal and administrative systems are generally better able to provide consistent protection, while those with weaker institutions rely more on ad hoc or informal arrangements.⁷⁰⁹ This creates further variation in outcomes.

10.5 Absence of Burden-Sharing Mechanisms

The lack of effective global mechanisms for burden-sharing means that responsibility is not distributed evenly.⁷¹⁰ There is no structured system to support host countries or redistribute refugees in a fair manner, which places disproportionate pressure on certain regions.

10.6 Key Insight

Fragmentation is not accidental but is the result of deeper structural factors, including the

interaction between legal frameworks, political priorities, and institutional capacity.⁷¹¹

11. The Illusion of Universality

11.1 Normative vs Operational Universality

The refugee regime appears universal in its legal design, with clearly articulated rights and obligations.⁷¹² However, in practice, its implementation is fragmented, with significant variation across regions.⁷¹³

11.2 Myth of Equal Protection

The idea that all refugees receive equal protection is largely a myth.⁷¹⁴ In reality, rights differ from one region to another, access to protection depends heavily on location, and enforcement remains inconsistent.

11.3 Geography as Determinant

A refugee's experience is shaped primarily by where they seek asylum rather than by their legal status alone.⁷¹⁵ Geography becomes the determining factor in the level of protection they receive.

11.4 Key Argument Strengthened

Taken together, these factors reinforce the central argument that the global refugee regime does not function as a single, unified system, but rather as a collection of regionally distinct and unevenly developed frameworks.⁷¹⁶

12. Interim Conclusion

This section has shown that fragmentation in refugee protection is most visible in the Middle East and Asia, where legal frameworks are weak or absent and protection often depends on political discretion and international assistance.⁷¹⁷ The comparative analysis confirms that the idea of a universal refugee regime is largely theoretical.⁷¹⁸ In practice, refugee protection is shaped by regional

⁷⁰³ Alexander Betts & Paul Collier, *Refuge* 60–65 (2017)

⁷⁰⁴ UNHCR, *Global Trends: Forced Displacement* (latest ed.).

⁷⁰⁵ Betts, *supra* note 3, at 70–75.

⁷⁰⁶ Chimni, *supra* note 2, at 365–68.

⁷⁰⁷ *Id.*

⁷⁰⁸ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 30–35 (3d ed. 2007).

⁷⁰⁹ *Id.*

⁷¹⁰ Gil Loescher, *Beyond Charity* 50–55 (1993).

⁷¹¹ Alexander Betts, *Survival Migration* 140–45 (2013).

⁷¹² *Convention Relating to the Status of Refugees*, *supra* note 4.

⁷¹³ Hathaway, *supra* note 1, at 10–12.

⁷¹⁴ Chimni, *supra* note 2, at 370–72.

⁷¹⁵ Betts, *supra* note 11, at 150–52.

⁷¹⁶ Betts & Collier, *supra* note 3, at 75–80.

⁷¹⁷ Loescher et al., *UNHCR: The Politics and Practice of Refugee Protection* 120–25 (2008).

⁷¹⁸ Hathaway, *supra* note 1, at 12–15.

dynamics, resulting in unequal and inconsistent outcomes across the world.

PART III: THEORETICAL IMPLICATIONS, REFORM PATHWAYS, AND CONCLUSION

13. Reframing the Global Refugee Regime

13.1 From “Universal Regime” to “Fragmented System”

The comparative analysis across regions points to the need for a conceptual shift in how the refugee regime is understood.⁷¹⁹ Rather than viewing it as a single, coherent global system that operates uniformly across jurisdictions, it is more accurate to see it as a fragmented structure made up of regionally differentiated approaches to protection.⁷²⁰ What appears unified at the level of legal norms is, in reality, uneven and varied in practice.⁷²¹

13.2 Layers of the System

The so-called “global regime” operates across multiple interconnected layers, each shaping how refugee protection is defined and delivered.⁷²² At the normative layer, the system is built on treaties, conventions, and broadly accepted legal principles that aim to establish universal standards.⁷²³ At the regional layer, these norms are filtered through regional agreements, as well as political and institutional arrangements that reflect local priorities and constraints.⁷²⁴ Finally, at the domestic layer, protection is shaped by national laws, policies, and administrative practices,⁷²⁵ which ultimately determine how refugees are treated in practice. It is at this level that the greatest variation becomes visible.

