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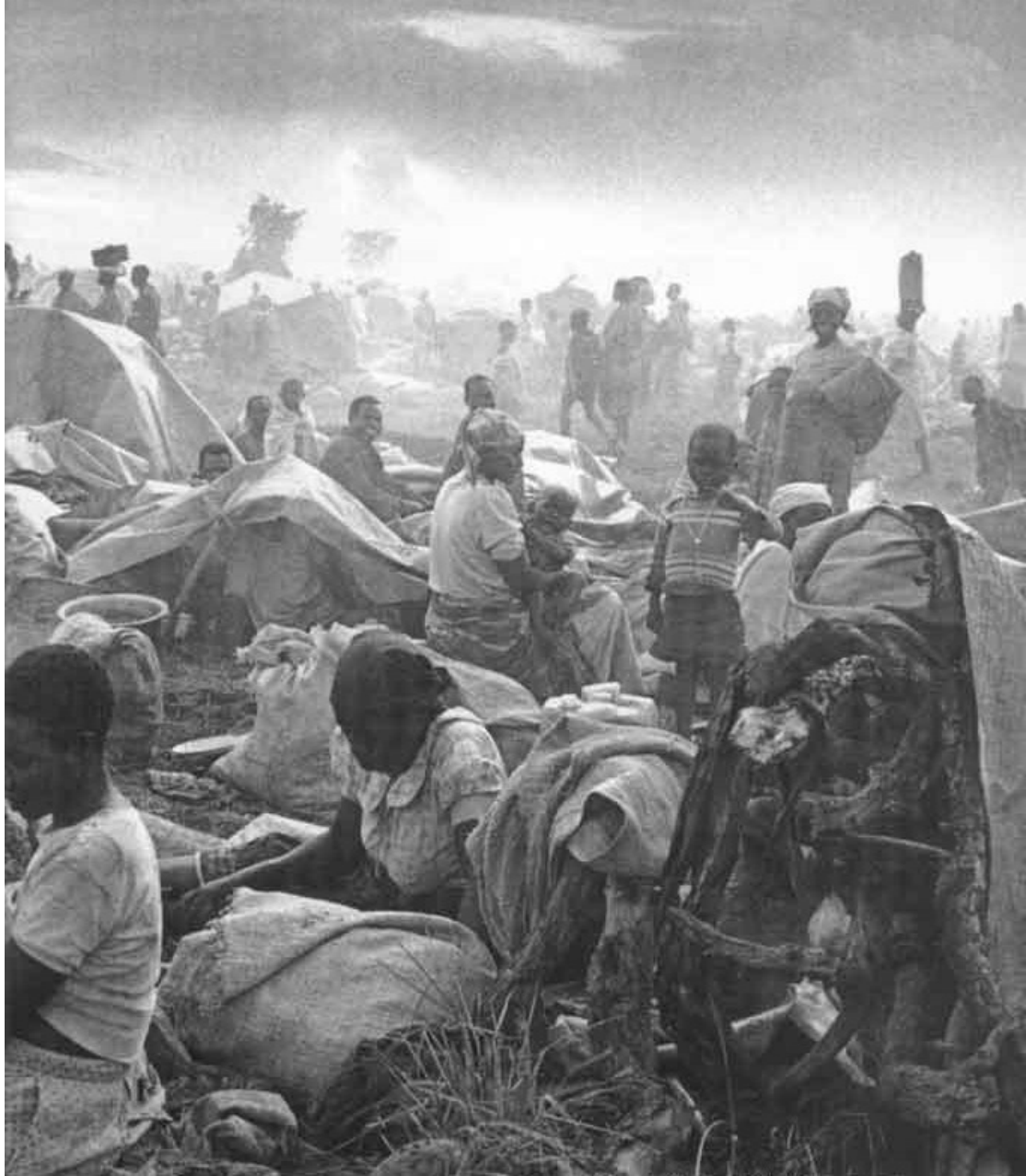
CSDMUN2009

# Refugees Resettlement

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A refugee is a person who flees to a foreign country or power to escape danger or persecution.

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 their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country.

