



SRMUN Atlanta 2014
***Revitalizing “An Agenda for Peace”: Preventative Diplomacy,
Conflict Resolution, and the Making of Peace in Our Time Movement***
November 20-22, 2014

Dear Delegates,

Welcome to the Southern Regional Model United Nations (SRMUN) Atlanta 2014 Conference and the United Nations High Commissioner for Refugees (UNHCR). My name is Joel Fitzgerald and I have the pleasure of serving as the director of UNHCR for my third SRMUN on staff. Model UN offers a unique experience to challenge oneself while engaging fellow delegates in discussion and making new friends. The Assistant Director this year will be Allie Molinari, serving on staff for the first time. We hope to learn as much from your work, your speeches, and our discussions as you learn during, and in your preparations for committee. Take advantage of this opportunity and make the most of your experience.

The UNHCR, commonly referred to as “The UN Refugee Agency”, was founded by the United Nations General Assembly on 14 December 1950 and is the primary body within the United Nations tasked with the protection and promotion of rights for the world’s refugees. For peace to be achieved, we must protect and support the most vulnerable populations in the world. The UN Refugee Agency plays a critical role in establishing a stable and safe foundation upon which lasting peace can be built. We have chosen the following topics to discuss at this year’s conference due to the importance they play in revitalizing the “Agenda for Peace”:

- I. The Rights and Responsibilities of Host Countries Affected by Refugee Populations
- II. Analyzing the Effectiveness of Humanitarian Efforts in Response to Political Instability in Southeast Asia

Each delegation is required to submit a position paper that covers both topics. Position papers should be single spaced and no longer than 2 pages in length. Delegates must strive to convince fellow committee members that their solutions are the best course of action. The position papers are therefore critical in providing insight into not only the policies and positions of each country, but also set the foundation for the direction your Member State will take in approaching the topics.

Position papers are an excellent way to present the history and foreign policy of your Member State, but perhaps more importantly, they should be used as an opportunity to discuss unique, effective solutions to the problems at hand. A strong and clear position paper is the foundation and manifestation of your conference preparation and should showcase your research and understanding of the topics. More detailed information about how to write position papers can be found at the SRMUN website (www.srmun.org). **All position papers MUST be submitted by October 31, 2014, by 11:59pm EST using the submission system on the SRMUN website.**

Delegations are reminded that UNHCR is a single delegate committee at SRMUN Atlanta 2014. I appreciate the opportunity to serve as the director for the UN High Commissioner for Refugees. I look forward to working with and learning from each and every one of you, and wish you the best of luck. Please feel free to contact Allie or myself if you have any questions.

Joel Fitzgerald
Director
unhcr_atlanta@srmun.org

Allie Molinari
Assistant Director
unhcr_atlanta@srmun.org

Fawn Apgar
Director-General
dg_atlanta@srmun.org

The History of the United Nations High Commissioner for Refugees

The United Nations High Commissioner for Refugees (UNHCR) (The UN Refugee Agency) was founded by the United Nations General Assembly on 14 December 1950 and is the primary body within the United Nations tasked with the protection and promotion of rights for the world's refugees.¹ The UNHCR was originally assigned a three-year mandate to assist in resettling 1.2 million European refugees that were displaced following World War II. On 28 June 1951, the United Nations Convention relating to the Status of Refugees was adopted, which eliminated the original three-year mandate and became the main legal guideline for the work that is carried out by the UNHCR.² The necessity of the UNHCR was solidified in 1956, when Europe was faced with a massive wave of Hungarian refugees following the defeat of Hungarian forces by the Soviet Union during the Hungarian Revolution.³ The UNHCR's response to this particular refugee conflict helped to establish the agency's importance among the various bodies that make up the United Nations. Over the next several decades, the UNHCR dealt with the rising number of refugees in Africa, Asia, and Latin America due to instances of decolonization and armed conflict within these regions. By the end of the twentieth century, there was an especially strong UNHCR presence in Africa as well as Europe, due to armed conflict in the Balkans. Today, the UNHCR is considered one of the world's primary humanitarian agencies with an international and national staff of more than 7,000 personnel who, as of 2014, have assisted 33.9 million displaced people in 126 countries.⁴ Of these 33.9 million people: 14.7 million are internally displaced people, 10.5 million are refugees, 3.1 million are returnees, 3.5 million are stateless people, 1.3 million are other persons of concern, and roughly 837,000 are asylum seekers.⁵

From its inception to present day, the UNHCR has maintained its dedication to ensuring that all refugees, returnees, internally displaced people, and stateless persons have the means to have their concerns heard and their welfare looked after.⁶ The main purpose of the agency is to protect the rights and well-being of refugees by ensuring that all people are able to exercise the right to seek asylum, to find refuge in another state, and to have the option to return home voluntarily. However, the majority of modern armed conflict is internal and due to its regional and sub-regional nature, civilians disproportionately are the main victims of these conflicts. The UNHCR has both adapted and expanded, providing protection and material relief to refugees in almost every mass displacement of persons crisis that has occurred over the last sixty years.

As time has progressed, the UNHCR has made great strides in the legal protection of refugees and the reintegration of returnees. The two most important documents that pertain to the legal protection of refugees are the 1951 United Nations Convention relating to the Status of Refugees and the UNHCR's 1967 Protocol. The 1951 United Nations Convention relating to the Status of Refugees is the main legal document for the UNHCR. This document defines who a refugee is, what a refugee's rights are, and the legal obligations of states in regards to their treatment.⁷ The 1967 Protocol removed all geographical and temporal restrictions from the convention itself.⁸ The UNHCR has consistently maintained a policy of providing protection and assistance determined on the basis of need, impartial of race, religion, or political opinion.⁹ More specifically, the UNHCR pays special attention to the needs and focuses on the protection of children, women and girls, the disabled, and the elderly.¹⁰ Although the UNHCR promotes and helps to facilitate the integration of refugees into host societies, the returnee program has also grown and evolved throughout the years. The UNHCR recognizes that for many displaced persons, voluntarily and safely returning home is their ultimate goal and has carried out many large and small scale repatriation programs that have not only successfully helped return displaced persons to their home countries, but also helped to provide resources for

¹ "History of UNHCR." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646cbc.html>. (accessed May 21, 2014).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ "Advocacy." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646c104.html>. (accessed May 21, 2014).

⁷ "The 1951 Refugee Convention." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49da0e466.html>. (accessed May 21, 2014).

⁸ Ibid.

⁹ "Who We Help." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646c11c.html>. (accessed May 21, 2014).

successful reintegration.¹¹ The success and the importance of the work of the UNHCR has been recognized internationally in both 1954 and 1981 with the reception of the Nobel Peace Prize.¹²

The current High Commissioner is Antonio Guterres whom was first appointed by the General Assembly on 15 June 2005 and was re-elected to a second five-year term in April of 2010.¹³ The High Commissioner follows policy directives from the General Assembly and the Economic and Social Council. An Executive Committee of 25 members was created in 1959 to advise the High Commissioner on work in the field of international protection; today the number has grown to 87 members.¹⁴ Members are elected by the Economic and Social Council (ECOSOC) on the basis that they belong to the United Nations or one of its specialized agencies, represent the widest possible geographical scope and have demonstrated interest in and devotion to the solution of the refugee problem.¹⁵ The UNHCR is primarily funded through voluntary contribution and donations, with 86 percent of the current budget coming from individual governments and the EU, six percent coming from inter-governmental organizations, another six percent is funded through the private sector, and two percent is allocated to the agency from the UN regular budget.¹⁶ Extremely detailed reports are compiled annually and are scrutinized to determine how best to fundraise for and allocate the expected budget for the coming year. The report breaks down areas of the world and countries in special matrixes that allow for easier identification of target areas of under or over spending. When the budget has been fixed, it is then often the role of field offices to further determine what areas of need are of the most importance at the regional and local levels.¹⁷

The UNHCR has developed into a complex organization, as it consists of many different divisions, bureaus, and field offices that must work together cohesively to ensure that the set goals of UNHCR are accomplished. The UNCHR releases annual reports on the current conditions of at-risk populations across the globe, literature that advises host countries on refugee populations, and updates on the progress of operations in various parts of the world.¹⁸ The UNCHR also monitors the treatment of refugees and releases appropriate legislation on the behalf of refugee populations that are being abused by host countries. One of the most difficult tasks performed by the UNHCR is prioritizing which refugee populations are the most at-risk and in need of immediate assistance.¹⁹ The Executive Committee meets in Geneva in October of each year and also reports annually to the General Assembly Third Committee.²⁰ The High Commissioner or at least eight members of the Executive Committee may call additional sessions, and sessions such as these have historically been called during times of unexpected crises. Each member of the Executive Committee has one vote and the agenda is based off what was set at the last session, items proposed beforehand by a member of the Committee, and items proposed by the High Commissioner. The items on the agenda are then debated at length and are subsequently voted on. Not all the literature produced and distributed by UNHCR is created at this annual session. The aforementioned divisions, bureaus, and field offices of UNHCR also take on the role of compiling vast amounts of data and authoring reports and studies that pertain to UNHCR activities.²¹

¹¹ "Returnees." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646c1ca.html>. (accessed May 21, 2014).

