



**UNHCR**  
The UN Refugee Agency

**The Office of the United Nations  
High Commissioner for Refugees  
(UNHCR) Study Guide**

**Istanbul University Model United Nations**

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# Political Background: Escalation of tensions in EU's Eastern Borders

## A) Belarus-EU border crisis

Refugee movements on the East-West axis are not peculiar to 21<sup>st</sup> century; but a phenomenon began with the Cold War. The origins of the Eastern European Refugee Crisis are, thus, now buried inside the pages of Cold War histories. A lot has changed since the first Westward migrations from the Eastern bloc began; not only the bipolar system collapsed, but also regional conflicts in world's hotspots - such as the Middle East or North Africa - has become even more brutal and devastating. This devastation has caused millions to escape from their home communities and seek refuge in calmer, more prosperous parts of the world.

In the dimension of Belarus-EU relations, the refugee crisis had arisen in a rather uncomfortable situation for both sides. A year before the refugee crisis' appearance in EU's eastern borders, a pandemic hit the globe in an unprecedented scale. Covid-19 had caught governments and international organizations in an unexpected and unorganized situation. A global lockdown had caused severe economic recession and states shut their borders to all foreigners - and in some instances their own citizens who were abroad when the lockdown began. EU as a supranational organization was also shocked and, in terms of border security, similar steps with the rest of the world were followed. When the political situation in Belarus became treacherous, EU was in a state of emergency.

In Belarus on August 2020, despite the growing intensity of the pandemic, presidential elections were held in its pre-scheduled time. The "official" results have been widely disputed, with supporters of opposition candidate, Svetlana Tikhanovskaya, insisting she won. Belarusians rejected the outcome, and thousands took to the streets for almost three months in some of the biggest demonstrations the country had ever seen. "By November 2020, more than 30,000 people had been detained, 900 faced criminal charges and several people had been killed."<sup>1</sup> Following this crackdown, Western states and EU have imposed "significant, and coordinated, financial and economic sanctions on the regime."<sup>2</sup> In May 2021, and in response to the imposition of sanctions, President Lukashenko retaliated by saying he would allow migrants and drugs to flood into Europe by no longer taking action to prevent illegal crossings across the Belarus/EU border.

The following months have brought the tensions to a point of explosion; and on July 2021, President Lukashenko's retaliation became evident. Firstly, starting in summer 2021, Poland, Latvia and Lithuania faced an increase in the number of people on the move (from Syria, Iraq, Afghanistan) trying to cross the borders from Belarus. The Belarusian government organized an attempt to destabilize European politics by using migrants as 'living weapons' on the border. The EU, in its response, appeared to be unprepared for the migration challenge, and its asylum system failed to guarantee the access to verify the legal claims. Both the governments and the EU representatives introduced or supported a variety of tools to prevent migrants coming from Belarus to enter the EU, and, in fact, made them 'stuck' in a so-called no-man's land: from

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<sup>1</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-9389/CBP-9389.pdf>

<sup>2</sup> Ibid.

implementation of states of emergency, ‘legalization’ of pushbacks, to building new fences at the border.



*Figure 1: Polish Border Guards facing towards the migrants on the Belarus side. November 2021*

All three EU neighbours of Belarus have declared states of emergency, closed their borders and deployed the military. The situation has been particularly tense on the Polish border with Belarus, and around the Kuznica border crossing, where migrants have been amassing in their thousands. In October 2021 alone, “the Polish Border Guard Service reported over 17,000 illegal attempts to cross the border, compared to 3,500 in August 2021 and 242 in July 2021. Hundreds of attempts are reported on a daily basis. Migrants are being “pushed back” and refused entry, which many argue is in contravention of international law. Clashes have occasionally broken out between Polish forces and migrants who have been forced back across the border with the use of water cannons and tear gas.”<sup>3</sup>

