

**Message from the Director of the Office of the United Nations High Commissioner for  
Refugees (UNHCR)**

Dear Delegates,

Welcome to DAYMUNC XXIV, my name is Michael Gross and I will be the Director for the UNHCR during the 2017 conference.

Formed on December 14<sup>th</sup>, 1950, the UNHCR is committed to providing aid and support to refugees and displaced persons who, as the result of conflict or natural disaster, find themselves without a legitimate or stable State to represent their interests. Highlighting the precepts set forth in the Universal Declaration of Human Rights, the UNHCR “works to ensure that everybody has the right to seek asylum and find safe refuge, having fled violence, persecution, war or disaster at home”. While the UNHCR has a history of over 65 years representing the rights of refugees and displaced persons, statistics released in 2015 suggest “we are now witnessing the highest levels of displacement on record”. With 65.3 million forcibly displaced persons, 21.3 million refugees, and 10 million Stateless people globally, it is now more vital than ever to organize the full resources and expertise of the international community to provide aid and solutions to the disenfranchised people of the world as well as the Member States who persistently struggle to afford asylum, assistance, and protection to their neighbors in need.

The following background guide will serve as an introduction to the topics to be covered during this year’s conference, as well as an overview of the history and progression of international law regarding these issues. To get the most out of your participation, however, I highly recommend you conduct your own research regarding the official policy prescriptions outlined by the State you will be representing; especially with regard to how your State’s perspectives fits into that of the larger international community.

Finally, I want to stress the priority of this conference as a learning experience. While we will come together to discuss displacement in a largely hypothetical context, these issues are currently effecting millions of people around the world. Regardless of the final award decisions, it is my hope for you to come away with a greater awareness of some of the most difficult problems facing the international community, and the individual lives affected by these crises on a daily basis; as well as the enormous complexities involved in providing realistic and effective solutions. With that stated, thank you for choosing to participate in this conference, and good luck in your research. I look forward to working with you in committee.

Sincerely,

Michael Gross

## **Topic 1: Collaboration for the Sustainment of Domestic and Regional Refugee Crisis Amelioration Measures.**

### **Introduction:**

Many of the States hit hardest by the influx of large numbers of refugees from surrounding conflict zones, and areas of instability, are economically and politically incapable of sustaining their current efforts to contain the crises. One prominent case is the Dadaab refugee camp in Kenya, which currently shelters 266,000 Somali refugees. Under significant domestic pressure to reduce spending, Kenya has repeatedly threatened to close the camp and repatriate the refugees living there. Similarly, European States have seen a dramatic increase in the number of displaced persons from the Middle East and Sub-Saharan Africa seeking asylum via illegal border crossings through international waters; and the conflict in Syria continues to drive displaced persons into regional bordering States, many of whom find their ability to protect and shelter refugees already stretched to capacity. What steps can be taken by the international community to increase the sustainment capacity of States dealing with such regional refugee crises?

### **Legal Framework:**

As the international community began to recover from the devastation of WWII, the protection of refugees and displaced persons was addressed by Article 44 of The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949). Two years later, the 1951 Convention Relating to the Status of Refugees provided a foundation for attempts by the international community to set binding standards for the rights of refugees fleeing conflict and societal violence. “Signed by 144 State parties, it defines the term ‘refugee’ and outlines the rights of the displaced, as well as the legal obligations of States to protect them”.<sup>1</sup> However, its designation of Refugees as “persons outside of their country of origin” failed to provide similar provisions for those who remained inside the borders of their own homeland.

Consequently, the 1967 Protocol Relating to the Status of Refugees was created to extend the definitional limits of the term ‘*Refugee*’, as well as State obligations to uphold the tenets of the Convention. A key concept laid out by these documents is ‘*the principle of non-refoulement*’, which stipulates that “States may not return a refugee, in any manner whatsoever, to the frontiers of territories where his/her life or freedom would be threatened because of his/her race, religion, membership of a particular social group, or political opinion”.<sup>2</sup>

Furthermore, highlighting the right of persons to “seek from other countries asylum from persecution” as provided for by Article 14(1) of the Universal Declaration of Human Rights, the UN general assembly adopted a resolution in 1967 regarding territorial asylum, in which it was reiterated that “granting asylum is a peaceful and humanitarian act that cannot be regarded as

