KENYA MODEL UNITED NATIONS

20TH SESSION

1st MOCK DEBATE

THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

BACKGROUND GUIDE

AGENDA:

ENCOURAGING REFORMS IN EU POLICIES TO PROTECT REFUGEES

LETTER FROM THE DIAS

Dear delegates,

The dais of the United Nations High Commission for refugees is pleased to have you for the 1st Mock Debate of the 20th session. The dais shall comprise of:

Valyne Laibuta- Chair
Samuel Mue- Co-chair
Aisha Anwar- Committee Secretary
Qaliti Roba- Committee Rapporteur

This session and in particular the upcoming debate, we have aptly selected topics that will yield intriguing and fruitful deliberations. They touch on both local and global issues. It is therefore our expectation that you will give your utmost contribution during the debate.

To enable you to get the most out of this experience, we'd like you to familiarize yourself with the given topic. This can be achieved through a thorough reading of this background guide coupled with vast research on the issues raised by the guide topic.

We encourage you to carry out extensive research about your country's position and also give a substantial position paper as a write-up. Kindly note that the Position Papers, which are due by Wednesday, 28th October 2020 11:59pm, shall be sent to the Committee email;
specializedagency2@kenyamodelun.or.ke
We look forward to meeting you all during the Mock Debate.

Regards,
UNHCR Dias.

COMMITTEE BACKGROUND

The United Nations High Commission for Refugees (UNHCR) form a multilateral, intergovernmental institution established by the United Nations General Assembly (GA) in the wake of the Second World War in 1950 to help millions of Europeans who had fled or lost their homes. The office has since done a commendable job that has led them to win several prizes including the Nobel Peace Prize in 1954 for its groundbreaking work in Europe.

The start of the 21st century has seen UNHCR help with major refugee crises in Africa, the Middle East and Asia. The Office of The United Nations High Commissioner for Refugees has also used its expertise over the years to help many who are internally displaced by conflict as well as stateless people. In some parts of the world such as Africa and Latin America, the 1951 Refugee Convention has been strengthened by additional regional legal instruments. UNHCR is now celebrating its 70th anniversary, works in over 135 countries and has become the worldwide assistance to Refugees that has seen millions of asylum seekers successfully restart their lives.

UNHCR FIRST MOCK DEBATE BACKGROUND GUIDE

THE MANDATE OF THE COMMITTEE

The United Nations High Commission for Refugees (UNHCR) is primarily mandated to provide international protection and humanitarian assistance and to seek permanent solutions for persons within its core mandate responsibilities. The Committee's original core mandate covered only refugees; all persons outside their country of origin for reasons of feared persecution, conflict and generalized violence. Over time, UNHCR's mandate has been expanded to cover returnees and stateless persons as well.

UNHCR does not have a general mandate for internally displaced people. However, it may be involved in certain circumstances to enhance protection and provide humanitarian assistance. Given the particular character of refugees as people who lack the protection of their own countries, UNHCR was established as the legal entity to intercede on their behalf as best illustrated by its supervisory responsibilities in respect of international refugee instruments. The United Nations High Commission for Refugees role concerning States' compliance with their international obligations towards asylum-seekers are as follows:

1. Returnees are former refugees who have returned to their country of origin spontaneously or in an organized fashion but are yet to be fully integrated, including those returning as part of the operationalization of the cessation clauses in the 1951 Convention and regional equivalents.

2. A stateless person is someone who is not considered a national by any State under the operation of its law (article 1 of the 1954 Convention relating to the Status of Stateless Persons).

3. UNHCR's supervisory responsibility is set out explicitly in its Statute, as well as in Article 35 of the 1951 Refugee Convention and Article II of the 1967 Protocol and requires all contracting states to cooperate with UNHCR in the exercise of its responsibilities.

4. UNHCR is competent in the capacity of its Statute and international treaty law to oversee all instruments relevant to refugee protection.

The effective exercise of the Committee's mandate is underpinned by the commitment from Governments to cooperate and acknowledge its role in the effective coordination of measures taken to deal with the Refugee problem.