¹² "All Nobel Peace Prizes." The Official Website of the Nobel Prize, http://www.nobelprize.org/nobel_prizes/peace/laureates/index.html. (accessed May 21, 2014).

¹³ "The High Commissioner." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646c8.html>. (accessed May 21, 2014).

¹⁴ "ExCom Mandate and Statute." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646c86.html>. (accessed May 21, 2014).

¹⁵ Ibid.

¹⁶ "Financial Figures." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646c1a.html>. (accessed May 21, 2014).

¹⁷ "UNHCR Global Appeal." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/528a0a166.html>. (accessed May 21, 2014).

¹⁸ "UNHCR-Rules of Procedure." The United Nations High Commissioner for Refugees, <http://www.unhcr.org/52efba869.html>. (accessed May 21, 2014).

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

For purposes of SRMUN Atlanta 2014, the Member States being represented in committee are members of the UNHCR Executive Committee as of the opening date of conference registration. This was done in order to provide a better learning experience to delegations. During committee, Member States will not have to adhere to the statutes and procedures of the UNHCR Executive Committee.

The Member States of the UNHCR:

Algeria, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Lesotho, Luxembourg, Madagascar, Mexico, Montenegro, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Serbia, Slovenia, Somalia, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Venezuela, Yemen, and Zambia.²²

I. The Rights and Responsibilities of Host Countries Affected by Refugee Populations

Introduction

World War II resulted in the displacement of millions of Europeans from their homeland²³; specifically the expulsion and fleeing of Germans, the release of concentration camp survivors, and the vast numbers of Eastern-European citizens fleeing communist uprisings and regimes were among the largest problems faced by these countries after World War II.²⁴ Many of the countries in Europe were still suffering extreme economic, political, and social turmoil as a result of the war and were ill equipped to handle the influx of displaced persons seeking refuge within their borders. The number and diversity of these displaced persons created the need of an international response that was both efficient and non-discriminatory in its aid. In response to this new global crisis, on 10 December 1948 the UN General Assembly adopted The Universal Declaration of Human Rights (UDHR).²⁵ With the creation and adoption of UDHR, the international community further cemented the goal of preventing what happened during and after World War II from reoccurring. Articles 13 through 15 of the UDHR directly pertained to the situation of the time and the development of the UNHCR and outlined some of the first the rights of and guidelines pertaining to displaced peoples.²⁶

As the numbers of displaced peoples continued to grow in Europe and around the world, new legislation was needed to help further define and establish the rights of and the international laws that would affect displaced peoples. The goal of the Convention relating to the Status of Refugees (1951 Refugee Convention) was to accomplish the aforementioned task. The 1951 Refugee Convention created international law, conventions, and guidelines that had the main goal of protecting refugees. The Convention created the first standard, international definition of a refugee, delineated the legal and social rights of refugees, and outlined guidelines for assistance and aid for refugees.²⁷ The Convention defines a refugee 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,

²² “Excom Members.” The United Nations High Commissioner for Refugees, <http://www.unhcr.org/pages/49c3646c89.html>. (accessed May 21, 2014).

²³ Bernard Wasserstein. “European Refugee Movements After World War Two.” BBC News, February 17, 2011. http://www.bbc.co.uk/history/worldwars/wwtwo/refugees_01.shtml#five (accessed May 16, 2014).

²⁴ Ibid.

²⁵ “History of the Document.” The United Nations, <http://www.un.org/en/documents/udhr/history.shtml> (accessed May 16, 2014).

²⁶ Ibid.

²⁷ Ibid.

is outside of 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”²⁸

This definition of refugee is still used internationally when identifying and classifying refugees. The Convention also had further stipulations in Article 1 that contained both time and geographic limits as to who could apply and be eligible for refugee status.²⁹ In 1967, it became clear that the global refugee situation had changed from what was standard at the time of the 1951 Refugee Convention, and on 21 April 1965 a weeklong summit of legal experts met to discuss a new protocol.³⁰ On 4 October 1967, the Protocol relating to the Status of Refugees (1967 Protocol) became effective.³¹ The 1967 Protocol removed the geographic and time restrictions that had been outlined in the 1951 Refugee Convention.

Internally Displaced People (IDPs), although monitored and assisted by the UNHCR, have never been formally defined in convention or added to UNHCR mandate.³² The UNHCR has defined IDPs as individuals who have not crossed an international border to find asylum but, instead, remain in their countries of origin.³³ As conflict increases throughout the world, the numbers of Internally Displaced People and refugees crossing international boundaries increase. The increase of people crossing borders creates a unique position for the destination or host country. Member States have agreed in the past through declarations, resolutions, and conventions to provide services and safety to refugees and IDPs, especially those removed from their homes and origin countries in times of conflict. Just as host countries played a key role in creating the bodies and documents pertaining to displaced persons, they play an equally critical role in addressing the issue of displaced persons. The responsibilities of host countries are explicit and often outlined in great detail, however, the rights of host countries are vague and must be found by identifying what is or is not stipulated in documents and by analyzing annual reports. At present, there are an estimated 33.3 million IDPs and 16.7 million refugees and these individuals make up a small portion of the 51.2 million forcibly displaced people that are located across the globe.³⁴ It is becoming apparent that the effects on host countries from the increasing numbers of refugees and IDPs are beginning to cause strain to infrastructure, resources, and economic stability of host countries. The previously listed statistics regarding the population sizes of IDPs, refugees, and forcibly displaced people are the highest in recorded history.³⁵ This illustrates that the need for discussion and creation of lasting solutions to the hardships that IDPs, refugees, and host countries face just as, if not more necessary, than when the charter for the UNHCR was first created.

Current Rights and Responsibilities of Host Countries

The Difficulty of Responsibilities to Refugees

The responsibilities of host countries, in contrast to the rights of host countries, are clearly outlined in multiple United Nations documents and resolutions. The UDHR is one of the first documents that specifically outline the rights of refugees and the responsibilities of host countries simultaneously. Articles 13 and 14 pertain directly to refugees and within these articles that define human rights, responsibility of a host country is also suggested. Article 13 pertains to the movement of individuals and stresses that one has the right to move within the borders of, to leave, and to return to his or her country.³⁶ Article 13 further emphasizes both the importance of unhindered movement of

²⁸ “Refugees,” The United Nations High Commissioner for Refugees. <http://www.unhcr.org/pages/49c3646c125.html> (accessed May 16, 2014).

²⁹ Article 1. Convention Relating to the Status of Refugees. United Nations General Assembly. July 28, 1951.

³⁰ Guy S. Goodwin-Gill. “Convention relating to the Status of Refugees: Introductory Note,” United Nations: Audiovisual Library of International Law. <http://legal.un.org/avl/ha/prsr/prsr.html> (accessed May 16, 2014).

³¹ “1951 Refugee Convention: Q&A,” The United Nations High Commissioner for Refugees: Northern Europe. <http://www.unhcr-northerneurope.org/about-us/1951-refugee-convention/1951-convention-qa.html> (accessed May 16, 2014).

³² “Internally Displaced People,” United Nations High Commissioner for Refugees <http://www.unhcr.org/pages/49c3646c146.html> (accessed July 13, 2014).

³³ Ibid.

³⁴ “UNHCR: Global Trends 2013,” United Nations High Commissioner for Refugees <http://www.unhcr.org/5399a14f9.html> (accessed July 13, 2014), p. 2-3.

³⁵ Ibid, p.2.

³⁶ Article 13. Universal Declaration of Human Rights. United Nations General Assembly. December 10, 1948.

an individual and the responsibility of a country to facilitate the free, unhindered movement of people. Article 14 states: “(1) Everyone has the right to seek and enjoy in other countries asylum from persecution.”³⁷ Article 14 emphasizes both the basic human right to enjoy freedom from persecution through seeking asylum in other countries and the responsibility of host countries to accept refugees seeking asylum.

The 1951 Refugee Convention and its 1967 Protocol further outlined the responsibilities of host countries. These responsibilities included but are not limited to: adherence to guidelines of identifying refugees, strict adherence to guidelines of expulsion of a refugee, limits of government intervention on population and individual movement, to give refugees the same standards of treatment that other foreign citizens would receive in the country, restriction of punishment as a result of an individual entering a state illegally, and ensuring that refugees do not lose basic human rights (as outlined in the UDHR) simply due to their refugee status.³⁸ To flee persecution only to end up in a similar or more extreme situation of oppression contradicts the work and forward progress that the international community continues to strive towards regarding the protection of displaced peoples around the world.³⁹ Ensuring that individuals do not lose their basic human rights simply due to their refugee status is one of the greatest responsibilities that host countries hold.

