

ABSTRACT

RIGHT TO ASYLUM: A RIGHT OF THE STATE OR THE INDIVIDUAL?

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The world is witnessing a great crisis, one that has recently been the topic of discussion even more than Climate Change. The Refugee Crisis has been daunting the world for the last decade now. As high as 65.3 million people are forcibly displaced worldwide. This number is only expected to increase in the years to come. Even as European countries including Germany takes in millions of refugees every year, countries like the United States of America, recently, are shutting doors at them as a matter of national policy. International Law, through various conventions including the Refugee Convention and the European Charter of Fundamental Rights, has ensured the 'Right to Asylum'. But various nations have interpreted it differently. While states like United Kingdom considers it as the right of the sovereign to grant asylum, other including Spain, Sweden and the Netherlands have interpreted it as the right of the individual to claim asylum. This paper tries to resolve this dispute. The western states more than their obligations under International Law, has a moral obligation at hand as they, to a large extend, are the ones responsible for the political and social instability in countries like Syria and Afghanistan which produces the largest number of refugees in the World. The paper delves into the national constitutions and legislations of various countries to figure out the general principle of International Law on this matter which can supplement the treaties and conventions on the matter. The authors, hereby, intends to solve the question of who can exercise the 'Right to Asylum': The State or the Individual.

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