AGENDA ITEM: ENCOURAGING REFORM OF EU POLICIES TO PROTECT REFUGEES

There has been a European Refugee Crisis ever since 2015, where more than a million refugees entered Europe. With the high influx of refugees, countries were unable to cope with it and there was a division in the European Union on how to handle the crisis and the refugees.[1] European policies have mostly been hostile as they intend to keep refugees away from their borders. Patrolling of Europe's waters have intensified due to deals made with Turkey and Libya who are meant to keep refugees from reaching European borders. Restrictions have been imposed on NGO rescue boats in the Mediterranean Sea making it harder for refugees to safely cross the sea and as a result some end up dying.[2] Anti-immigration policies have taken shape in Europe, sometimes being used for political gain, resulting in hostility towards refugees from Europeans who feel like they threaten their jobs and opportunities.

Encouraging reforms in the European Union policies to protect refugees has become essential as the number of refugees migrating into Europe is increasing. According to UNHCR as of Oct 6, 2020, there have been 60,011 refugee arrivals on European borders.[3] This number does not account for thousands who have been expelled from borders like the over 1000 refugees who have been abandoned by Greek officials since March this year.[4] Without the reform of European policies that strictly adhere to the 1951 Convention on the Status of Refugees and its protocol, these African and Middle Eastern refugees would lack the protection they so desperately need, and human right violations shall continue.

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[1] https://www.bbc.com/news/world-europe-34131911
[2] https://www.theguardian.com/world/2019/jun/09/mediterranean-sea-of-blood-migrant-refugee-rescue-boats-un-unhcr
[3] https://data2.unhcr.org/en/situations/mediterranean
[4] https://www.middleeastmonitor.com/20200817-greece-secretly-expels-over-1000-refugees-abandoning-them-at-sea/

UNHCR FIRST MOCK DEBATE BACKGROUND GUIDE

STATEMENT OF THE PROBLEM

History of the Problem

The migration of Africans and people from the Middle East into Europe has largely characterized the socio-political climate of Europe from the mid-20th Century to now. Since the 1960s the most African refugees in Europe migrated from Tunisia, Morocco and Algeria and flooded the following European states: Netherlands, France, Belgium and Germany.[5] However, as the demand for unskilled labourers grew in the 1980s in countries such as Spain and Italy; there was an influx of illegal African refugees seeking a better life.

The number of illegal refugees fleeing into European countries has not only grown immensely but now Europe is seeing an influx of refugees from Sub-Saharan Africa, North Africa and the Middle East. According to a 2015 Eurostat report, European Union (EU) member states received 1.2 million first-time asylum applications in 2015, which was more than double the number of asylum applications they received the previous year.[6]

According to the United Nations Human Commissioner for Refugees, most of the African and Middle Eastern refugees that were seeking asylum in Europe were fleeing conflict, wars and political/religious persecutions in their home countries.[7] Wars in Somalia, Afghanistan, Syria, Iraq and many more regions were fueling the migrant crisis in Europe. Additionally, refugees from countries such as Algeria, Libya and Eritrea fled to Europe due to fear of forced labour.[8] The EU member states have been economically overwhelmed by the influx of refugees over the past century, so much that they have begun to implement policies to lockout refugees from their countries, which contravenes the UNHCR mandate.

[5] https://doi.org/10.1080/01436590802386435
[6] https://ec.europa.eu/Eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6
[7] https://data2.unhcr.org/en/situations/mediterranean
[8] https://www.theguardian.com/world/2015/jul/22/eritrea-migrants-child-soldier-fled-what-is-going

Current Situation

The number of African and Middle Eastern refugees continues to rise in European countries. The establishment of the Migration Partnership Framework (MPF) by the EU member states in 2016 seeks to mobilize resources to sustainably manage migration flows into Europe, however, since its establishment African and Middle Eastern refugees still have their rights breached and disregarded by EU member states.[9] Disagreements and tensions have risen between EU member states on how to handle the migrant crisis through the MPF which in turn has led to the protection and the human rights of the refugees being overlooked.

African refugees risk their lives daily by crossing the dangerous Mediterranean Sea to seek asylum in European countries. The opening of the Macedonia route led to over 100,000 refugees from the Middle East passing through Serbia and Macedonia every day by the summer of 2015. Eventually, countries such as Hungary and Slovenia became overwhelmed financially and economically and began restricting the number of refugees in the country. This has left many Middle Eastern refugees stranded in Serbia and Macedonia where they were subjected to deplorable humanitarian conditions leaving them vulnerable to exploitation. Most African refugees come from Mali, Somali and Equatorial Guinea while those from the Middle East come from Afghanistan, Iraq and Syria, all fleeing from political instability and warfare that is prominent in their nations.

