

Forum: Social and Humanitarian Committee
Issue: Safeguarding the Rights of Refugees
Student Officer: Panagiotis Krontiras
Position: Co-chair

PERSONAL INTRODUCTION

Dear delegates,

My name is Panagiotis Krontiras and I feel overly honored to be a deputy chair in the Social Humanitarian and Cultural Committee of the upcoming PSMUN conference. This year's session is going to be extremely special to me since I am going to have my first chairing experience, second in a PSMUN conference in total. During the previous years I have attended four MUN conferences as a delegate.

Currently, I am studying naval architecture and marine engineering at the National Technical University of Athens. Although my studies seem irrelevant to the MUN institution, I firmly believe that those diplomatic sessions have always been an irreplaceable complement of my academic life, not only because of the opportunity they are offering to engage in globally controversial topics, but also owing to formation of a unique environment where the participants can develop their linguistic and diplomatic skills.

Viewing the MUN conference from the chair's prospective; it is my duty to provide you with the initial material for your preparation. First step towards this goal is the composition of the following study guide, analyzing the fervent topic of safeguarding refugees' rights. It is advisable to keep in mind that this study guide contains a brief, neutral summarization of a multilateral subject and it is therefore your obligation to conduct further research regarding the protection of refugee status as viewed from your country's policy. In case you face any hurdles during your preparation you are cordially encouraged to contact me via email.

Looking forward to meeting you at the conference,

Best regards,

P. Krontiras

INTRODUCING TOPIC

Although the term “refugee” may be relatively new, the concept of people seeking asylum after being persecuted due to a specific feature of their identity or war acts in their country of origin is quite old. At this point, before attempting any further approach to the topic, it is vital to present a strict definition of the term “refugee”:

- ❖ As defined in the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention), a refugee is defined as a person who *"owing to a 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country or return there because there is a fear of persecution..."*

Problems concerning the refugee classification:

It is apparent that the attribution of refugee status is quite perplexed owing to the number of criteria a person must fulfill as well as their capability to prove their authenticity. It is worth mentioning that despite the guidelines provided by UN it is practically the responsibility of governmental agencies of the host country to determine whether somebody should be



Syrian Refugees in Lebanon (Civil Society Knowledge Centre)

granted the status of refugee or not. As a result it is quite common that a considerable amount of people in need entering a foreign country fail in being recognized as refugees and are subsequently treated as illegal aliens.

Problems after the attribution of refugee status:

Once the status of Refugee is granted, refugees often confront with a new series of difficulties. In first place, the successful integration of the refugees in the society of the host country is inhibited by factual differences such as the linguistic barrier and the religious gap. Under the international law (UN

Refugee Convention) the host countries are obliged to recognize the following rights once the refugee status is granted:

- The right not to be expelled, except under certain, strictly defined conditions (Article 32);
- The right of non-refoulement: which prohibits the enforced return of the refugees back to territories where their life and freedom are threatened (Article 33);
- The right not to be punished for illegal entry into the territory of a contracting State (Article 31);
- The right to work (Articles 17 to 19);
- The right to housing (Article 21);
- The right to education (Article 22);
- The right to public relief and assistance (Article 23);
- The right to freedom of religion (Article 4);
- The right to access the courts (Article 16);
- The right to freedom of movement within the territory (Article 26)
- The right to be issued identity and travel documents (Articles 27 and 28).

Nonetheless, many hosting countries are unable to correspond to those obligations because of deficiency in financial resources, bureaucratic procedures as well as infrastructural inadequacies. In addition there are cases when the hosting country alleges threats to national security, fears of domestic political destabilization, or the influx of even greater numbers of refugees in an effort to avoid those responsibilities. As a result the number of illegal aliens residing a country may increase. This illicit minority in an effort to make ends meet may succumb to exploitation by the local population of the country, since it is not entitled to any vocational rights.

KEY TERMS:

Since the terminology regarding foreigners inhabiting a country is quite diverse it is imperative to present some key terms, in order to avoid some common misconceptions.