The concept of a refugee was expanded by the Conventions' 1967 Protocol and by regional conventions in Africa and Latin America to include persons who had fled war or other violence in their home country. A person who is seeking to be recognized as a refugee is an asylum seeker. Refugee was defined as a legal group in response to the large numbers of people fleeing Eastern Europe following World War II. The lead international agency coordinating refugee protection is the Office of the United Nations High Commissioner for Refugees (UNHCR), which counted 8,400,000 refugees worldwide at the beginning of 2006. This was the lowest number since 1980. The major exception is the 4,300,000 Palestinian refugees under the authority of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), who are the only group to be granted refugee status to the descendants of refugees according to the above definition. The U.S. Committee for Refugees and Immigrants gives the world total as 62,000,000 refugees and estimates there are over 34,000,000 displaced by war, including internally displaced persons, who remain within the same national borders. The majority of refugees who leave their country seek asylum in countries neighboring their country of nationality. The "durable solutions" to refugee populations, as defined by UNHCR and governments, are: voluntary repatriation to the country of origin; local integration into the country of asylum; and resettlement to a third country.

As of December 31, 2005, the largest source countries of refugees are the Afghanistan, Iraq, Myanmar, Sudan, and the Palestinian Territories. The country with the largest number of IDPs is Sudan, with over 5 million. According to UNHCR estimates, over 4.7 million Iraqis have had to leave their country since the US-led invasion of Iraq in 2003, with 2.7 million within Iraq and 2 million in neighbouring countries. At least 60,000 Iraqis are losing their homes and becoming refugees every month.

## History

The concept of the meaning that a person who fled into a holy place could not be harmed without inviting divine retribution, was understood by the ancient

Greeks and ancient Egyptians. However, the right to seek asylum in a church or other holy place, was first codified in law by King Ethelbert of Kent in about 600 A.D. Similar laws were implemented throughout Europe in the Middle Ages. The related concept of political exile also has a long history: Ovid was sent to Tomis and Voltaire was exiled to England. Through the 1648 Peace of Westphalia, nations recognized each others' sovereignty. However, it was not until the advent of romantic nationalism in late eighteenth century Europe that nationalism became prevalent enough that the phrase "country of nationality" became meaningful and people crossing borders were required to provide identification.

One million Armenians fled Turkey between 1915-1923 to escape persecution and genocide. The term "refugee" is sometimes applied to people who may have fit the definition, if the 1951 Convention was applied retroactively. There are many candidates. For example, after the Edict of Fontainebleau in 1685 outlawed Protestantism in France, hundreds of thousands of Huguenots fled to England, the Netherlands, Switzerland, South Africa, Germany and Prussia. Repeated waves of pogroms swept Eastern Europe, propelling mass Jewish emigration (more than 2 million Russian Jews emigrated in the period 1881-1920). Various groups of people were officially designated refugees beginning in World War I.

The first international coordination on refugee affairs was by the League of Nations' High Commission for Refugees. The Commission, led by Fridtjof Nansen, was set up in 1921 to assist the approximately 1,500,000 persons who fled the Russian Revolution of 1917 and the subsequent civil war (1917-1921), most of them aristocrats fleeing the Communist government. In 1923, the mandate of the Commission was expanded to include the more than one million Armenians who left Turkish Asia Minor in 1915 and 1923 due to a series of events now known as the Armenian Genocide. Over the next several years, the mandate was expanded to include Assyrians and Turkish refugees.[9] In all of these cases, a refugee was defined as a person in a group for which the League of Nations had approved a mandate, as opposed to a person to whom a general definition applied.

The 1923 population exchange between Greece and Turkey involved some two million people, most forcibly made refugees and de jure denaturalized from homelands of centuries or millennia, in a treaty promoted and overseen by the international community as part of the Treaty of Lausanne.

The U.S. Congress passed the Emergency Quota Act in 1921, followed by the Immigration Act of 1924. The Immigration Act of 1924 was aimed at further restricting the Southern and Eastern Europeans, especially Jews, Italians and



Slavs, who had begun to enter the country in large numbers beginning in the 1890s. Most of the European refugees (principally Jews and Slavs) fleeing the Stalin, Nazis and World War II were barred from coming to the United States.