13.3 Misalignment Across Layers

Fragmentation arises from a clear misalignment between these layers.⁷²⁶ While legal norms are articulated at a global level, their implementation is left to individual states, and enforcement mechanisms remain weak or non-existent.⁷²⁷ This disconnect creates structural inconsistency, where the same set of legal principles produces very different outcomes depending on where they are applied.⁷²⁸

13.4 Key Theoretical Insight

The key insight that emerges is that the refugee regime is not simply failing to achieve universality; rather, it was never structurally designed to function as a truly universal system in practice.⁷²⁹ The gap between aspiration and reality is therefore built into the system itself.

14. Implications for International Law

14.1 Limits of Normative Legalism

International refugee law is grounded in the assumption that states will comply with their obligations and uphold agreed standards.⁷³⁰ However, the analysis shows that compliance is often selective and shaped by national interests. States interpret their obligations flexibly, adapting them to domestic political and economic considerations.⁷³¹ This challenges the effectiveness of a purely normative legal framework.

14.2 Weakness of Enforcement Mechanisms

The role of the United Nations High Commissioner for Refugees is primarily supervisory and supportive.⁷³² While it monitors implementation and provides assistance, it does not have the authority to enforce

⁷¹⁹ Alexander Betts & Paul Collier, *Refugee* 60–70 (2017).

⁷²⁰ Alexander Betts & Paul Collier, *Refugee* 60–70 (2017).

⁷²¹ Alexander Betts & Paul Collier, *Refugee* 60–70 (2017).

⁷²² Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 21–30 (3d ed. 2007).

⁷²³ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 21–30 (3d ed. 2007).

⁷²⁴ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 21–30 (3d ed. 2007).

⁷²⁵ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 21–30 (3d ed. 2007).

⁷²⁶ James C. Hathaway, *The Rights of Refugees Under International Law* 10–15 (2d ed. 2021).

⁷²⁷ James C. Hathaway, *The Rights of Refugees Under International Law* 10–15 (2d ed. 2021).

⁷²⁸ James C. Hathaway, *The Rights of Refugees Under International Law* 10–15 (2d ed. 2021).

⁷²⁹ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 372–75 (1998).

⁷³⁰ Hathaway, *supra* note 8, at 6–10.

⁷³¹ Chimni, *supra* note 11, at 360–65.

⁷³² *Id.*

compliance.⁷³³ This institutional limitation is central to the persistence of fragmentation, as there is no mechanism to ensure uniform application of the law.

14.3 Crisis of Universality

The growing gap between legal norms and practical outcomes raises a deeper question about the legitimacy of the system.⁷³⁴ If the rights guaranteed under international law depend largely on geography, then the idea of universality becomes symbolic rather than substantive.⁷³⁵ This creates a broader crisis of confidence in the framework.

14.4 Expanding Gaps in Contemporary Context

Contemporary challenges are further widening this gap. Issues such as climate-induced displacement, large-scale migration flows, and the increasing securitisation of borders are placing additional pressure on the existing framework.⁷³⁶ These developments expose the limitations of a system that was not designed to address such complex and evolving realities.

14.5 Key Insight

Taken together, these factors suggest that the international refugee regime is facing a crisis of operational legitimacy, where its formal commitments no longer align with its practical functioning.⁷³⁷

15. Rethinking Refugee Governance: Beyond Uniformity

15.1 The Limits of a One-Size-Fits-All Model

Efforts to impose uniform standards across all states often fail because they do not account for differences in capacity, political priorities, and regional contexts.⁷³⁸ What works in one region may not be feasible or effective in another, making a one-size-fits-all approach unrealistic.

15.2 Toward Differentiated Responsibility

A more practical approach would involve recognising these differences and adopting a model of differentiated responsibility.⁷³⁹ This means tailoring legal and policy frameworks to specific contexts while ensuring that basic standards of protection are maintained. It also requires balancing state obligations with their actual capacity to implement them.

15.3 Regionalisation of Refugee Protection

Strengthening regional frameworks offers a way to bridge the gap between global norms and local realities.⁷⁴⁰ Regional systems are often better positioned to address specific challenges, improve coordination among neighbouring states, and develop context-sensitive solutions.⁷⁴¹ For example, Europe has developed a high degree of institutional integration, while Africa has adopted broader legal definitions that reflect its displacement patterns.⁷⁴²

15.4 Role of Emerging Powers

Emerging powers, including countries like India, have the potential to play a more active role in shaping regional approaches to refugee protection.⁷⁴³ They can lead initiatives, develop alternative frameworks suited to their contexts, and act as a bridge between global norms and regional practices.