It is within implementation of these responsibilities of host countries that complex issues surrounding refugees take place. Most host countries agree to the standard definition of a refugee and the addendums that are attached when identifying and approving an individual’s refugee status. The issue that arises with this responsibility is that often times an individual seeking refugee status must prove their need to the host country, upon which the host country determines the eligibility of the claim.⁴⁰ Almost every Member State’s process regarding seeking asylum and refugee status is different and most of these have not been updated in several decades. For example, the United Kingdom requires that individuals seeking refugee status: state their intention to seek asylum upon entry to the country, that they participate in an initial screening upon arrival, that they compile and submit all documents required and/or pertinent to their case with their application, and that they attend a more in-depth asylum interview where they must explain what the current situation is in their country and why they are seeking asylum.⁴¹ Refugee status can then only be applied for once asylum has been granted.⁴² In the United States, however, seeking asylum and seeking refugee status have two separate application paths and a distinction is made between an individual seeking asylum and a refugee.⁴³ In similar fashion of the process to become a refugee, the benefits that a refugee receives vary greatly from country to country. The governments of different countries across the globe provide differing services for citizens and have distinct ways of establishing who is eligible for such benefits and services. In comparing the United Kingdom and the United States for a second time, this difference is clearly illustrated. Both the United Kingdom and the United States are western, industrialized nations, and they each have a unique standard as to what benefits refugees can have after refugee status is established. In looking at the United Kingdom, individuals seeking asylum, and then refugee status, have the right to: a fair consideration of their case, freedom of religion, housing, health care, and legal representation.⁴⁴ Those seeking asylum are not, however, provided with the opportunity for employment and can be barred from seeking employment within the United Kingdom.⁴⁵ In looking at the United States, individuals who are granted asylum and refugee status are immediately provided with the rights that any citizen of the United States have; although they are not immediately provided with health care, they can often begin to seek employment and begin to apply for various social programs.⁴⁶ Although the UDHR is very specific and clear as to what the rights of refugees are, due to the varied nature of individual country’s immigration

³⁷ Article 14. Universal Declaration of Human Rights. United Nations General Assembly. December 10, 1948.

³⁸ “Helping Refugees: 1951 Refugee Convention and its 1967 Protocol,” United Nations: World Refugee Day. <http://www.un.org/en/events/refugeeday/helping.shtml> (accessed May 17, 2014).

³⁹ The State of the World’s Refugees 2012: In Search of Solidarity. “State Responsibility and International Solidarity.” The UN Refugee Agency. New York and Geneva: United Nations. 2013. <http://www.unhcr.org/publications/26-chapter-8-state-responsibility-and-international-solidarity.html#>. (accessed May 21, 2014).

⁴⁰ “Visas and immigration: Asylum,” GOV.UK. <https://www.gov.uk/claim-asylum> (accessed July 13, 2014).

⁴¹ Ibid.

⁴² Ibid.

⁴³ U.S. Refugee Admissions Program FAQs. U.S. Department of State. May 31, 2013.

⁴⁴ “Asylum Applicants Rights and Responsibilities,” UK Visas and Immigration. <https://www.gov.uk/government/publications/asylum-applicants-rights-and-responsibilities/asylum-applicants-rights-and-responsibilities> (accessed July 16, 2014).

⁴⁵ Ibid.

⁴⁶ U.S. Refugee Admissions Program FAQs. U.S. Department of State. May 31, 2013.

and social programs, it is difficult to ensure that all displaced persons across the globe are receiving the same kind of treatment and aid. It is the implementation of, and not the interpretation of the responsibilities of host countries that presents the most difficulty for refugee populations.

Rights of Member States while hosting Refugees

The rights of host countries are not as clearly outlined as the rights of refugees. There are a few distinct rights outlined by the UDHR, the 1951 Refugee Convention, and the 1967 Protocol. Some, but not all, of the rights of host countries can be identified through the limits placed upon refugees and the responsibilities of refugees to host countries that are outlined within the aforementioned documents. The implied rights that can be found within document frameworks only cover rights pertaining to the insurance of maintaining law and order within a host country.⁴⁷ As conflicts around the globe increase in frequency and the population of displaced persons continues to grow; the UNHCR has worked to anticipate, identify, and counteract the evolving issues surrounding host countries and displaced persons. Three of the most important rights that the UNHCR has identified regarding host countries are: the right to maintain law and basic security, the right of economic stability of host countries, and the limit and reversal of negative effects on the environment of host countries. The right to maintain law and basic security is the right that is more simply and clearly identified than the previous two. The 1951 Refugee Convention also clearly outlines the responsibilities that refugees have to host countries, which is that refugees must respect and obey the laws of their host country.⁴⁸ This gives the host country the right to expect some semblance of law and order from their refugee populations and the right to hold individuals accountable if they have been participating in activities that are illegal within a host country.⁴⁹ The right of economic security is not easily identified within current conventions and documents. This right is mainly implied in the long-term actions of the UNHCR and other UN organizations that have all strived to make sure that the economic burden that is placed on host countries has as few negative effects as possible. The limit and reversal of negative effects that refugee populations have on the environments of host countries must also be inferred from the actions of the UNHCR and other UN organizations and the more than four decades of work that have been put into helping stop and reverse environmental damage in host countries.

Maintenance of Law and Order In Host Countries

The rights of a host country are centered in the acknowledgement of the laws of a refugee's host country allowing for the host country to be able to expect some type of expected order and adherence to the law to occur by refugee populations.⁵⁰ Many western, industrial Member States that admit refugees on a regular basis have clauses built into the application process which normally state that if an individual that is applying or has been granted refugee status breaks the law in a host country, they will be arrested and, if found guilty, may face possible deportation.⁵¹ Developing nations that may not have an immigration and justice system that is as established as other host countries may find it harder to regulate the actions of refugees and may have harsher punishments for crimes committed by refugees. It is difficult to identify a specific response that a host country may have to a refugee who has committed a crime, as all Member States have some difference in their immigration and judicial systems.

Clause 2 of Article 14 of the UDHR denies the right of claiming refugee status to those who committed non-political crimes and or crimes that violate the principles that are upheld by the UN.⁵² In barring individuals who are fleeing punishment from crimes that are deemed to be non-political and in direct contention with the principles of the United Nations, host countries are offered some way to ensure that violent criminals who could possibly be a threat to both a host country's refugee and general populations are not able to seek asylum. Through this clause there is an implied right of denial of entry that host countries are given. This area contains a large amount of ambiguity as current and shifting political beliefs in a Member State, or between Member States, can affect who is determined a

⁴⁷ "Helping Refugees: 1951 Refugee Convention and its 1967 Protocol," United Nations: World Refugee Day. <http://www.un.org/en/events/refugeeday/helping.shtml> (accessed July 13, 2014).

⁴⁸ "Helping Refugees: 1951 Refugee Convention and its 1967 Protocol," United Nations: World Refugee Day. <http://www.un.org/en/events/refugeeday/helping.shtml> (accessed July 13, 2014).

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Visas and immigration: Asylum," GOV.UK. <https://www.gov.uk/claim-asylum> (accessed July 14, 2014).

⁵² Article 14. Universal Declaration of Human Rights. United Nations General Assembly. December 10, 1948.

violator of such crimes.⁵³ Within large populations of refugees, it can also be difficult to identify individuals and their potential violating actions due to the sheer number of people who must be processed. This gap came to light in Rwandan refugee camps during the 1990s, and resulted in war criminals living among the populations that they had terrorized for extended periods of time and led to further crimes being committed on the refugees in these camps.⁵⁴ This risk for many hosting Member States continues to exist today as there has been little progress in the discussion of the rights of a host country since 1967.

The granting of asylum has never been added to or altered by any of the instruments pertaining to refugees; however, several of these instruments have adopted the UDHR's definition of what would constitute an individual who did not qualify for refugee status.⁵⁵ The 1951 Refugee Convention defines an individual who is not covered by the convention and does not qualify for refugee status as: "Persons who have committed crimes against peace, a war crime, crimes against humanity or a serious non-political crime outside the country of refuge."⁵⁶ This, like Clause 2 of Article 14 of the UDHR, provides host countries some protection from violent, criminal individuals from claiming refuge in their country and posing a risk to the host country's population. This right to deny, although implied, is important in that it allows for the governments of host countries to protect both refugee and native populations. An individual may not be a war criminal, but they may be guilty of committing violent crimes in their home country. Similar to the risk mentioned above, it can be difficult to identify such individuals and their actions due to separation of information and varying levels of access to technology by refugee processing centers. Many Member States must rely on the honesty of the individual during the application process or the validity and access to records of the Member State of origin to help identify violent criminals.

Environmental Consequences

Large influxes in refugee and IDP populations can create disastrous effects on both urban and rural environments of host countries. In urban areas, there is often a rapid and sustained increase in the growth of slums and in rural areas, there is a major shift in land use due to overwhelming increases in the population that an area of land may be accommodating.⁵⁷ Due to the majority of the world's refugees being in developing Member States, the impact on resources and the eco-systems that provide them is often felt even more acutely as host countries that are also developing countries are often facing problems regarding resource use among the native population.⁵⁸ As refugees are often unexpected by host countries, there is often no contingency plan in place for this influx in need and often very little time to create a temporary, let alone, permanent plan for resource allocation and use. In an attempt to meet the huge demand for water, land, and other resources, said resources are often used irresponsibly, with the goal of creating as much product necessary to satisfy both the host and refugee populations.⁵⁹ The main goal is to satisfy the immediate need, not to insure the longevity of the resource being used. The increased competition over basic resources can cause adverse effects on land, water, and other natural resources. The immediate effects that tend to occur are related to the need for fuel and water, as those are among top-priority needs when establishing refugee camps, and often lead to deforestation and water pollution as the environment is not able to immediately adjust to the increased population and the demand of resources.⁶⁰ Water pollution can often be the most disastrous effect on both native and refugee populations as it can lead to the spreading of disease and, if groundwater is contaminated, can cause problems for generations.⁶¹

A study conducted in Sudan by the United Nations Environment Programme highlights the similar areas of negative environmental affects due to increased refugee populations that occur across the globe in developing host countries. The study found that the most immediate effects on the environment were: deforestation, land degradation,

⁵³ "Protecting Refugees: Q&A," United Nations High Commissioner for Refugees. <http://www.unhcr-northerneurope.org/who-we-help/refugees/protecting-refugees-qa.html> (accessed July 15, 2014).