In 1930, the Nansen International Office for Refugees was established as a successor agency to the Commission. Its most notable achievement was the Nansen passport, a passport for refugees, for which it was awarded the 1938 Nobel Peace Prize. The Nansen Office was plagued by inadequate funding, rising numbers of refugees and the refusal by League members to let the Office assist their own citizens. Regardless, it managed to convince fourteen nations to sign the Refugee Convention of 1933, a weak human right instrument, and assist over one million refugees. The rise of Nazism led to such a severe rise in refugees from Germany that in 1933 the League created a High Commission for Refugees Coming from Germany. The mandate of this High Commission was subsequently expanded to include persons from Austria and Sudetenland. 150,000 Czechs were displaced after October 1, 1938, when the German army entered the border regions of Czechoslovakia surrendered in accordance with the Munich Agreement. On 31 December 1938, both the Nansen Office and High Commission were dissolved and replaced by the Office of the High Commissioner for Refugees under the Protection of the League. This coincided with the flight of several hundred thousand Spanish Republicans to France after their loss to the Nationalists in 1939 in the Spanish Civil War.

## **World War II and UNHCR**

The conflict and political instability during World War II led to massive amounts of forced migration (see World War II evacuation and expulsion). In 1943, the Allies created the United Nations Relief and Rehabilitation Administration (UNRRA) to provide aid to areas liberated from Axis powers, including parts of Europe and China. This included returning over seven million refugees, then commonly referred to as displaced persons or DPs, to their country of origin and setting up displaced persons camps for one million refugees who refused to be repatriated.

In the last months of World War II some five million German civilians from the German provinces of East Prussia, Pomerania and Silesia fled the onslaught of the Red Army and became refugees in Mecklenburg, Brandenburg and Saxony. After the capitulation of the Wehrmacht in May 1945 the Allies occupied Germany in the borders as they were on 31 December 1937 (Berlin declaration of 5 June 1945), but since the spring of 1945 the Poles had begun expelling the remaining German population (ethnic cleansing) and by the time the Allies met in Potsdam on 17 July 1945 Potsdam Conference, a chaotic refugee situation faced the occupying powers, who, pursuant to Article IX of

the Potsdam protocol of 2 August 1945 provisionally placed one fourth of Germany's territory under Polish administration; pursuant to article XIII of the protocol, the remaining German populations in Poland, Czechoslovakia and Hungary were to be transferred West in an "orderly and humane" manner. Although not approved by Allies at Potsdam, hundreds of thousands of ethnic German living in Yugoslavia and Romania were deported to slave labour in the Soviet Union and subsequently expelled to occupied Germany Allied-occupied Germany and subsequently to the German Democratic Republic, Austria and the Federal Republic of Germany. This entailed the largest population transfer in history. In all 15 million Germans were affected, and more than two million perished expulsion of the German population(Statistisches Bundesamt, *Die Deutschen Vertreibungsverluste*, Wiesbaden, 1958; Alfred de Zayas, "Forced Resettlement", "Population, Expulsion and Transfer", "Repatriation" in *Encyclopaedia of Public International Law*, North Holland Publishers, Vols. 1-5, Amsterdam 1993-2003; Norman Naimark, *The Russians in Germany*, Harvard University Press, 1995; Alfred de Zayas, *Nemesis at Potsdam*, Routledge, London and Boston, 1977; Alfred de Zayas, "A Terrible Revenge" Palgrave/Macmillan 2006), (see German exodus from Eastern Europe). Between the end of World War II and the erection of the Berlin Wall in 1961, more than 563,700 refugees from East Germany traveled to West Germany for asylum from the Soviet occupation.

Also, millions of former Russian citizens were forcefully repatriated (against their will) into the USSR. On 11 February 1945, at the conclusion of the Yalta Conference, the United States and United Kingdom signed a Repatriation Agreement with the USSR. The interpretation of this Agreement resulted in the forcible repatriation of all Soviets regardless of their wishes. When the war ended in May 1945, British and U.S. civilian authorities ordered their military forces in Europe to deport to the Soviet Union millions of former residents of the USSR, including numerous persons who had left Russia and established different citizenship many years before. The forced repatriation operations took place from 1945-1947. At the end of the World War II, there were more than 5 million "displaced persons" from the Soviet Union in the Western Europe. About 3 million had been forced laborers (Ostarbeiters in Germany and occupied territories. The Soviet POWs and the Vlasov men were put under the jurisdiction of SMERSH (Death to Spies). Of the 5.7 million Soviet prisoners of war captured by the Germans, 3.5 million had died while in German captivity by the end of the war. The survivors on their return to the USSR were treated as traitors (see Order No. 270). Over 1.5 million surviving Red Army soldiers imprisoned by the Germans were sent to the Gulag.