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<sup>1</sup> 1951 Convention Relating to the Status of Refugees

<sup>2</sup> Marilyn Achiron and Kate Jastram, *Refugee Protection: A Guide to International Refugee Law* (Inter-Parliamentary Union & UNHCR, 2001), 5-146

unfriendly by any other State”.<sup>3</sup> During this time, multiple regional agreements were formed to further specify the obligations and best practices of State parties to ameliorate refugee crises. Included are the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, and the Cartagena Declaration. Additionally, the UNHCR formed an annual executive committee with a mandate to advise the High Commissioner of the current status of refugees within the international community, as well as to identify the continuing duties of Member States.

### **Challenges and Solutions:**

The UNHCR regards the implementation of the precepts of international humanitarian law into domestic legislation as vital for the effective execution of State obligations, because although international conventions and agreements lay out the legal framework for defining refugees, authority is left to national governments to make final determinations regarding the designation of refugee status on any individual or group of people. This means that as States fail to recognize persons as deserving of refugee status, a ‘*protection gap*’ is formed wherein displaced persons are left vulnerable to violations of their basic human rights.

As a means to promote the enactment of international law, the UNHCR offers a variety of advisory and executive services to State parliamentarians, as well as “those directly involved in refugee protection, including border guards, journalists, non-governmental organizations (NGOs), lawyers, judges and senior governmental officials”.<sup>4</sup> Additionally, the UNHCR “provides material relief in major emergencies, either directly or through partner agencies”.<sup>5</sup>

Refugee crises facing individuals, Member States and the international community as a whole, vary widely from emergency situations wherein efforts are targeted toward the immediate fulfillment of basic needs (such as food, shelter, and security), to long-standing conditions wherein little progress has been made in finding sustainable solutions for those displaced. For a variety of reasons, the crises that have suffered years, and even decades, of failed solutions can many times be more difficult for the UNHCR to address. Firstly; while emergent crises have the advantage of headline media coverage and a corresponding increase in publicly provided resources, long-standing crises may have become stale, hopeless, or even forgotten in the public eye. Secondly, those crises spanning over years or decades are likely to have deeply rooted causes that cannot be easily addressed by international action.

Efforts to find permanent solutions generally fall under three basic categories; voluntary repatriation, local integration, and refugee resettlement. Each of these solutions have their own unique advantages and challenges, and are achieved in a variety of ways. Voluntary repatriation is the most preferred crisis resolution. Ideally, the political instability in the homeland of those displaced will be sufficiently addressed to allow them to return to their homes. It can be difficult to achieve this result however, as conflict can be deeply rooted and its devastation difficult to recover from. Additionally, if relative stability is achieved, it is likely highly delicate and a

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<sup>3</sup> A/RES/2203(XXI)

<sup>4</sup> Achiron and Jastram, *Refugee Protection: A Guide to International Refugee Law*, 2001

<sup>5</sup> Achiron and Jastram, *Refugee Protection: A Guide to International Refugee Law*, 2001

massive influx of refugees back to their homes would cause significant stress to the newly established societal infrastructure. In this case, repatriation might simply force the returned displaced to leave their homes a second time.

If repatriation cannot be achieved, the UNHCR seeks to encourage the integration of refugee populations into their local communities by promoting assimilation and naturalization. While in many cases this can provide a lasting solution to the crises by allowing displaced persons to create new communities within they can find, and provide, sustainable social support, many States lack the resources or political will to sustain the permanent presence of refugees within their borders. As a last resort, the UNHCR will suggest refugees be resettled to a suitable location, within a State that has the necessary resources and social infrastructure to support their needs. This solution is usually reserved for those “at risk in their country of asylum, or for which there is no foreseeable, or durable solution”.<sup>6</sup>

**Questions to Consider:**

1. What are the differences between Refugees, Forcibly-Displaced Persons, Stateless Persons, and Asylum Seekers? What are the various challenges faced by, and posed by each group?
2. How does your State determine whether an asylum seeker is deserving of refugee status and the subsequent benefits and protections that come with such status? Do these procedures fit within the guidelines suggested by the UNHCR?
3. Does your state accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol? If not, why? Otherwise, what can be done to promote universal ratification?
4. Is your State currently hosting refugees, or otherwise providing support for persons displaced by conflict? What domestic infrastructure does your State utilize to create sustainable solutions for these refugees, including emergency food and shelter, education, healthcare, employment, security, and human rights guarantees? Does your State provide or rely on any international assistance in meeting these obligations? What long-term objectives or plans does your State have for finding lasting solutions to these crises?
5. What special considerations does your State make to protect women, children, and minorities, as well as the family integrity of refugees?