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Convention Relating to the Status of Refugees. United Nations General Assembly. July 28, 1951.

⁵⁷ "The Impacts of Refugees on Neighboring Countries: A Development Challenge". World Development Report. http://siteresources.worldbank.org/EXTWDR2011/Resources/6406082-1283882418764/WDR_Background_Paper_Refugees.pdf , p. 14. (accessed July 15, 2014)

⁵⁸ Ibid.

⁵⁹ Ibid, p. 15.

⁶⁰ Ibid.

⁶¹ Ibid.

unsustainable groundwater extraction, and water pollution.⁶² The deforestation that occurred in areas of Sudan due to refugee populations included an area that was on and extended past the border with Uganda of 2, 200 hectares that was totally devoid of vegetation.⁶³ At refugee camps in Darfur, there was deforestation that extended to 10 kilometers from the camps and some residents of these camps reported having to travel more than 15 kilometers to find more timber.⁶⁴ The overuse of and the pollution of water was also devastating to both native and refugee populations. Access to clean water is extremely important for both native and refugee populations. For many developing nations, access to plentiful, clean water is not always an available option for the native population, let alone a large refugee population. The governments of host countries often try to provide as much access as they are able to, but often times aid agencies must help to provide clean water through donations and helping access to groundwater be established. In South Sudan, especially the drier regions of the country, refugee camps had to bore into the ground to access the groundwater to provide for the camp's needs.⁶⁵ In the Abu Shouk camp that was located in Southern Darfur, almost half of the boreholes ran dry in 2006 and the camp's access to water was seriously depleted.⁶⁶ As mentioned previously, responsible use of resources is often ignored in an attempt to fulfill immediate need; which, in the case of Sudan and other developing host countries, has resulted in the long-term depletion of resources. Concerning clean water, water pollution became a serious issue in the refugee camps of Sudan and had a lasting impact on both the native and refugee populations. In 2006, a cholera epidemic swept through areas of South Sudan and the epicenters of this, and other epidemics were traced back to poor sanitation in refugee camps that had led to severe water contamination.⁶⁷ The environmental issues surrounding the influx of refugees in Sudan are not isolated exceptions. Multiple reports conducted by the United Nations and independent agencies have shown similar and continued problems throughout Africa, Asia, Central America, and South America.⁶⁸

In many host countries, the problems associated with the environment are often met with harsh penalties and restrictions on refugee populations. In 2010, the Kenyan government imposed strict movement regulations and grants to land use on refugee populations in an attempt to counteract and reverse the damage that had been done to large areas of the Kenyan environment.⁶⁹ These restrictions had almost the opposite affect however, in that, due to regulations creating even less land and fewer resources for use by refugees, it resulted in even greater amounts of deforestation, land degradation, and water usage than if the regulations had not been put in place.⁷⁰ Other African countries, such as Malawi and Zambia made concentrated efforts to allow refugees access to both land and other resources, which over an extended period, led to slow improvement of environmental damage and an increased economic self-reliance among refugee populations.⁷¹

The UNHCR relies heavily on the reports compiled by both UN agencies and independent organizations to help identify the environmental affect that large refugee populations are having on host countries and are also being used in attempts to help address and solve these affects so that host countries have viable options for solving environmental problems and upholding their responsibilities to their refugee populations. There is often some form of immediate material relief but the main emphasis is on the building of responsible infrastructure.⁷²

⁶² Sudan Post-Conflict Environmental Assessment. "Population Displacement and the Environment". United Nations Environment Programme, http://postconflict.unep.ch/publications/sudan/05_displacement.pdf (accessed July 16, 2014).

⁶³ Ibid, p.106.

⁶⁴ Ibid, p. 108.

⁶⁵ Ibid, p. 111.

⁶⁶ Sudan Post-Conflict Environmental Assessment. "Population Displacement and the Environment". United Nations Environment Programme, http://postconflict.unep.ch/publications/sudan/05_displacement.pdf (accessed July 16, 2014).

⁶⁷ Sudan Post-Conflict Environmental Assessment. "Population Displacement and the Environment". United Nations Environment Programme, http://postconflict.unep.ch/publications/sudan/05_displacement.pdf (accessed July 16, 2014).

⁶⁸ "The Impacts of Refugees on Neighboring Countries: A Development Challenge". World Development Report. http://siteresources.worldbank.org/EXTWDR2011/Resources/6406082-1283882418764/WDR_Background_Paper_Refugees.pdf, p. 15 (accessed July 15, 2014).

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Social and Economic Impact of Large Refugee Populations on Host Developing Countries. Executive Committee of the High Commissioner's Programme Standing Committee. New York and Geneva: United Nations. 1997. <http://www.unhcr.org/3ae68d0e10.html>.

Since the 1980s, the UNHCR, the UNDP, and other organizations have created and implemented multiple initiatives to help build infrastructure within host countries, especially those within the developing world. These initiatives are known as targeted development assistance (TDA) and the ultimate goal is to create “win-win” solutions for both host countries and refugee populations.⁷³ TDA initiatives often involve the creation of jobs that directly benefit the community through the responsible use of resources and have been very successful after implementation. The Income Generating Projects for Refugee Areas (IGPRA) is one such TDA initiative that is still in practice today. The IGPRA was developed to target refugee areas in Pakistan and included the reconstruction of farm infrastructure, irrigation, and forestry.⁷⁴ The IGPRA was a success and helped to vastly improve the relations between the Afghan refugee populations and the Pakistani population, which had grown severely strained due to competition for resources.

The extent of the impact of refugee populations on the environment of host countries is still, to an extent, unknown. Although some immediate effects may be seen, the full extent of environmental damage may not be fully realized in host countries until decades after the initial problems begin to surface. Many of the environmental impact studies being conducted by UN agencies and organizations are ongoing, which also makes it difficult to measure how successful the UNHCR’s attempts at counteracting environmental damage have been. Although some success has been made in regards to putting initiatives in place to help reverse some of the damage that has already been done to the environment, there are still no initiatives that are aimed at preventing the problem of environmental damage.

Economic Stability of Host Countries

One of the greatest strains that a refugee population can place on a host country is that of an economic nature. This is due to the vast amount of capital that is needed in attempting to provide aid to a large, often unexpected population. Host countries are often faced with tens and even hundreds of thousands of refugees entering a Member State’s borders within a very short span of time. This creates an almost immediate strain on the resources and the economies of the host country. Public services and infrastructure are often put under a large amount of strain, as the amount of capital expenditure that the governments of host countries plan for is often inadequate once a large refugee population arrives and is in need of services.⁷⁵ There are immediate needs that refugee populations require once they make arrive in a host country. These needs include water, food, shelter, and medical services.⁷⁶ There also long-term needs that refugee populations require, these include: permanent housing, education, employment, etc.⁷⁷ Organizations such as Doctors Without Borders, the Red Cross, and various others help to offset the costs that host countries face when trying to provide healthcare, education, and other social programs to refugees. However often, these IGO’s and NGO’s are not able to completely offset the costs leaving much of the burden to the host country per international agreements such as the UDHR.

In the 1990s, the UN conducted multiple studies on Malawi, Kenya, and other African nations with large refugee populations in order to determine the needs of said populations and the effects that these populations were having on the host country’s economy.⁷⁸ These various reports were able identify that although temporary solutions were gained from large amounts of capital being designated for use in refugee aide, that the building of infrastructure and the completion of long term programs were more effective at creating long-term positive effects on host country’s economies.⁷⁹ This helps demonstrate that an influx of refugees into a host country can have some positive benefits to a Member State’s economy. Refugees often arrive with very little in the way of belongings and their additions to

⁷³ “The Impacts of Refugees on Neighboring Countries: A Development Challenge”. World Development Report. http://siteresources.worldbank.org/EXTWDR2011/Resources/6406082-1283882418764/WDR_Background_Paper_Refugees.pdf, p. 16-18 (accessed July 15, 2014).

⁷⁴ Ibid, p.17.

⁷⁵ “The Impacts of Refugees on Neighboring Countries: A Development Challenge”. World Development Report. http://siteresources.worldbank.org/EXTWDR2011/Resources/6406082-1283882418764/WDR_Background_Paper_Refugees.pdf, p. 7. (accessed July 14, 2014)

⁷⁶ Ibid, p. 7-8.

⁷⁷ Ibid, p. 8.

⁷⁸ Ibid, p. 7-8.