Poland and Soviet Ukraine conducted population exchanges - Poles that resided east of the established Poland-Soviet border were deported to Poland (ca. 2,100,000 persons) (see Repatriation of Poles) and Ukrainians that

resided west of the established Poland-Soviet Union border were deported to Soviet Ukraine. Population transfer to Soviet Ukraine occurred from September 1944 to May 1946 (ca. 450,000 persons) (see Repatriation of Ukrainians). Some Ukrainians (ca. 200,000 persons) left southeast Poland more or less voluntarily (between 1944 and 1945).

The UNRRA was shut down in 1947, at which time it was taken over by the newly instituted International Refugee Organization. While the handover was originally planned to take place at the beginning of 1947, it did not occur until July 1947. The International Refugee Organization was a temporary organization of the United Nations (UN), which itself had been founded in 1945, with a mandate to largely finish the UNRRA's work of repatriating or resettling European refugees. It was dissolved in 1952 after resettling about one million refugees. The definition of a refugee at this time was an individual with either a Nansen passport or a "Certificate of Eligibility" issued by the International Refugee Organization.

## UNHCR

Headquartered in Geneva, Switzerland, the Office of the United Nations High Commissioner for Refugees (UNHCR) (established December 14, 1950) protects and supports refugees at the request of a government or the United Nations and assists in their return or resettlement. All refugees in the world are under the UNHCR mandate except Palestinian Arabs who fled the future Jewish state between 1947 and 1948 (see below). However, Palestinians who fled the Palestinian territories after 1948 (for example, during the 1967 six day war) are under the jurisdiction of the UNHCR.

UNHCR provides protection and assistance not only to refugees, but also to other categories of displaced or needy people. These include asylum seekers, refugees who have returned home but still need help in rebuilding their lives, local civilian communities directly affected by the movements of refugees, stateless people and so-called internally displaced people (IDPs). IDPs are civilians who have been forced to flee their homes, but who have not reached a neighboring country and therefore, unlike refugees, are not protected by international law and may find it hard to receive any form of assistance. As the nature of war has changed in the last few decades, with more and more internal conflicts replacing interstate wars, the number of IDPs has increased significantly to an estimated 5 million people worldwide.

It succeeded the earlier International Refugee Organization and the even earlier United Nations Relief and Rehabilitation Administration (which itself succeeded the League of Nations' Commissions for Refugees).

UNHCR was awarded the Nobel Peace Prize in 1954 and 1981. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

Many celebrities are associated with the agency as UNHCR Goodwill Ambassadors, currently including Angelina Jolie, Giorgio Armani and others. The individual who has raised the most money in benefit performances and volunteer work on behalf of UNHCR was Luciano Pavarotti.

UNHCR's mandate has gradually been expanded to include protecting and providing humanitarian assistance to what it describes as other persons "of concern," including internally-displaced persons (IDPs) who would fit the legal definition of a refugee under the 1951 Refugee Convention and 1967 Protocol, the 1969 Organization for African Unity Convention, or some other treaty if they left their country, but who presently remain in their country of origin. UNHCR thus has missions in Colombia, Democratic Republic of the Congo, Serbia and Montenegro and Côte d'Ivoire to assist and provide services to IDPs.

As of January 1, 2006 there are 20,751,900 refugees in the world. Asia - 8,603,600 Africa - 5,169,300 Europe - 3,666,700 Latin America and Caribbean - 2,513,000 North America - 716,800 Oceania - 82,500

### **Asylum seekers**

Refugees are a subgroup of the broader category of displaced persons. Environmental refugees (people displaced because of environmental problems such as drought) are not included in the definition of "refugee" under international law, as well as internally displaced people. According to international refugee law, a refugee is someone who seeks refuge in a foreign country because of war and violence, or out of fear of persecution "on account of race, religion, nationality, political opinion, or membership in a particular social group" (to use the terminology from U.S. law).

Until a request for refuge has been accepted, the person is referred to as an asylum seeker. Only after the recognition of the asylum seeker's protection needs, he or she is officially referred to as a refugee and enjoys refugee status, which carries certain rights and obligations according to the legislation of the receiving country.

The practical determination of whether a person is a refugee or not is most



often left to certain government agencies within the host country. This can lead to a situation where the country will neither recognize the refugee status of the asylum seekers nor see them as legitimate migrants and treat them as illegal aliens.