ASYLUM SEEKER:

According to UNESCO glossary asylum seekers are: *“people who move across borders in search of protection, but who may not fulfill the strict criteria laid down by*

the 1951 Convention (Refugee Convention). Asylum seeker describes someone who has applied for protection as a refugee and is awaiting the determination of his or her status”

Nonetheless, the term “asylum seeker” may vary depending on the legislation of each country. For instance, in many countries “asylum seeker” is a foreigner searching for protection in the interior of the host country while “refugee” is a person who is granted protection outside the host country’s borders.

INTERNALLY DISPLACED PEOPLE:

Unlike refugees internally displaced people (or IDP for short) have not managed to cross the border of their home country and as a result their protection lies in the hands of the respective government. The reasons which have led them to the search of sanctuary are usually the same as in the case of refugees. It is evident that in some cases those reasons are associated with the government under whose protection they are.

STATELESS PERSON:

Article 1 of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as *“a person who is not considered as a national by any State under the operation of its law”*. In other words, a stateless person is someone who does not have a nationality of any country.

ECONOMIC MIGRANT:

Economic migrant is a person, who has emigrated from one area to another (even in the same country) in search of better employment opportunities with the intention of improving his/her financial position. It is worth underlying that economic reasons are not entailed in the definition of the term “refugee” as stated in the UN’s Refugee Convention.

THE RIGHT OF NON-REFOULMENT:

According to Article 33 of the UN Convention regarding the status of Refugees: *“No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”*

Nevertheless paragraph b of the same Article clarifies that: *“The benefit of the present provision may not, however, be claimed by a refugee whom there are*

reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.”

EXEMPTION FROM RECIPROCITY:

According to the concept of reciprocity: *“a particular treatment is accorded to an alien, if the same treatment is accorded to the nationals in the state of the alien’s nationality”*. The Refugee Convention states that refugees shall enjoy exemption from reciprocity after three years of residence in the country of refugee.

HISTORICAL INFORMATION:

The concept of people seeking sanctuary has been familiar to many ancient civilizations. The person in need would usually avail himself to the protection of a divinity at a proper holy place. However, the concept of “refugees” coincides with the rise of Nationalism, since it was not until then, that the idea of a “country of origin” was introduced, and therefore the need for identification, when crossing borders.

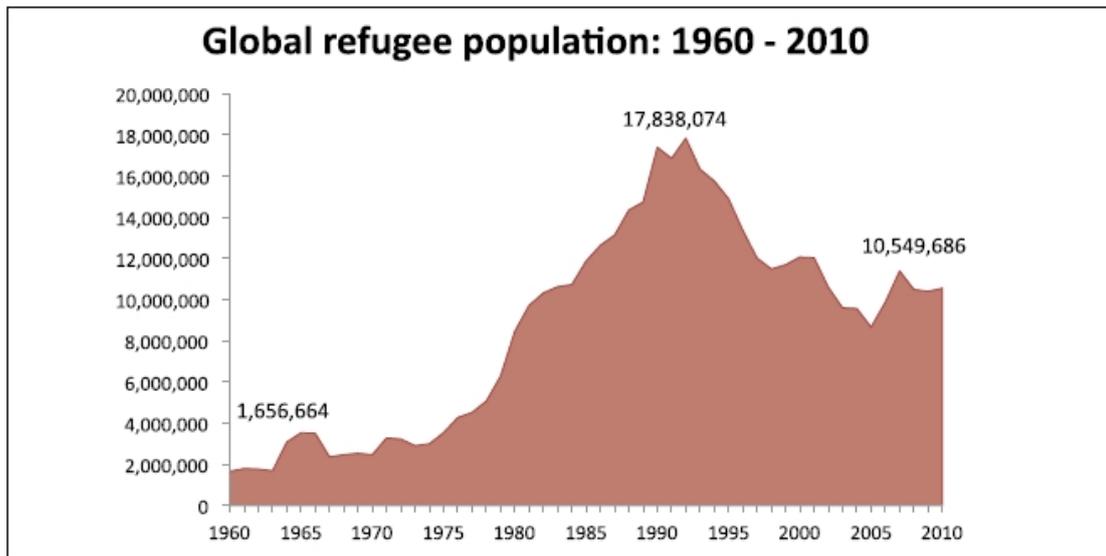
Apparently, a successful approach to the topic of refugees could only be achieved through a multinational institution. In 1921, the High Commissioner for Refugees was created, an initiative of the League of Nations headed by Fridtjof Nansen. The Commission assisted in the following cases:

- People fleeing Communist Russia after the Revolution of 1917;
- Armenians fleeing Turkish Asia Minor in 1915 and 1923 during the Armenian Genocide;
- The population exchange between Greece and Turkey in 1923;

In 1930 the Nansen International Office for Refugees (Nansen Office) was established, a successor of the High Commission for Refugees, which nonetheless faced many functional problems. In 1938, both the Nansen Office and the High Commission were replaced by the Office of the High Commissioner for Refugees under the Protection of the League.

During and after the WWII massive migrations of refugees took place, especially in Europe, leading to the creation of the United Nations Relief and Rehabilitation Administration by the Allies in 1943 in an effort to alleviate the regions liberated from the Axis.

The establishment of the United Nations in 1945 was followed by the formation of the International Refugee Organization (IRO) on April 20, 1946 which resettled about 1 million refugees, despite the fact that its jurisdiction



was restricted to territories under Western armies' occupation.

Established in 19 December 1950 the United Nations High Commissioner for Refugees protects and supports refugees at the request of a government or the United Nations and assists in their return or resettlement. The jurisdiction of the UNHCR is not limited to refugees. It also entails asylum seekers, stateless and internally displaced people (IDPs) as well as communities affected by the influx of refugees.

The main laws, norms and legal instruments directing the function and the work of UNHCR are the following:

- The 1951 United Nations Convention Relating to the Status of Refugees, also referred to as the Geneva Convention;
- The 1967 Protocol relating to the Status of Refugees;
- The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- The 1974 United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

TIMELINE OF IMPORTANT INCIDENTS

In the following timeline, based on data from TimeRime.com, some of the milestones that have led to the current global refugee image are presented:

Timeframe:	Fact:	Explanation:
1935	Jewish Oppression in Germany begins	Nazis begin poor treatment of Jews
1943 - 1947	UNRRA	United Nations Relief and Rehabilitations Administration shut down due to lack of progress
1945-1952	IRO	International Refugee Organization eventually set up basis for UNHCR
1948	Israel Becomes Nation	Israel is recognized by the UN as a Nation and Jewish refugees move there
1950 - 2010	UNHCR	United Nations Program set up to be used by the UN for any refugee/Displaced People relocation
1954 - 1962	Algerian War	Forced about 2 million people to relocate and enter refugee camps
1959 - 1980	Cuban Castro Crisis	Cubans seek shelter in America
1961	Post War German Refugees	562,000 Germans fled to West Germany to escape Russian control
1968	Czech War	Led to 70,000 relocated people out of Czechoslovakia

1969	Africa Unity Convention	UNHCR held a convention to help with African Country union and help refugees
1975	Vietnam	3 million people tried to escape the war
1975 - 1990	Lebanese Civil War	900,000 people were displaced during the war
1984 - 1999	Turkish War	375,000 People were displaced
1985-2005	Colombian Conflict	Around 4,300,000 refugees produced from this conflict
1989	Uzbekistan War	Left about 90,000 people displaced
1990-1995	Russian Jews	700,000 Jews go to Israel after Communism falls
1991	Chechnya	2 million refugees and still continues
1993 - 1998	Georgian War	Left 250,000 refugees
1995-uptodate	Sudan/Darfur	Has left about 2,500,000 people as refugees
2001-uptodate	Afghan War	About 5 million refugees
2004-2011	Iraqi War	4,700,000 people have been displaced during this war
2011-uptodate	Arab Spring in Syria	9 million refugees

MAJOR PARTIES INVOLVED IN THE ISSUE:

When facing the problem of safeguarding the rights of refugees, it is of extreme significance to keep in mind that it is not a localized problem. On

the contrary, each single nation is to a certain degree affected by refugee migrations. In an effort to get accustomed to the extent of the phenomenon, a concise presentation of the most serious incidents of Refugee crises is cited:

Afghanistan:

Since the Soviet invasion (December 1979 -February 1989), Afghanistan has held the title of the country with “the highest rate of refugee production”. The situation has been deteriorated by continuous warfare caused by civil war, Taliban conquest and most recently the Western-led invasion. Approximately six million Afghan refugees have fled to neighboring Pakistan and Iran, while a considerable percentage sought sanctuary in India (mostly religious minorities). *(BBC statistics)*

Palestinian Diaspora:

Major cause of the Palestinian Diaspora is the territorial claims of Israelis and Palestinians, leading to massive hostilities between the two parties as well as the rise of terrorist groups among the latter ones. While all refugees in the world are under the UNHCR mandate, Palestinian refugees who fled the future Jewish state between 1947 and 1949, as a result of the 1948 Palestine war, and their descendants are assisted by the United Nations Relief and Works Agency (UNRWA). Jordan has received the largest number of Palestinian refugees. According to UNRWA there are 387,043 Palestinian refugees registered in Lebanon and 626,532 in Syria.

Syria:

An estimated 9 million people have fled Syria since the outbreak of civil war in March 2011. According to UNHCR over 3 million have fled to Syria's immediate neighbors including Turkey, Lebanon, Jordan and Iraq. Meanwhile, approximately 150.000 Syrians have sought asylum in the European Union with Germany being the major host.



Syrian Refugee Children Distribution (unhcr.org)

Sudan:

Despite the Independence Declaration of South Sudan on July 9, 2011, border clashes and internal violence continue to cause displacement in the area. The civil conflict between political parties in Sudan in 2013 was followed by the

internal displacement of an estimated 700.000 people, while 150.000 Sudanese refugees have settled in South Sudan and neighboring countries.

Convention relating to the Status of Refugees (1951) & The Protocol Relating to the Status of Refugees (1967):

The Convention Relating to the Status of Refugees or Refugee Convention, signed on 28 July 1951 is the official UN Convention that determines the status of Refugees as well as the right the attribution of this status is connected with. The Convention entered into force on 22 April 1954 and its jurisdiction was limited to European Refugees. With The Protocol Relating to the Status of Refugees or New York Protocol (1967) time and geographical limitations were withdrawn and subsequently the Convention acquired a universal nature.

There are a number of provisions that States which are parties of the Refugee Convention and 1967 Protocol must adhere to such as but not limited to:

- Cooperation With the UNHCR
- Information on National Legislation
- Exemption from Reciprocity

Delegates who are interested in acquiring a more exhaustive image of the Refugee migrations which have taken place since 1975 are encouraged to visit the following interactional map (known as the refugee project):

<http://www.therefugeeproject.org/#/2008>

POSSIBLE SOLUTIONS:

UNHCR's main purpose when dealing with the problem of refugees is to provide long-term solutions, which will give refugees the opportunity to conduct decent lives, whether they choose to stay in a host country or return to their country of origin. UNHCR's actions focus on three vital fields:

- Voluntary repatriation;
- Local integration;
- Resettlement to a third country in situations where none of the above-mentioned options are feasible.

Voluntary repatriation:

For many refugees around the world, returning to their homeland remains a distant goal. In most cases, after a phase of governmental transition, the termination of civil or cross-border conflicts and generally of the causes that led to refugee movement in the first place, the reintegration of the exiles is a coveted goal. Evidentially, such a process demands for close co-operation among the refugee minorities, the UNHCR and of course the country of origin. Only if the proper conditions are guaranteed is such an initiative acceptable.

Local integration:

Unfortunately, many refugees are unable to return to their homeland owing to the continuous conflicts or to the fear of being prosecuted. When repatriation is not an option, ascertaining the gradual and productive integration of the refugees in their new environment is of integral significance. The UNHCR's aim is to achieve a balanced relationship between foreigners and natives, while avoiding the potential of assimilation.

Resettlement:

The possibility of establishing in a third country is the product of the close cooperation between the governments and the UNHCR. Many refugees continue facing threats or are unable to stand on their own feet in the host country owing to lack of revenues. Providing a secure environment in a third country is the next



alternative. Unfortunately only a small number of countries actively participate in such actions entailing USA, Australia, Canada, the Nordic countries, Europe and Latin America countries.

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Possible Solutions to the Problem:

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