⁷⁹ Ibid, p. 8-10.

the economy in the way of purchasing common goods can have a positive impact.⁸⁰ Furthermore, the building of infrastructure and providing of basic needs can create new jobs and opportunities for enrichment of human capital in regions, especially Lesser Developed Countries (LDCs).⁸¹ This positive impact, however, is not always the case but the basic economic principles and lessons from these instances can be used to determine actions in the future that could help Member States, specifically LDCs, to lesson and potentially reverse negative economic impact from refugees.

The UNHCR actively collects data from around the world to ensure that it has the most current information regarding refugee populations and the current conditions within the host countries. By doing so, the UNHCR is able to compile annual reports that allow them to identify and help the host countries that are having the greatest problem with resource drain and strain on the economy.⁸² In using these reports, the UNHCR is able to distribute its budget so that host countries with the greatest need for aide are given priority. Due to shifting refugee populations, the amount of monetary aide that a host country receives from year to year may fluctuate due to an increase or decrease in the monetary need to aid the refugee population in that particular Member State. The UNHCR allots budget to help supplement and counteract some of the monetary strain that host countries face, but the UNHCR also created a development strategy that helps to promote long-term improvement of the economy of host countries.⁸³ This strategy is called the “refugee aide and development” strategy and has been in practice since the 1980s.⁸⁴ The UNHCR, in partnership with other organizations, encourages foreign companies to invest in developing countries with high refugee populations. This investment normally comes in the form of direct aide and assistance in the development of infrastructure.⁸⁵ Companies and agencies are given monetary incentives such as tax breaks in either or both their home countries and host countries to invest in direct aide and infrastructure development.

The importance of this practice of the UNHCR was reinforced when the United Nations Regional Information Centre for Western Europe (UNRIC) released a report that confirmed that 80 percent of the world’s refugees were being hosted by developing countries.⁸⁶ This is also the reason why so much of the UNHCR’s budget is allocated for countries in the Global South, due to the majority of the world’s refugees being located in Member States located in the region. Host countries have never been expected to shoulder the financial burden of hosting a refugee population and sacrifice their own population’s financial security; however, this often occurs, especially in developing nations despite the assistance that the UNHCR and other agencies provide. This is often due to the overwhelming need for aide that is felt by both the refugee and native populations and aide not reaching those who need it most.

Conclusion

The interaction between a host country and a refugee population is a very complicated and important one. Both the host country and the refugee population can have both negative and positive influence on one another. In recognizing this, international bodies set out to insure that the rights of refugee populations would not be infringed upon while in a host country. This gave way to numerous responsibilities being outlined for host countries, while the rights of the host country had to be inferred from restrictions and responsibilities expected of refugees and the long-term analysis of studies and reports by various organizations. Due to the implicit nature of a host country’s rights, issues that arise due to refugee populations are often not detected until the analysis of annual reports on

⁸⁰ Social and Economic Impact of Large Refugee Populations on Host Developing Countries. Executive Committee of the High Commissioner’s Programme Standing Committee. New York and Geneva: United Nations. 1997.
<http://www.unhcr.org/3ae68d0e10.html>

⁸¹ Ibid.

⁸² “UNHCR-UNHCR Global Appeal 2014-2015”. The United Nations High Commissioner for Refugees,
<http://www.unhcr.org/528a0a166.html>, p. 80(accessed May 16, 2014).

⁸³ “UNHCR-UNHCR Global Appeal 2014-2015”. The United Nations High Commissioner for Refugees,
<http://www.unhcr.org/528a0a166.html> (accessed May 16, 2014), p. 86.

⁸⁴ Social and Economic Impact of Large Refugee Populations on Host Developing Countries. Executive Committee of the High Commissioner’s Programme Standing Committee. New York and Geneva: United Nations. 1997.
<http://www.unhcr.org/3ae68d0e10.html>

⁸⁵ Ibid.

⁸⁶ “New Report: Developing Countries Host 80% of Refugees,” United Nations Regional Information Centre for Western Europe. <http://www.unric.org/en/world-refugee-day/26978-new-report-developing-countries-host-80-of-refugees-> (accessed May 16, 2014).

various issues are completed or until they arise, which could be detrimental to both the host country and the refugee population as the response may not be adequate to successfully combat the issue.

Committee Directive

The current responsibilities of host countries have not changed in over 60 years and just as little official change has occurred in the outlining of the rights of host countries. Although the UNHCR has made strides in helping to insure the rights of host countries, these have never truly been declared as such in a formal document. Is there a more effective way to both update the responsibilities of host countries and officially acknowledge their rights? Is this possible to accomplish without jeopardizing the rights of the world's refugee populations? What are some improvements that can be made in how the issues of host countries are identified and handled? Although financial aid helps, it does not always solve the problem at hand and is often only a temporary solution and can result in the construction of social programs and infrastructure being postponed. Should the building of social programs and infrastructure take precedence over direct monetary aid? If so, how would such a program be implemented? Is there a way that improvements to the economies of host countries can be joined with efforts to improve and reverse environmental damage?

II: Analyzing the Effectiveness of Humanitarian Efforts in Response to Political Instability in South East Asia

Introduction

During times of political instability, including instances of civil conflict and ethnic violence, civilians are often forced to abandon their homes and property and are mostly deprived of their ability to fend for themselves while they seek safety within their own country. These persons, referred to as internally displaced persons (IDPs), do not share the same protections as refugees who cross an international border and have legal refugee status. Refugee status places an obligation on the international community to provide certain protection and recognition to persons, whereas for IDPs, no obligation is placed on the international community and protection of these persons depends on their respective government. The 1951 Refugee Convention defines the refugee 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".⁸⁷ Given that there is no obligation on the international community to protect them, IDPs are generally more vulnerable to human rights abuses and their survival often depends on humanitarian assistance.⁸⁸ IDPs rely on their own government to provide assistance, and often, a government is unwilling or unable to provide the necessary services: the government may not have the resources to address the issues plaguing IDPs or they may not have the political will to provide assistance, and in some situations, the government itself may be the cause of the displacement of IDPs.⁸⁹ According to the UN Refugee Agency, as of 2013 there are an estimated 648,905 IDPs in Southeast Asia alone, and an estimated 27.5 million IDPs worldwide.⁹⁰

The UN Refugee Agency works to address not just the issues facing refugees and IDPs, but focuses on all persons of concern, which includes refugees, asylum seekers, IDPs, stateless persons, and others of concern.⁹¹ An asylum-seeker is considered to be a person claiming to be a refugee whose claim has not been definitively evaluated. National asylum systems are often in place to evaluate which asylum-seekers are qualified for refugee status and thus international protection. Often, an asylum-seeker may be sent back to their home countries if they are

⁸⁷ *Convention and Protocol Relating to the Status of Refugees*. United Nations High Commissioner for Refugees. <http://www.unhcr.org/3b66c2aa10.html>. (accessed June 20, 2014).

⁸⁸ "Humanitarian Response," Refugees International, July 21, 2008. <http://www.refintl.org/what-we-do/humanitarian-response>. (accessed June 20, 2014).

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ *UNHCR Southeast Asia Fact Sheet*. United Nations High Commissioner for Refugees. March 2014. <http://www.unhcr.org/519f67fc9.html>. (accessed June 15, 2014).

determined to not meet refugee status.⁹² A stateless person is someone who is not considered a national by any state, a definition that is reality for over 10 million people worldwide.⁹³ Stateless people often are excluded from certain rights, such as the right to vote, and while these persons are often granted basic human rights in legislation, in practice they often are denied access to education, health services, or may have unequal access to employment opportunities.⁹⁴ The UNHCR estimates that the total number of persons of concern in Southeast Asia is around 2.6 million persons. The UN Refugee Agency works to address the critical needs of persons of concerns in the sub region of Southeast Asia, which consists of Bangladesh, Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.⁹⁵ UNHCR's mandate calls for the protection of these persons of concern and it works with many local and international partners to do so, especially when national governments are unable or unwilling to provide the critical services needed.

It is natural to assume that the nature of displacement changes as regional and sub-regional circumstances and levels of stability change. Some recent shifts to note include the increased number of civilians that are targeted during conflicts, which leads to increased numbers of IDPs.⁹⁶ The setting in which these relocated persons settle is shifting away from well-defined camps to more urban and integrated settlements, which makes it more difficult to provide effective assistance directly to populations of IDPs.⁹⁷ Additionally, persons of concern are facing increased hostility from local populations and national governments, perhaps due to the strain these persons place on government resources and the national economy. Additionally, asylum procedures have become more lengthy and difficult to navigate in many areas over time.⁹⁸ In Southeast Asia, most Member States lack legislation regulating the rights of asylum-seekers and refugees, placing the burden of conducting refugee status determination on the UN Refugee Agency in the absence of national asylum systems.⁹⁹ Many of these Member States consider refugees and asylum-seekers to be illegal migrants, causing serious protection risks for these persons, including detention and expulsion; and only one State in the sub region has signed the 1954 Convention relating to the Status of Stateless Persons.¹⁰⁰ One possible contributing factor to the increasing hostility many governments and nationals show towards refugees and persons of concern is mixed migration. Migratory movements are increasingly of a mixed nature, meaning people are moving mostly through similar methods, but for a multitude of reasons such as employment or education purposes, from rural to urban settings, as refugees and asylum-seekers, as victims of human trafficking, or as vulnerable persons displaced as a result of an intricate mixture of political, economic, social, and environmental factors.¹⁰¹ As one can imagine, when only a certain number of persons traveling across and between transnational borders are truly refugees or persons of concern, it can be incredibly difficult to determine who has a right to international protection. As such, maintaining a clear distinction between refugee protection imperatives and migration control strategies is a significant challenge for many Member States. As a result, many Member States in Southeast Asia and around the world tend to lump all migratory persons together and attempt to gain control over the irregular movement of persons by asserting various repressive measures.¹⁰² In Southeast Asia in particular, people smuggling and human trafficking networks continue to thrive, and in response, many Southeast Asian States

⁹² "Asylum-Seekers," The UN Refugee Agency. <http://www.unhcr.org/pages/49c3646c137.html>. (accessed June 15, 2014).