In a statement on 11 November 2021, EU High Representative Josep Borrell expressed solidarity with “the Member States affected by this hybrid attack” and called for “a strong international reaction and cooperation in order to hold Belarus regime accountable.” European Commission President Ursula von der Leyen told the European Parliament on 23 November that “the instrumentalisation of migrants for political purposes by Belarus is unacceptable” and that the “whole of Europe stands united in solidarity with Lithuania, Poland and Latvia on this issue.”<sup>4</sup> On November 2021, tensions began to thaw when Iraq began the voluntary repatriation of its citizens from Belarus with an initial flight taking around 400 people from Minsk to Erbil and Baghdad, according to Al Jazeera.<sup>5</sup> Meanwhile, the European Commission and Germany rejected a proposal by Belarus that EU countries take in 2,000 migrants and refugees on its territory. Minsk has said it will return another 5,000 to their home countries.<sup>6</sup>

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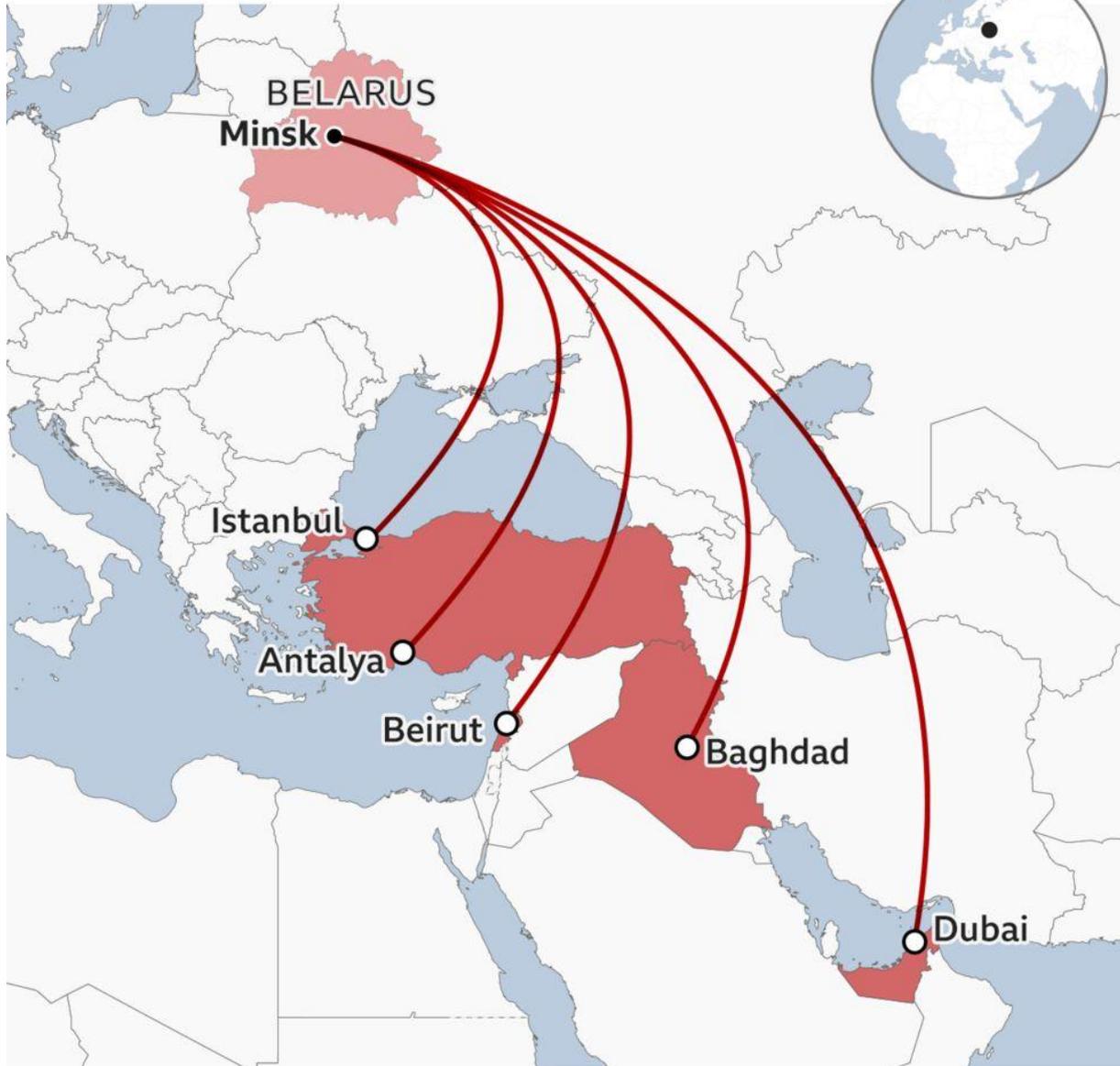
<sup>3</sup> Ibid.