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<sup>6</sup> Achiron and Jastram, *Refugee Protection: A Guide to International Refugee Law*, 2001

## **Topic 2: Preventing and Preparing for a Projected Long-Term Increase in the Total Number of Refugees and Displaced Persons Due to Climate Change and Mounting Environmental Instability.**

### **Introduction:**

The recent establishment of the Paris Climate Change Agreement is a hallmark to the necessity of immediate action by the international community to prevent climate change, and prepare for its long-term consequences on human society. Although members of the international community have begun to focus on the reduction of global temperatures and its causes, the UNHCR remains deeply concerned about “the massive protection challenges raised by disasters and climate-related displacement”.<sup>7</sup> According to the Intergovernmental Panel on Climate Change, “there will be a projected increase in the number of people displaced over the course of this century”.<sup>8</sup> Publications released by the Internal Displacement Monitoring Centre suggest the effects of climate change related disasters have already begun to be felt by the international community as “the likelihood of being displaced by a disaster today is sixty percent higher than it was four decades ago”.<sup>9</sup>

As climate change continues to alter global and regional weather patterns, the number and magnitude of natural disasters will cause previously populated ecosystems to become temporarily or permanently unsuitable for human development. While some States are more geographically vulnerable to these challenges than others, all States can expect to see an increase in natural disasters and the socio-economic and political consequences resulting from human displacement. It is therefore vital to ensure the mechanisms and standard operating procedures utilized by the international community to protect persons displaced by natural disasters are adequate to meet these future challenges.

### **Legal Framework:**

The UNHCR has repeatedly expressed its views that “climate change is a serious issue compounding trends toward global instability including food and water insecurity, and competition over resources”.<sup>10</sup> Although a large majority of those effected are internally displaced persons, the growing number and severity of natural disasters is producing an increasing number of people who must cross an international border to find safety. Unfortunately, the large majority of these individuals are not protected by the 1951 Refugee Convention, as the convention specifies only those having a “well-founded fear of persecution on the grounds of race, religion, nationality, membership of a particular social group or political opinion”<sup>11</sup> to be designated refugee status. NGOs such as the Nansen Initiative seek to address such shortcomings in international law by “creating a bottom-up, State-led consultative process with multi-stakeholder involvement with the

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<sup>7</sup> Volker Turk, et al., UNHCR, the Environment & Climate Change (UNHCR, 2015), 4-17

<sup>8</sup> Intergovernmental Panel on Climate Change

<sup>9</sup> Sebastian Albuja, et al., Global Estimates 2015: People Displaced by Disasters (Norwegian Refugee Council: Internal Displacement Monitoring Centre, 2015), 8-79

<sup>10</sup> UNHCR

<sup>11</sup> 1951 Convention Relating to the Status of Refugees

objective to build consensus among governments on the key principles and elements regarding the protection of persons displaced across borders in the context of disasters”.<sup>12</sup>

Recognizing the vast majority of people displaced by natural disaster remain within their country of origin, and acknowledging the primary responsibility of national governments to provide for those displaced within their borders, the international community has enacted several protection mechanisms; “including the Guiding Principles on Internal Displacement, as well as regional measures, such as, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa”. Furthermore, in addition to the publication of best-practices and general guidelines, international bodies such as the UN Framework Convention on Climate Change have published decisions inviting all States to increase coordination and cooperation measures to address “climate change induced displacement, migration, and planned relocation at the national, regional and international levels”.<sup>13</sup>