Despite refugees hoping for safety and a better life in European nations, they are faced with even more hardships. As of 2016, most EU member states have not only been abusing rights policies but also they have been endorsing policies that purpose to limit arrivals of refugees from the Middle East and Africa and to also outsource the responsibility of offering safety to regions and countries outside the EU. For example, in 2016, the EU brokered an agreement with Turkey in which the EU would offer 6 Billion Euros in financial assistance and a liberal visa regime to Turkish citizens if they could successfully restrict the flow of people not only from Syria and Afghanistan but also from Africa. The UNHCR was not a party to the EU-Turkey Deal and stated that it will not be involved with return and detentions. EU states have also securitized

[9] https://reliefweb.int/sites/reliefweb.int/files/resources/3_migrationpartnershipframework_2pg.pdf

their borders, on arrival African and Middle Eastern refugees alike can face detention, encouragement to move to another country or exploitation and abuse.

With the high rise in African and Middle Eastern refugees in Europe, there has been growing disapproval by European citizens. Many of them claim that the refugees are increasing crime rates which have led to them feeling unsafe within their own countries or while others claim that the refugees are stealing their jobs. Many political parties have begun to use anti-immigration policies and sentiments to gain votes and popularity among the public. For example, the nationalist Sweden Democrats have gained significant popularity once they began sharing their anti-immigration views.[10]

PAST UN ACTIONS

The United Nations High Commissioner for Refugees is guided by the 1951 Convention on the Status of Refugees and its1967 Protocol. The 1951 Convention underpins the non-**refoulment principle** where states are required not to send back any refugee or asylum seekers to a country where they might face persecution or any kind of harm. By the European Union having hostile policies towards refugees, they continue to violate the non-refoulment principle by forcing refugees to return to terrible conditions. The UNHCR is determined to ensure that refugees will be protected at times by being on the ground and urging states to change their hostile policies

UNHCR works with states to help them coordinate responses to influx of refugees and refugees in accordance with their principles. In 2016, UNHCR supported the Greek authorities in handling the higher number of refugees that arrived. They maintained their presence there to ensure that refugee and human rights standards were upheld. Additionally, UNHCR staff were present at the shoreline to aid incoming refugees and counsel them if need be. Aligning itself with its principles, UNHCR was a not party to the EU-Turkey deal and neither will participate in returning refugees or any business with detention centres.[11]

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[10] https://www.bbc.com/news/world-europe-53925209
[11] https://www.unhcr.org/56f10d049.html

UNHCR FIRST MOCK DEBATE BACKGROUND GUIDE

After consultations led by the UNHCR member states, On 17 December 2018, the United Nations General Assembly put into force the Global Compact on Refugees.[12] This framework provides a plan of how governments, international organizations and others should support states and ensure that refugees can live productive lives. The four main objectives are to Ease the pressure on host countries; enhance refugee-reliance; expand access to third-country solutions; support conditions in countries of origin for return in safety in dignity.[13]

UNHCR has acknowledged that the EU can play a leading role in the protection of refugees especially through the implementation of the Global Compact on Refugees. The lead refugee agency stated seven actions that the EU can undertake to better protect refugees. The seven actions are to protect people's right to safety and asylum; create fair and fast EU asylum procedures; show solidarity between EU countries; offer more legal options for refugees to reach safety in Europe; save lives at sea; welcome refugees into their new homes; help refugees thrive wherever they are.[14]

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[12] https://www.unhcr.org/the-global-compact-on-refugees.html
[13] Ibid
[14] https://www.unhcr.org/europeanunion/

BLOC POSITIONS

THE NORTH AMERICA BLOC

The Trump administration in the USA has drastically reduced the maximum number of refugees that can enter the United States. Moreover, the United States government has imposed new security vetting procedures on refugees before they can be admitted into the country, which has greatly lengthened waiting times and left many refugees in dangerous situations for prolonged periods. In 2017, for the first time in modern history, the United States settled fewer refugees than the rest of the world.[15] The process of refugee resettlement in the United States can be very time-consuming. The entire process reportedly takes an average of 18-24 months to complete, during which the refugees and asylum seekers remain exposed to whatever perilous position they are in.[16] This was further worsened by enhanced programs that raised the bar for vetting and screening.