⁹³ "Stateless People," The UN Refugee Agency. <http://www.unhcr.org/pages/49c3646c155.html> (accessed June 15, 2014).

⁹⁴ Ibid.

⁹⁵ *UNHCR 2014-2015 Global Appeal*. United Nations High Commissioner for Refugees. May 2014. <http://www.unhcr.org/528a0a31b.html>.

⁹⁶ "Humanitarian Response," Refugees International, July 21, 2008. <http://www.refintl.org/what-we-do/humanitarian-response>. (accessed June 20, 2014).

⁹⁷ "Humanitarian Response," Refugees International, July 21, 2008. <http://www.refintl.org/what-we-do/humanitarian-response>. (accessed June 20, 2014).

⁹⁸ Ibid.

⁹⁹ "South-East Asia: 2014 UNCHR regional operations profile – South-East Asia," United Nations High Commissioner for Refugees." <http://www.unhcr.org/pages/4b17be9b6.html> (accessed May 30, 2014).

¹⁰⁰ Ibid.

¹⁰¹ Johannes van der Klaauw. "Refugee Rights in Times of Mixed Migration: Evolving Status and Protection Issues." http://www.creatingaroadhome.com/new/wp-content/uploads/refugee_rights_in_times_of_mixed_migration_evolving_status_and_protection_issues.pdf. (accessed June 7, 2014).

¹⁰² *UNHCR 2014-2015 Global Appeal*. United Nations High Commissioner for Refugees. May 2014. <http://www.unhcr.org/528a0a31b.html>.

implement strict border-control measures, detainment practices, and restrictive maritime and other policies.¹⁰³ While these practices are in an effort to ensure national security, they certainly make protecting the rights of refugees a difficult task.

UNHCR and International Humanitarian Aid

In the Cold War era, the UNHCR worked mostly in asylum Member States, protecting refugees fleeing from communist states or repressive military governments. Since the post-Cold War era, UNHCR adapted to address the increasing number of persons fleeing civil or intra-state conflicts.¹⁰⁴ This included facing more restrictive Member State asylum policies put in place in order to protect national security and economic interests. At the same time, due in part to increasing global media attention to humanitarian plights, governments have also called for increased involvement of the UN in terms of intra-State protection strategies and for increasing the effectiveness and efficiency of partnerships between humanitarian agencies and actors.¹⁰⁵ In addition to internal reforms to address the changing international situation, UNHCR has also adapted to new international approaches to coordinating humanitarian aid.

The original mandate of the UNHCR to provide protection to refugees is still in effect; however, its role has continuously evolved to adjust to new challenges as they arise. The UNHCR has a long-standing history of providing and coordinating humanitarian aid to refugees, internally displaced persons (IDPs), and other persons of concern since its very inception. Yet recent reform within the UN has changed the way that humanitarian assistance is provided by the international community as a whole. General Assembly (GA) resolution 46/182 established the Office for the Coordination of Humanitarian Affairs (OCHA) in December 1991, galvanizing the emergence of the current paradigm in the coordination of humanitarian assistance. The current approach in place since 2005 is known as the “Cluster System”.¹⁰⁶ Clusters are partnerships that are established between organizations, national and local authorities, and civil society groups working to provide humanitarian assistance, providing a clear point of contact in order to promote accountable, adequate, and efficient humanitarian assistance efforts.¹⁰⁷

The current cluster approach can be visualized in Figure 1 in the addendum, and allows the UNHCR to provide humanitarian assistance in line with its mandate to protect refugees and other persons of concern.¹⁰⁸ In order to ensure that UNHCR does not overreach its mandate, it primarily takes lead of clusters when displacement is caused by conflict versus natural disaster, therefore the leadership is often shared with other agencies.¹⁰⁹ The UNHCR leads three global clusters: the Global Protection Cluster (GPC), the Camp Coordination and Camp Management Cluster (CCCM), and Emergency Shelter Cluster (ESC).¹¹⁰ In regards to the GPC, there has been intense debate over the scope of protection and the exact activities and interventions to attempt, but working together, specific agencies have agreed to coordinate 9 different focus areas of the protection response, including a focus area specific to IDP children and also for IDP women and girls.¹¹¹ The CCCM Cluster’s primary objective is to provide protection and assistance to camp-based populations. Prior to inception, the CCCM Cluster had no existing network of experts with knowledge of camp management needs outside of basic water, sanitation, and health. The UNHCR has since worked with Cluster partners to bring additional agencies with the appropriate expertise, such as Non-Governmental Organizations (NGOs) who actively work to address problems specific to that Cluster, into the fold.¹¹² The UNHCR

¹⁰³ Ibid.

¹⁰⁴ Martin Gottwald. *New Issues in Refugee Research: Competing in the humanitarian marketplace: UNHCR’s organizational culture and decision-making process*. United Nations High Commissioner for Refugees. October 2010. <http://www.unhcr.org/4cb41ef49.html>

¹⁰⁵ Ibid.

¹⁰⁶ “Cluster Coordination,” United Nations Office for the Coordination of Humanitarian Affairs. <http://unocha.org/what-we-do/coordination-tools/cluster-coordination>. (accessed June 10, 2014).

¹⁰⁷ Ibid.

¹⁰⁸ “The Office for Humanitarian Affairs,” United Nations High Commissioner for Refugees. <http://www.unhcr.org/pages/49c3646c2e1.html>. (accessed June 10, 2014).

¹⁰⁹ EC/57/SC/CRP.18. *UNCHR’s Expanded Role in Support of the Inter-Agency Response to Internal Displacement Situations*. United Nations High Commissioner for Refugees. June 8 2006.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

also takes a leadership role in the ESC for conflict related IDPs in order to ensure effective and predictable emergency shelter services by increasing the number and capacity of professionals for rapid deployment, developing emergency strategies, guidelines, and assessment tools, and stockpiling necessary non-food items.¹¹³

The UNHCR's Policy Development and Evaluation Service (PDES) unit works towards the goal of examining and assessing UNHCR policies, programs, specific projects and best practices in order to increase efficiency. PDES also proactively promotes research on issues critical to the UN Refugee Agency's work, allowing it to participate in exchanging information and ideas between humanitarian actors, policymakers and the greater research community.¹¹⁴ Recently, the PDES has been working to evaluate aid distributed to Southeast Asia and specifically aid given within Bangladesh where roughly 270,000 persons of concern are living due to conflicts from neighboring Myanmar and Rohingya.¹¹⁵ With the high rates of population growth and poverty in Bangladesh it is of particular concern to UNHCR to provide humanitarian assistance effectively in order to not create a situation where natives of Bangladesh are unable to receive appropriate resources and flee their own country.¹¹⁶

Political Instability in Southeast Asia

Southeast Asia has a rich history, and the current geopolitical structure was shaped largely as a result European colonization starting in the sixteenth century and a period of Japanese colonization during World War II and the various subsequent nationalist movements and decolonization of the region from the 1940s through the 1980s.¹¹⁷ Modern Southeast Asia can be characterized by high economic growth by most countries and closer regional cooperation, an example of which is the 1967 establishment of the Association of Southeast Asian Nations (ASEAN).¹¹⁸ According to the Southeast Asia Research Programme (SEARP) at the Institute of Peace & conflict Studies (IPCS), "the primary security concerns confronting Southeast Asia have always been internal in nature". Due to the wide political and social diversity, the region has been host to myriad internal conflicts, including armed insurgencies, ethnic violence, political uprisings, religious radicalism and terrorism, secessionism and civil conflict. The political systems of many Southeast Asian Member States are increasingly unstable due to regime change, protests, and civil unrest. Many examples of internal civil conflict in Southeast Asian States are due to armed conflict between ethnic nationalist groups and the Member State government in their struggle for autonomy. Many of the major nationalist and ethnic conflicts in Southeast Asia can be traced back to European colonization and decolonization. One example of intra-State ethnic violence is the conflict between ethnic groups and Myanmar's central government. Myanmar's government struggles to integrate various ethnic groups in the border regions, particularly in the northern areas, and the violent clashes that result have led to one of most politically unstable regions in Southeast Asia.¹¹⁹

Although internal issues contribute significantly to political instability in the region, the role of inter-State conflict and territorial disputes cannot be ignored. These inter-State conflicts and territorial disputes sometimes flare up and truly hamper progress towards further regional development and integration. Recent violent armed clashes over the Preah Vihear Temple in the Thai-Cambodian border escalated into a military standoff. Neither the international community nor ASEAN mediated or attempted to assist in peacefully settling this particular dispute. Another example of inter-State conflict particularly of importance is that between Myanmar and Thailand. The violent clashes between the military and ethnic groups of Myanmar have also greatly impacted Thailand. Thailand's government announced that in response to the influx of refugees, they would close down nine border camps and repatriate over 140,000 Myanmar refugees to Thailand. The consequences of these actions include increased problems such as illegal trade, drugs and human-trafficking and certainly impact the relationship between Thailand

¹¹³ Ibid.