### **Challenges and Solutions:**

Recognizing the risk of displacement is largely driven “by the increasing number of vulnerable people living in disaster-prone areas”,<sup>14</sup> the primary lines of effort by which the UNHCR seeks to reduce the risks of climate-related displacement are “effective adaption, disaster risk reduction, and development planning”.<sup>15</sup> In implementing this program, “the UNHCR supports an approach that focuses on the integration of effective practices by States and sub-regional organizations into normative frameworks in accordance to specific situations and challenges, rather than calling for a new binding international convention”.<sup>16</sup> In this light, the UNHCR promotes a ‘*cluster-approach*’ (see Appendix: figure 1) to developing holistic regional and domestic capacities, and leads the Global Protection Cluster which supports inter-agency cooperation throughout all relevant protection agencies. As a last resort, the UNHCR recommends States develop planned relocation strategies for those populations residing in high-risk reduction areas, but should be “minimized and always involve consultation with affected communities”.<sup>17</sup>

Moreover, the UNHCR considers the enhancement of refugee resilience to be key to promoting sustainability within the communities of those displaced by natural disasters. “Most refugees rely on their surrounding natural environment for food, water, livelihoods, shelter and fuel; limited access to these essentials can have severe repercussions on the socio-economic situation and safety of refugees”.<sup>18</sup> Environmental degradation caused by the utilization of a relatively small area of land by large numbers of refugees not only creates instability within the camps, but increasingly makes these populations vulnerable to the onset of more natural disasters, such as flooding and drought. By directing resources for renewable energy technologies and land

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<sup>12</sup> Volker Turn, et al., UNHCR, the Environment & Climate Change, 2015

<sup>13</sup> the UN Framework Convention on Climate Change (Paragraph 14 (f) of Decision 1 CP/16 of Conference of the Parties 16)

<sup>14</sup> UNHCR, Global Trends: Forced Displacement in 2014

<sup>15</sup> Framework for Assessing, Monitoring and Evaluating the Environment in Refugee-Related Operations (FRAME)

<sup>16</sup> IASC Framework on Durable Solutions for Internally Displaced Persons, 2010

<sup>17</sup> Volker Turn, et al., UNHCR, the Environment & Climate Change, 2015

<sup>18</sup> Volker Turn, et al., UNHCR, the Environment & Climate Change, 2015

rehabilitation strategies, such as reforestation and the promotion of sustainable land-use techniques, the UNHCR seeks to increase the safety and sustainability of refugee communities and minimize subsequent environmental degradation.

Highlighting the need for “active involvement of refugees and internally displaced persons in promoting and guiding such sustainability programs, the UNHCR advocates for the principals of action; integration, prevention before cure, cost-effectiveness, and local participation”<sup>19</sup>. As a part of local participation initiatives, support is given to field operations promoting the establishment of Community Environmental Action Plans, tailored towards specific refugee communities. In addition, “the UNHCR and CARE International developed the Framework for Assessing, Monitoring and Evaluating the Environment in refugee-related operations (FRAME) as a means to assess appropriate conservation and mitigation measures specific to each camp.

By promoting regional and domestic level emergency planning procedures, instituting a holistic cluster-approach to organizing resources for those most vulnerable to climate-induced displacement, and engaging refugee communities for the implementation of sustainability practices, the UNHCR seeks to better prepare at-risk communities facing an increasing risk of displacement.

### **Questions to Consider:**

1. Has your State had a recent history dealing with significant climate-induced displacement? If so, how was this crisis handled? What international aid organizations were relied on for immediate assistance? Were existing domestic procedures adequate to address every dimension of the crisis? What resulting policies does your State wish to share with the international community?
2. What official legislation have your State’s parliamentarians produced, if any, regarding the mitigation of global climate change? Has your State taken an official position regarding this international crisis?
3. How can States balance the need to relocate communities from high-risk disaster areas, while upholding the rights of those communities to self-determination and the maintenance of a traditional lifestyle in their homeland?
4. How has your State promoted land-use sustainability and the development of renewable energy resources? How can these best-practices and technologies be distributed to those most vulnerable to climate-induced displacement?
5. Does your State cooperate with international, regional, and domestic level governments, IGOs, and NGOs to address all aspects of climate-induced displacement? If so, how can the cluster-approach (see Appendix: figure 1) be refined for better efficiency and utilization?
6. How does resource-scarcity and conflict affect those displaced by natural disasters? How can the international community best help persons who face both conflict-driven instability and climate vulnerability?