15.5 Key Insight

Effective refugee protection is more likely to emerge from a pluralistic approach that accommodates diversity, rather than from attempts to impose rigid uniformity across vastly different contexts.⁷⁴⁴

⁷³³ U.N. High Comm'r for Refugees, Statute of the Office of the UNHCR, G.A. Res. 428 (V) (1950).

⁷³⁴ Gil Loescher et al., UNHCR: The Politics and Practice of Refugee Protection 100–05 (2008).

⁷³⁵ Hathaway, supra note 8, at 12–15.

⁷³⁶ Chimni, supra note 11, at 370–72.

⁷³⁷ Alexander Betts, Survival Migration 140–50 (2013).

⁷³⁸ Betts & Collier, supra note 1, at 75–80.

⁷³⁹ Hathaway, supra note 8, at 20–25.

⁷⁴⁰ Betts, supra note 19, at 150–55.

⁷⁴¹ Goodwin-Gill & McAdam, supra note 4, at 30–35.

⁷⁴² Betts & Collier, supra note 1, at 80–85.

⁷⁴³ Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, Sept. 10, 1969, 1001 U.N.T.S. 45.

⁷⁴⁴ Chimni, supra note 11, at 372–75.

16. Reform Pathways

16.1 Strengthening Regional Frameworks

One important avenue for reform lies in strengthening regional systems.⁷⁴⁵ This includes encouraging the development of regional conventions, fostering cooperative mechanisms among states, and establishing shared standards that are tailored to regional realities while remaining consistent with broader international principles.

16.2 Enhancing Burden-Sharing Mechanisms

Reform at the global level must also address the issue of unequal responsibility.⁷⁴⁶ This involves creating more effective systems for burden-sharing, including equitable distribution of responsibility, increased financial support for host countries, and expanded relocation and resettlement programmes.⁷⁴⁷ Without such measures, disparities will continue to deepen.

16.3 Improving Institutional Capacity

Strengthening institutional capacity is essential for improving protection outcomes.⁷⁴⁸ This includes developing more efficient asylum systems, investing in administrative infrastructure, and enhancing training and resources for those involved in refugee protection. Better institutions lead to more consistent and reliable implementation.

16.4 Expanding Legal Definitions

There is also a need to update existing legal frameworks to reflect contemporary realities.⁷⁴⁹ This includes recognising new forms of displacement, such as those caused by climate change, as well as addressing situations of generalised violence and complex migration flows that do not fit neatly within traditional definitions.

16.5 Strengthening Accountability Mechanisms

Introducing stronger accountability measures can help reduce gaps in implementation.⁷⁵⁰ This may include improved monitoring frameworks, clearer reporting obligations, and the use of soft enforcement tools such as international scrutiny and reputational pressure. While not coercive, these mechanisms can still influence state behaviour.

16.6 Realistic Reform Approach

Any meaningful reform must be grounded in political reality.⁷⁵¹ It should avoid over-reliance on idealistic assumptions and instead focus on achievable, incremental improvements that can be sustained over time.

17. Revisiting the Role of the State

17.1 Centrality of State Sovereignty

States remain at the centre of the refugee regime.⁷⁵² They act as primary decision-makers, control access to their borders, and are responsible for implementing protection measures. This central role means that any system of refugee protection must engage directly with state interests and priorities.

17.2 Balancing Sovereignty and Responsibility

An effective system must strike a balance between respecting state sovereignty and ensuring that minimum standards of protection are upheld.⁷⁵³ This balance is difficult to achieve but is essential for maintaining both legitimacy and functionality.

17.3 Political Nature of Refugee Policy

Refugee protection is not purely a legal issue; it is deeply shaped by political factors.⁷⁵⁴ Domestic politics, security concerns, and public perception all influence how states respond to refugees. Any attempt at legal reform that

⁷⁴⁵ Alexander Betts & Paul Collier, *Refuge* 80–85 (2017).

⁷⁴⁶ Gil Loescher, *Beyond Charity* 55–60 (1993).

⁷⁴⁷ UNHCR, *Global Compact on Refugees* (2018).

⁷⁴⁸ Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 35–40 (3d ed. 2007).

⁷⁴⁹ Jane McAdam, *Climate Change, Forced Migration, and International Law* 1–10 (2012).