¹¹⁴ "Policy Development and Evaluation," United Nations High Commissioner for Refugees. <http://www.unhcr.org/pages/4a1d28526.html>. (accessed June 20, 2014).

¹¹⁵ *States of Denial: A review of UNHCR's response to the protracted situation of stateless Rohingya refugees and Bangladesh*. United Nations High Commissioner for Refugees. December 2011.

¹¹⁶ Ibid.

¹¹⁷ "Sands of Time," Destination Asia. <http://www.destination-asia.com/history/>. (accessed July 8, 2014).

¹¹⁸ Ibid.

¹¹⁹ "Inside Southeast Asia: Internal Political Challenges, Inter-State Conflicts and Regional Security," The Institute of Peace and Conflict Studies. <http://www.ipcs.org/1111-FirstAnnualConf-Concept.pdf>. (accessed July 19, 2014).

and Myanmar, adding to increased tension and political instability in the region overall.¹²⁰ With the failure of ASEAN to mitigate many of these disputes, the credibility of ASEAN as a regional organization to handle future disputes is in question, leading to further uncertainty about the political stability of the region.¹²¹

UNHCR Operations and Challenges in Southeast Asia

The UNHCR recognizes persons of concern in 12 of the recognized Member States of Southeast Asia, totaling 1,799,325 identified individuals as of mid-2013 the situation in Southeast Asia is a significant focus by the committee.¹²² Myanmar is a majority of this focus as 47 percent of the persons of concern are identified as Myanmar. In 2013 Southeast Asian persons of concern required USD 170 million in aid and support. Bangladesh and Myanmar consisted of 57 percent of this need. Per the annual Global report on the UNHCR's work in Southeast Asia, the committee was only able to provide USD 86.7 million in expenditure and aid.¹²⁴ It is nearly impossible for the committee to provide the proper resources to these Member States in support of these increasing population of refugees and IDPs. UNHCR must find ways to efficiently provide resources and aid to persons of concern and need in order to avoid further stress, contention, potentially conflict in this hostile region.

UNHCR provides protection and humanitarian assistance to refugee camps in Bangladesh. Outside of these camps, UNHCR works towards registering asylum-seekers and providing protection to these persons as needed. Particular attention has been placed on the Rohingya in the Rakhine State, a stateless group of persons that continue to experience persecution, discrimination and exploitation in Myanmar. The rising number of urban refugees presents a significant challenge throughout the region, but particularly in Bangladesh. In Cambodia, UNHCR provides support to the Government's Refugee Office by financial means and with technical advice, placing emphasis on building the Government's capacity to decide on asylum procedures, provide social and legal support to persons of concern, and to better integrate refugees locally.¹²⁵ UNHCR has worked to increase its registration and refugee status determination (RSD) capacity particularly in Indonesia due the increase in asylum-seekers. The committee also works to increase the efficiency of resettlement for legally recognized refugees.

Addressing the detention of asylum-seekers and dealing with restrictive border and maritime policies in place throughout the subregion are still major challenges facing the UN Refugee Agency.¹²⁶ The Philippines is one of the Member States in the subregion that has acceded to the 1951 Refugee Convention and its 1967 Protocol. UNHCR has assisted the Philippines in developing its asylum system and by advocating for the recently adopted procedures for refugee status and statelessness determination. Additionally, UNHCR co-leads the protection cluster for those displaced by internal conflict in the Philippines.¹²⁷ UNHCR also works in coordination with ASEAN bodies and government agencies in Viet Nam to reduce statelessness by advocating for naturalization and re-granting of lost nationality. UNHCR has no operational presence in the Lao People's Democratic Republic or Timor-Leste, and very little staff in Singapore; however, the situations of refugees, asylum-seekers and other persons of concern are monitored and assistance is provided from UNHCR's Thailand regional operation.¹²⁸

Outside of the obvious financial gaps between aid required to support the almost 2 million persons of concern and the actual aid the UNHCR was able to distribute, there are other problems that hinder optimal distribution of aid to the Southeast Asian sub-region. Only one Member State in the region is party to the 1954 Convention relating to the Status of Stateless Persons and as of 2013 only three Member States are party to the 1951 Convention related to the Status of Refugees. This lack of participation in and commitment to these influential documents of the United Nations makes it difficult for the UNHCR to partner with the governments of Member States to develop solid

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² "South-East Asia: 2014 UNCHR regional operations profile – South-East Asia," United Nations High Commissioner for Refugees." <http://www.unhcr.org/pages/4b17be9b6.html> (accessed May 30, 2014).

¹²³ Ibid.

¹²⁴ *Southeast Asia: The UNHCR Global Report 2013*. United Nations High Commissioner for Refugees.

¹²⁵ *UNHCR 2014-2015 Global Appeal*. United Nations High Commissioner for Refugees. May 2014.

<http://www.unhcr.org/528a0a31b.html>.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

frameworks and policies to provide proper services and aid to persons of concern.¹²⁹ As an example, the conflict and persecution of the stateless Rohingya in Myanmar has led to an increase in human trafficking and increased violence against women and children as many flee Myanmar via unsafe boats and travel routes. Myanmar makes it nearly impossible for the Rohingya to access aid, and a lack of cooperation with UNHCR makes it further difficult to assist.¹³⁰ The UNHCR is attempting to coordinate with the ASEAN Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) along with neighboring Member States receiving these refugees to strategize in order to provide aid and services to the Rohingya and further recognize a need for increased attention to irregular migration methods, including migration by sea.¹³¹

Many Member States in the sub region do not fully participate with the UNCHR to adapt their legal frameworks in such a way to properly provide aid to the necessary individuals. Some Member States actually criminalize refugee status, considering them to be illegal migrants.¹³² This leads to a noted increase in detention, deportation, refoulement, and other personal risks to refugees and asylum seekers within these Member States, an increasing trend of concern in recent years. This is in direct opposition to UNHCR's mission and goals, and causes an increasing number of persons of concern to flee out of camps and into highly populated urban settings, often referred to as urban 'slums'.¹³³ A lack of documentation and an increasing number of identifiable persons in these slums creates an obstacle for the UNCHR to provide basic medical, educational, and other standard services. These undocumented individuals are also unable to properly integrate into a local labor force compounding their already dire need for basic human services.¹³⁴ The influx of these individuals makes it increasingly difficult to identify and provide services and aid and simultaneously adds strain on the Member State's resources. There is a duty and need by the committee to evaluate the situation and programs provided to the Southeast Asian region and properly identify ways to overcome these increasingly dangerous obstacles for the growing population of persons of concern.

Conclusion

The role of UNHCR in Southeast Asia is mainly a reactive one. While UNHCR's mandate does not prepare it to directly address or mitigate the internal and external factors and conflicts leading to the political instability in the region, the mandate does place a large responsibility on UNHCR to protect all persons of concern that are victims of the political instability in the region.

UNHCR has many operations in place, but still faces some key challenges particular to the region that need to be overcome in order for UNHCR to effectively carry out its mandate. Most States in the sub region lack a legislative framework for determining refugee status and statelessness and the complex mixed-migration patterns in Southeast Asia make it even more difficult to determine refugee status and allocate humanitarian resources accordingly. Furthermore, the continued use of immigration detention facilities in some States to hold persons of concern means that refugees, asylum-seekers, and stateless men, women, and children are vulnerable to abuse and exploitation. The increasing urbanization of refugees has made it more difficult for UNHCR to identify and provide assistance to those in urban settings. Additionally, many refugees, stateless persons, and asylum-seekers in urban settings are unable to earn a living wage or gain equal access to social services such as education and healthcare.

Committee Directive

Delegates should analyze which strategies regarding humanitarian aid have been effective and how to address some of the pitfalls and stumbling blocks that arose in previous humanitarian programs and operations. Delegates should familiarize themselves with the trends and challenges to providing humanitarian aid to refugees, IDPs, and other persons of concern that are specific to Southeast Asia. Prepare to discuss how to better prepare for emergency deployment of humanitarian aid given the successes and failures of past and current programs.

¹²⁹ *Southeast Asia: The UNHCR Global Report 2013*. United Nations High Commissioner for Refugees.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Southeast Asia: The UNHCR Global Report 2013*. United Nations High Commissioner for Refugees.