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<sup>19</sup> Volker Turn, et al., UNHCR, the Environment & Climate Change, 2015

**APPENDIX**

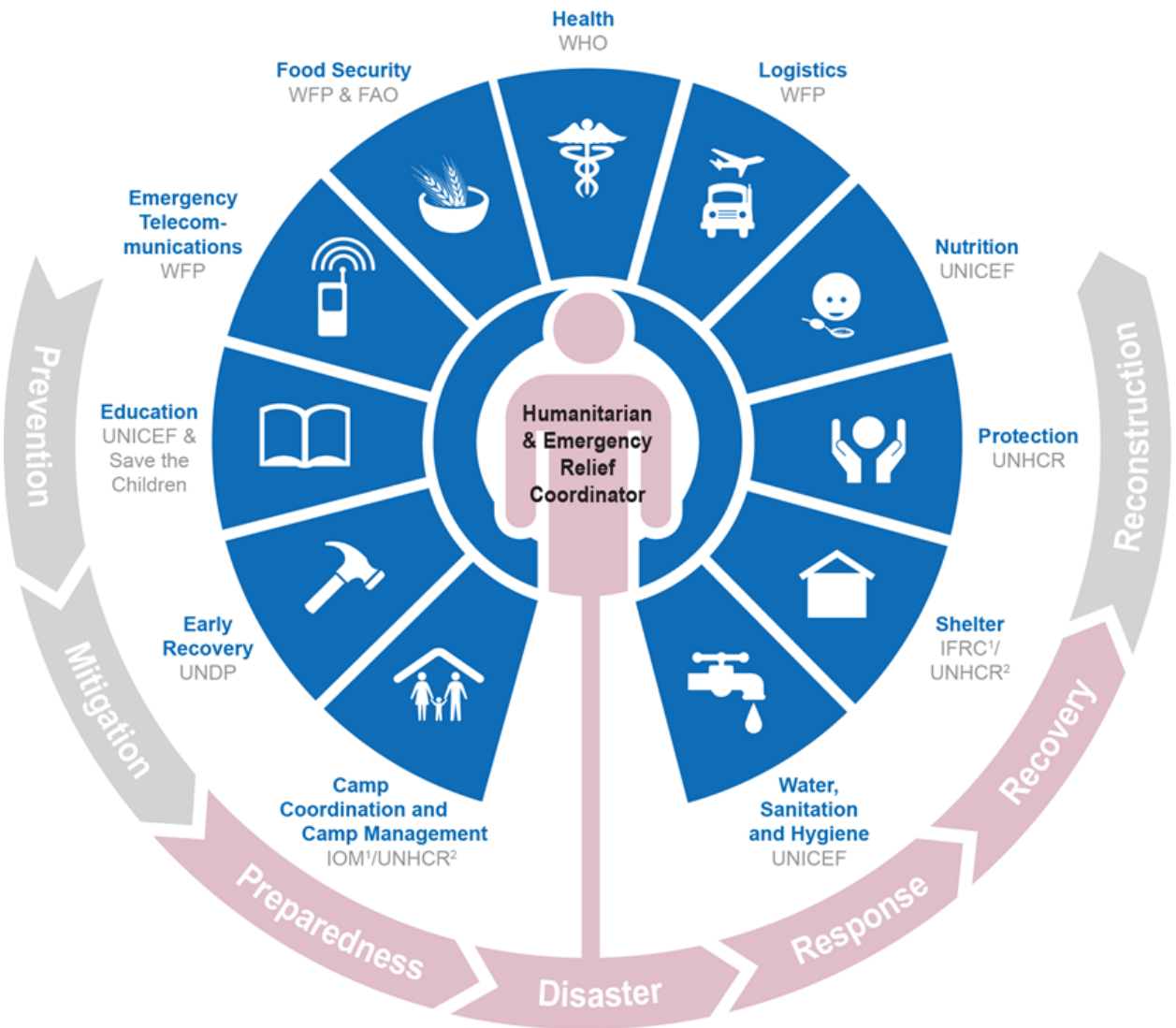


Figure 1: Inter-Agency Standing Committee's Cluster Approach