On the other hand, fraudulent requests in an environment of lax enforcement could lead to improper classification as refugee, resulting in the diversion of resources from those with a genuine need. The percentage of asylum/refugee seekers who do not meet the international standards of special-needs refugee, and for whom resettlement is deemed proper, varies from country to country. Failed asylum applicants are most often deported, sometimes after imprisonment or detention, as in the United Kingdom.

A claim for asylum may also be made onshore, usually after making an unauthorized arrival. Some governments are relatively tolerant and accepting of onshore asylum claims; other governments will not only refuse such claims, but may actually arrest or detain those who attempt to seek asylum.

Non-governmental organizations concerned with refugees and asylum seekers have pointed out difficulties for displaced persons to seek asylum in industrialized countries. As their immigration policy often focuses on the fight of irregular migration and the strengthening of border controls it deters displaced persons from entering territory in which they could lodge an asylum claim. The lack of opportunities to legally access the asylum procedures can force asylum seekers to undertake often expensive and hazardous attempts at illegal entry.

## **Displaced women and children**

An estimated 80% of refugees are women and children. They often carry the heaviest burden of survival for themselves and their families. Women and adolescent girls in refugee settings are especially vulnerable to exploitation, rape, abuse and other forms of gender-based violence.

Children and youth constitute approximately 50 percent of all refugees worldwide. They are the deliberate targets of abuse, and easy prey to military recruitment and abduction. They typically miss out on years of education, particularly the younger ones. More than 43 million children living in conflict-affected areas don't have a chance to go to school.

Girls in particular face significant obstacles accessing education. Families who lack funds for school fees, uniforms, books, etc. are often influenced by cultural norms to prioritize education for boys over girls. Girls are typically pulled out of school before boys, often to help with traditional care-giving/work roles including care for younger siblings, gathering firewood and cooking. Early or

forced marriage can also derail a girl's education.

Without an education, refugee women and youth often struggle to support themselves and their families. With refugees displaced for longer periods of time than ever before (68% of all refugees are now displaced for an average of 17 years), the ability for refugees—particularly women and youth—to earn a living and sustain themselves and their families (“livelihoods”) is becoming even more critical. Livelihoods are vital for the social, emotional and economic well-being of displaced persons and are a key way to increase the safety of displaced women and adolescents. Lack of education, minimal job prospects, and disproportionate responsibility at home all limit the livelihood opportunities of women and youth.

On occasion, people who have been uprooted from their homes come to the United States in search of safe haven. They may be detained by the U.S. government, often until their asylum cases are decided—which can amount to days, weeks, months or even years. Many of those detained are women and children who seek asylum in the United States after fleeing from gender- and age-related persecution. Sometimes the children are alone, having fled abusive families or other human rights abuses. Detained women asylum seekers are also particularly vulnerable to abuse in detention. Women and children asylum seekers who reach the United States are often imprisoned and at times subjected to inhumane conditions, abuse and poor medical care, and denied legal representation and other services.

Refugee advocacy organizations, including the Women's Commission For Refugee Women and Children, focus their programs and advocacy specifically on the needs of refugee women, children and youth.

## **Refugee law**

Under international law, refugees are individuals who:  
are outside their country of nationality or habitual residence;  
have a well-founded fear of persecution because of their race, religion, nationality, membership in a particular social group or political opinion; and  
are unable or unwilling to avail themselves of the protection of that country, or to return there, for fear of persecution.

Refugee law encompasses both customary law, peremptory norms, and international legal instruments. These include:

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

## **Refugee camps**

A refugee camp is a place built by governments or NGOs (such as the ICRC) to receive refugees. People may stay in these camps, receiving emergency food and medical aid, until it is safe to return to their homes or until they get retrieved by other people outside the camps. In some cases, often after several years, other countries decide it will never be safe to return these people, and they are resettled in "third countries," away from the border they crossed. However, more often than not, refugees are not resettled. In the mean time, they are at risk for disease, child soldiering, terrorist recruitment, and physical and sexual violence.

Globally, about 17 countries (Australia, Benin, Brazil, Burkina Faso, Canada, Chile, Denmark, Finland, Iceland, the Republic of Ireland, Mexico, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom, and the United States ) regularly accept quota refugees from places such as refugee camps. Usually these are people who have escaped war. In recent years, most quota refugees have come from Iran, Afghanistan, Iraq, Liberia, Somalia, and Sudan, which have been in various wars and revolutions, and the former Yugoslavia, due to the Yugoslav wars.