⁷⁵⁰ James C. Hathaway, *The Rights of Refugees Under International Law* 15–20 (2d ed. 2021).

⁷⁵¹ B.S. Chimni, *The Geopolitics of Refugee Studies*, 11 *J. Refugee Stud.* 350, 372–75 (1998).

⁷⁵² Hathaway, *supra* note 6, at 6–10.

⁷⁵³ Goodwin-Gill & McAdam, *supra* note 4, at 40–45.

⁷⁵⁴ Chimni, *supra* note 7, at 360–65.

ignores these political realities is unlikely to succeed.

17.4 Key Insight

Refugee protection should therefore be understood not only as a legal regime but also as a form of political governance, where law, policy, and power intersect.⁷⁵⁵

18. Final Synthesis

The analysis presented in this paper leads to several key conclusions. The international refugee regime may appear universal at the level of legal norms, but in practice it operates in a fragmented manner⁷⁵⁶. Differences in legal frameworks, institutional capacity, and political priorities across regions result in unequal protection outcomes for refugees. Europe, Africa, the Middle East, and Asia do not represent variations of a single system but rather distinct models shaped by their own contexts.⁷⁵⁷ At the same time, gaps in enforcement and the absence of effective burden-sharing mechanisms further deepen this fragmentation. Ultimately, the idea of a universal refugee regime remains more aspirational than real, highlighting the need for a more grounded and context-sensitive approach to refugee governance.⁷⁵⁸

19. Conclusion

The idea of a universal refugee regime remains one of the most persistent assumptions in international law.⁷⁵⁹ It reflects an aspiration toward shared responsibility and equal protection, grounded in the belief that legal norms can operate beyond borders and produce consistent standards across states.

However, this paper has shown that this sense of universality is largely illusory.⁷⁶⁰ While the legal framework of refugee protection is formally global, its implementation is deeply uneven. In practice, the rights and protections

available to refugees differ significantly depending on where they seek asylum, shaped by regional conditions, state capacity, and political priorities.⁷⁶¹

The regional analysis makes this disparity clear. Europe offers relatively structured and institutionalised systems, yet faces growing political resistance that limits consistency. Africa has developed progressive and inclusive legal norms but struggles to translate them into effective outcomes due to resource and capacity constraints. The Middle East carries a disproportionate share of the global refugee burden without the support of a coherent legal framework, relying instead on temporary and humanitarian arrangements. Asia remains the most fragmented region, where protection is largely discretionary and often informal, resulting in highly inconsistent treatment of refugees.⁷⁶²

Taken together, these differences show that the global refugee regime does not operate as a single, cohesive system.⁷⁶³ Instead, it functions as a collection of regionally distinct approaches, each shaped by its own legal, political, and economic realities. The continued assumption of universality tends to obscure these differences and, in doing so, limits the effectiveness of reform efforts.

Going forward, refugee protection needs to be rethought in more realistic terms.⁷⁶⁴ Rather than pursuing an ideal of complete uniformity, greater emphasis should be placed on strengthening regional frameworks, improving mechanisms for burden-sharing, and developing systems that are both flexible and accountable.⁷⁶⁵ The goal should not be to create a perfectly uniform global regime, but to ensure that all refugees—regardless of where they are—are guaranteed a basic standard of

⁷⁵⁵ Betts, *Survival Migration* 150–55 (2013).

⁷⁵⁶ Hathaway, *supra* note 6, at 10–12.

⁷⁵⁷ Betts & Collier, *supra* note 1, at 70–75.

⁷⁵⁸ Loescher, *supra* note 2, at 60–65.

⁷⁵⁹ Chimni, *supra* note 7, at 372–75.

⁷⁶⁰ Goodwin-Gill & McAdam, *supra* note 4, at 21–23.

⁷⁶¹ Hathaway, *supra* note 6, at 12–15.

⁷⁶² Betts, *supra* note 11, at 140–45.

⁷⁶³ Betts & Collier, *supra* note 1, at 75–80.

⁷⁶⁴ Chimni, *supra* note 7, at 370–72.

⁷⁶⁵ Loescher et al., UNHCR: *The Politics and Practice of Refugee Protection* 125–30 (2008).



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protection that upholds human dignity and aligns with fundamental international norms.⁷⁶⁶



⁷⁶⁶ UNHCR, Global Compact on Refugees, supra note 3.