<sup>4</sup> European Commission, Speech by the President: EUCO and situation in Belarus, 23 November 2021

<sup>5</sup> [https://www.aljazeera.com/news/2021/11/18/hundreds-of-iraqis-to-be-repatriated-from-belarus#\\_ga=2.177139749.1698958451.1655283095-92142143.1606309077](https://www.aljazeera.com/news/2021/11/18/hundreds-of-iraqis-to-be-repatriated-from-belarus#_ga=2.177139749.1698958451.1655283095-92142143.1606309077)

<sup>6</sup> <https://www.unhcr.org/refugeebrief/the-refugee-brief-19-november-2021/>

## Flights from Middle East to Minsk



Source: FlightRadar24

BBC

When the crisis finally seemed to be over, a brand new one was looming in the Ukrainian border. But before we move on with the Ukrainian crisis, we need to stress an important point. As it can be observed, the terms “migrants” and “refugees” are used somehow interchangeably throughout the process both by us and the government officials involved in the crisis. Then one must ask; what is indeed the difference?

# Legal Background: What is a “Refugee”?

## A) Historical Process towards the 1951 Convention

As a committee which focuses on the various aspects of the refugee question, defining the centrepiece of the debate is of utmost importance. Rekindled during the course of the recent events, the definition of refugee was and still is an intriguing and widely debated issue. Therefore, it is essential to analyse and evaluate various legal documents containing definitions of the term “refugee” and “refugeehood”, their content, and their historical background.