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[15] https://www.americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy
[16] Ibid

Canada resettled the highest number of refugees in 2018 and it also had the second-highest rate of refugees who eventually obtained citizenship.[17] Canada has a relatively open policy on those seeking asylum and its public favour immigration and refugee-friendly policy.

THE ASIA PACIFIC REGION

An examination of the forced migration policy context in Asia demonstrates weak or non-existent policy and legal frameworks, on both national and regional levels. Countries are ill-prepared for large influxes of refugees and asylum seekers resulting in slow-moving and ad hoc policy responses, and ill-equipped governments unable to adequately address the needs of a vulnerable refugee population. This not only creates dissatisfaction with the government among the local population but is likely to result in greater discrimination towards refugees and asylum seekers. The absence of a legal and policy framework creates legal uncertainty and increases the potential for arbitrary and discretionary decision-making. Without legally-binding frameworks, refugees and asylum seekers are likely to be treated as "illegal" refugees, leaving them vulnerable to detention or expulsion, and exploitative elements of the host country.[18]

The lack of a coherent international or domestic legal regime in the region to enable the protection of refugees and asylum seekers suggests a significant role for regional organizations in institutionalizing refugee protection norms. However, these organizations also appear reluctant to address forced migration, as it is predominantly viewed as a domestic matter or a bilateral issue concerning only the country of origin and the host country. This may be beneficial for host governments as it allows national interests' to be prioritized over the protection of refugees and asylum seekers, enabling push-back policies including detention and expulsion.

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[17] https://globalnews.ca/news/5408395/canada-refugee-statistics-united-nations/

18   http://xchange.org/asia-refugee-policy-analysis/

UNHCR FIRST MOCK DEBATE BACKGROUND GUIDE

THE EUROPEAN UNION

A lack of leadership, vision, and solidarity-based on human rights principles are at the core of the European Union's dismal response to refugee and migration challenges. Migration from Africa and the Middle East to Europe is now framed as a security threat to states and societies. As a result, EU policies to deter Europe-bound African migration and Europe-bound Middle Eastern migration have been put in place to prevent refugees from low-income countries. An example is the Joint Valletta Action Plan of 2017. The EU and its members even went as far as outsourcing responsibility to regions and countries outside of the EU. The deeply flawed deal with Turkey reflects this approach.

EU governments and institutions, including the Commission and Parliament, should therefore set the EU on a new path. This should be grounded in a genuine sense of responsibility in the midst of an unprecedented global displacement crisis, adherence to the human rights values at the core of the EU, and a vision of a thriving, pluralistic and tolerant societies

THE MIDDLE EASTERN AND NORTH AFRICA (MENA) BLOC

Security crises in the MENA region that were triggered by the Arab Spring have led to a great challenge to the region whereby many countries have been overwhelmed by the number of Internally Displaced Persons (IDPs).[19] Not only has the MENA region been overwhelmed by the number of IDPs but these people have also spilt into Europe causing tensions between the two regions. Throughout the region, countries hold negative perceptions about refugees, for example, Egypt has grown resentful towards Sudanese refugees and the Lebanese have developed a negative perception towards Palestinian and Syrian refugees.[20]

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[19] https://www.files.ethz.ch/isn/168050/Refugees%20in%20the%20MENA%20regio.pdf
[20] See above footnote

QUESTIONS A RESOLUTION MUST ANSWER

1. Should the European Union create a single legal frame on how to manage refugees sustainably and economically?

2. How can we ensure the European Union upholds international law and human right standards in the treatment of refugees?

3. How can nations be better equipped financially as well as in regards to infrastructure so as to handle the influx of refugees entering European borders?

UNHCR FIRST MOCK DEBATE BACKGROUND GUIDE

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5. https://www.unhcr.org/56f10d049.html

6. https://ec.europa.eu/Eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6

7. https://www.unhcr.org/europeanunion/

8. https://www.unhcr.org/the-global-compact-on-refugees.html

9. https://data2.unhcr.org/en/situations/mediterranean