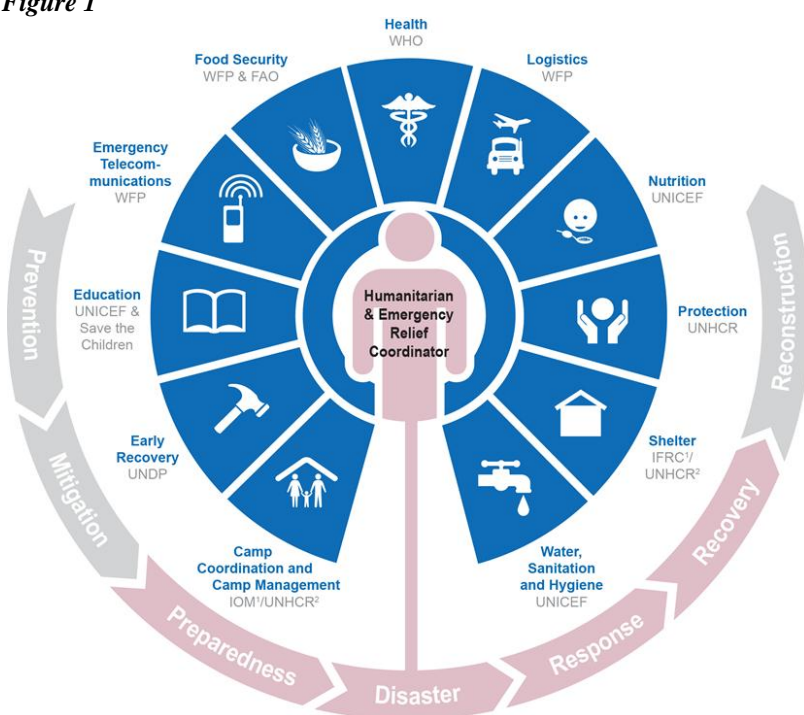
¹³⁴ *Ibid.*

Given that the current cluster system has only been in place since 2005, how can the UNHCR further strengthen field partnerships and encourage NGO participation in cluster operations? Is the cluster approach increasing the effectiveness of the UNHCR? UNHCR has seen great success and has been granted unparalleled humanitarian access to refugee populations in need due largely to its impartiality. Does the cluster approach and close partnerships with other agencies present a potential credibility challenge for the UNHCR to the level of a substantial negative impact on the ability of UNHCR to protect and assist persons of concern? Is the current organizational structure of the UNHCR appropriate and effectively tooled for the cluster system, and if not, what reforms should be considered?

What specific actions can UNHCR take in Southeast Asia to address the rising trend in urban refugees? How effective has UNHCR been in protecting persons of concern in the subregion, particularly in addressing the restrictive border policies and detention of asylum-seekers in many Southeast Asian States, and what can UNHCR do to address this? What more can be done to assist States in legislating and implementing national legal frameworks for refugees, asylum-seekers, and stateless people?

Addendum

Figure 1



Technical Appendix Guide

Topic 1: The Rights and Responsibilities of Host Countries Affected by Refugee Populations

“Amnesty International,” Amnesty International . <http://www.amnesty.org> (accessed July 20, 2014).

This organization campaigns for the end of abuses of human rights. This organization has numerous studies and articles on various human rights issues around the world and allows more information to come to light in regards to problems that refugee populations face. Individual countries and regions have specialized Amnesty International websites which tailor facts and issues to those being faced in that particular region.

“Data.” The World Bank. <http://data.worldbank.org/indicator/SM.POP.REFG>. (accessed July 20, 2014).

The World Bank gives an in-depth breakdown by-country statistics on refugee populations. The World Bank also releases reports and studies as to how effective refugee aide is, solutions to current problems, and identification of future problems.

“Field Reports”. Refugee International. <http://refugeesinternational.org/policy/field-report> (accessed July 20, 2014).

This is an independent organization that does not receive funding from any governments or the UN. It creates and carries out aide programs and missions for refugees all over the world. It also conducts independent studies on refugee population in general, and on the effectiveness of aide programs for specific refugee populations. This article is an effective tool at contrasting UN findings with other organization and also studying reports that may have not been conducted by other organizations.

Human Development Report. United Nations Development Programme. <http://hdr.undp.org/en/content/human-development-report-2014>. (accessed July 20, 2014).

The Human Development Report gives an in-depth ranking of the social and economic development of the populations of the world’s countries. It is extremely detailed and can be broken down by gender. It also ranks countries from most developed to least developed.

“Refugee Support.” Red Cross. <http://www.redcross.org.uk/en/What-we-do/Refugee-support/Refugee-facts-and-figures>. (accessed July 20, 2014).

This organization goes in-depth as to the break down of various aspects of the Red Cross’s work with refugees in the United Kingdom. This gives an excellent example of how aide is distributed and what kinds of aide refugees have access to in Western countries. This can provide an excellent contrast to those in other countries.

The Blue Key Campaign. http://thebluekey.org/press/factsheet_unhcr.php. (accessed July 20, 2014).

This website gives facts and figures on the world’s refugee population and also gives a further breakdown of the UNHCR, what it is, what it does, and how it helps refugees.

World Affairs Council. <http://www.worldaffairs.org/about-us/what-we-do>. (accessed July 20, 2014).

The World Affairs Council provides dialogue and literature in regards to humanitarian efforts around the world. There are statements made by world leaders and experts in various fields of humanitarian work. It also gives critiques and information as to how effective aide is for at-risk populations.

Topic II: Analyzing the Effectiveness of Humanitarian Efforts in Response to Political Instability in South East Asia

UNHCR Headquarters Organizational Structure Chart. United Nations High Commissioner for Refugees. <http://www.unhcr.org/4bffd0dc9.html>. (accessed July 21, 2014).

The organizational structure chart helps delegates gain a concept of the structure of UNHCR, which is critical to understand when determining the various roles and responsibilities of the committee. It is also incredibly important

when attempting to analyze the effectiveness of UNHCR to understand the overall structure and process the body takes when making decisions and implementing programs.

Key UNCHR Policies (documents). United Nations High Commissioner for Refugees.

<http://www.unhcr.org/cgi-bin/texis/vtx/search%5C?page=&comid=4e81d8c56&keywords=key-unhcrpolicies>.

(accessed July 21, 2014).

Delegates should review some of the key documents regarding the mandate and policies of UNHCR to gain further understanding of the history of UNHCR and its role in protecting and providing humanitarian assistance to persons of concern. This database provides several of the key documents that are referenced within the background guide.

Kim Jolliffe. *New Issues in Refugee Research: Ceasefires and durable solutions in Myanmar: a lesson learned review.* United Nations High Commissioner for Refugees. March 2014. <http://www.unhcr.org/533927c39.html>.

This PDES research document addresses a particular situation in Myanmar, providing culture and historical context to one of the States in Southeast Asia while also exemplifying the work of one of the units of UNHCR. It provides delegates with an example of UNHCR work outside of direct humanitarian assistance and protection actions.

Handbook for Emergencies. United Nations High Commissioner for Refugees Third Edition. February 2007.

<http://www.unhcr.org/472af2972.html>

Delegates can obtain a basic understanding of the key priorities of UNHCR when addressing emergencies.

Humanitarian aid is distributed in difficult and complex situations, and it is important for delegates to understand the key best practices of the UNHCR in these situations.

“Myanmar’s displaced wait for the tide to turn,” United Nations High Commissioner for Refugees.

<http://www.unhcr.org/50c6f5ed9.html>. (accessed July 21, 2014).

This article provides an anecdotal account of the effects of Inter-State conflict on refugees in the Southeast Asian subregion. Delegates will gain insight into another important and ongoing situation particular to Southeast Asia on a personal level, helping to bring their work in this committee into perspective.

"Safe Haven. Sheltering Displaced Persons from Sexual and Gender-Based Violence," Human Rights Center Sexual Violence Program, University of California, Berkley, School of Law. May 2013.

<http://www.unhcr.org/51b6e3239.html>. (accessed July 21, 2014).

By analyzing a particular situation and a specific issue that results from political instability, delegates can get a sense of the real life impact and struggles facing persons of concern. This report also provides generally accepted definitions for refugees, IDPs, other forced migrants and persons of concern that delegates can use to obtain a basic understanding of the terminology used through topic II in the background guide.

The Implementation of UNHCR’s Policy on Refugee Protection and Solutions in Urban Areas. United Nations High Commissioner for Refugees. 2012. <http://www.unhcr.org/516d658c9.html>

The increasing trend in the urbanization of persons of concern and the specific challenges regarding this is discussed in depth in this report from 2012. Delegates can gain a sense of the scope and importance of addressing this trend and the impact it has on ensuring access to humanitarian aid and basic services.

Fighting Hunger Worldwide: The Contribution of Food Assistance to Durable Solutions in Protracted Refugee Situations; its impact and role in Bangladesh: A Mixed Method Impact Evaluation. The World Food Programme. December 2012.

<http://www.unhcr.org/510fcef9b.html>

UNHCR works in partnership with many other organizations in a coordinated approach to providing humanitarian aid to refugee populations. This report provides an example of a specific protracted refugee situation in Southeast Asia and analyzes the impact of food assistance in terms of providing durable solutions to the issues facing these refugees.