According to Agence France Presse, Japan accepted just ten people into the country as refugees in 2003, the lowest number since it let in just one in 1997. Despite denying them refugee status, Japan accepted 16 more people on special humanitarian grounds during the year -- also the lowest figure since 1997, when it accepted three. In contrast, 336 people applied for refugee status in Japan over the year, the highest figure in two years. Various international organizations, including the UN High Commissioner for Refugees, have asked Japan to accept more refugees.

The United States took in 85,010 for resettlement, according to the UNHCR. New Zealand accepted 1,140 refugees in 1999.

## **Climate Change Refugees**

Sea level rise and raising global temperatures threaten food security and state sovereignty for many around the world. Higher temperatures are expected to further raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The IPCC (Intergovernmental Panel on Climate Change) estimates that the global average sea level will rise between 0.6 and 2 feet (0.18 to 0.59 meters) in the next century. While other sources suggest that this conclusion is too conservative. Science and Nature Geoscience used

empirical data from last century to project that sea levels could be up to 5 feet higher (0.5 to 1.4 meters) in 2100 and rising 6 inches per decade. These models provide evidence that people that call low lying atolls, islands, and the Arctic home will become refugees.

In tropical and subtropical regions and even in temperate zones where crops and livestock production play an essential role in a regions economy are highly susceptible to global temperature rise and in turn food security crises . Severe drought and hunger related deaths will become more prevalent, causing “unprecedented rates of migration from north to south, from rural to urban areas, and from landlocked to coastal countries” as was seen between the late 1960s to the early 1990s by the Sahal.

## **World Refugee Day**

World Refugee Day occurs on June 20. The day was created in 2000 by a special United Nations General Assembly Resolution. June 20 had previously been commemorated as African Refugee Day in a number of African countries.

In the United Kingdom World Refugee Day is celebrated as part of Refugee Week. Refugee Week is a nationwide festival designed to promote understanding and to celebrate the cultural contributions of refugees, and features many events such as music, dance and theatre.

In the Roman Catholic Church, the World Day of Migrants and Refugees is celebrated in January each year, having been instituted in 1914 by Pope Pius X.

### **ATTACHMENT:**

Table with data on Refugees 1975-2007  
(<http://data.un.org/Search.aspx?q=refugees>)

## **Convention Relating to the Status of Refugees**

The United Nations Convention Relating to the Status of Refugees is an international convention that defines who is a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum. The convention also sets out which people do not qualify as refugees, such as war criminals. The Convention also provides for some visa-free travel for holders of travel documents issued under the convention.

The convention was approved at a special United Nations conference on 28 July 1951. It was initially limited to protecting European refugees after World War II but a 1967 Protocol removed the geographical and time limits, expanding the Convention's scope. Because the convention was approved in

Geneva, it is often referred to as "the Geneva Convention," though it is not one of the Geneva Conventions specifically dealing with allowable behavior in time of war.

Denmark was the first state to ratify the treaty (on 4 December 1952) and there are now 147 signatories to either or both the Convention and Protocol.

Article 1 of the Convention as amended by the 1967 Protocol provides the definition of a refugee:

"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 or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it"

Refugee law is the branch of international law which deals with the rights and protection of refugees. It is related to, but distinct from, international human rights law and international humanitarian law, which deal respectively with human rights in general, and the conduct of war in particular.

## **Sources of refugee law**

Refugee law encompasses both customary law, peremptory norms, and international legal instruments. The only international instrument is the UN Convention, with an optional Protocol, while various regional bodies have instruments applying only to member states. The instruments include:

- the 1951 United Nations Convention Relating to the Status of Refugees modified by the 1967 Protocol Relating to the Status of Refugees, which a country has to have signed separately

- the 1966 Bangkok Principles on Status and Treatment of Refugees adopted at the Asian-African Legal Consultative Committee in 1966.

- the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

- the 1984 Cartagena Declaration on Refugees for Latin America

- the 1976 Council of Europe's Recommendation 773 (1976) on the Situation of de facto Refugees.

- the 2004 European Union's Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and content of the protection granted.



Table with data on Refugees 1975-2007  
(<http://data.un.org/Search.aspx?q=refugees>)

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