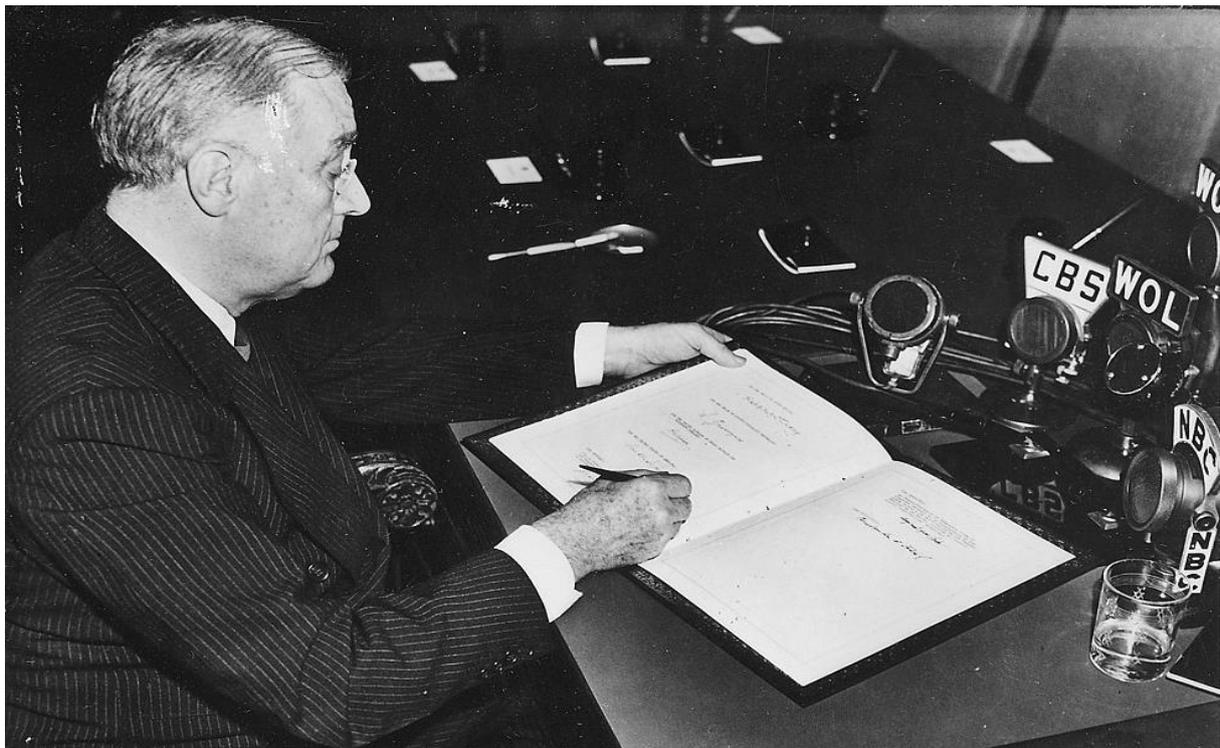


Figure 2: President Roosevelt signs the pact establishing the UNRRA, 9 November 1943

The core of contemporary global refugee regime was established by the Geneva Convention Relating to the Status of the Refugees in 1951. Although there were several sets of legal norms and institutions related with the refugee regime, these were largely inadequate for the needs of a world with ever-increasing numbers of refugees, originating from a variety of reasons and locations. The first serious and worldwide attempts to regulate the refugee regime came with the Second World War when roughly several million people suffered from extensive persecution from the highly organized predatory and totalitarian states of Europe. Although there had been serious incidents occurred in the Asian theatre of the war, it was the European experience of traumatizing violence and mass mobility that triggered the international community to react. During the war, international relief organizations, neutral or allied states/communities and philanthropists had come to the assistance of refugees stuck at the frontiers, saving and resettling a significant amount of them to third countries. As a part of this effort, United Nations Relief and Rehabilitation Agency (UNRRA) was found by Franklin D. Roosevelt, president of the United States, to “plan, co-ordinate, administer or arrange for the administration of measures for the relief of victims of war in any area under the control of any

of the United Nations through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services.”<sup>7</sup> After the war, however, at least a million refugees were present and in a dire situation. These refugees were those whom the voluntary organizations and authorities could not reach and find solutions during the war.



Figure 3: *The Refugee Convention Relating to the Status of Refugees* being signed by the delegates of member states, 28 July 1951

By that time, United Nations as we know it today was found in June 1945 and UNRRA’s functions were started to be transferred to other UN organs. In 1947, International Refugee Organization was established as the successor of UNRRA, virtually abolishing the former. As a wartime organization, UNRRA’s primary goals were relief, rehabilitation and repatriation; but IRO had different priorities and existed in a different conjuncture, thus it was primarily oriented towards resettlement. Although many of UNRRA’s functions were transferred to the UN system, IRO was not under the UN mandate; and with the cooperation of some 60 other voluntary agencies, over a million refugees were resettled between 1947 and 1951.<sup>8</sup> In a time period when international organizations of global nature was being unified under the UN mandate, IRO finally completed its legal mandate in 1951 and was dissolved. In order to fill the gap left form IRO, a new international organization for assisting and relocating refugees was being created. In the final months of 1950, the UN Assembly adopted the proposal for the establishment of the UNHCR as of January 1, 1951. Shortly after UNHCR’s establishment, the Refugee Convention Relating to the Status of the Refugees was signed by 26 member states, marking the beginning of the modern refugee regime and the 1951 Convention as its

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<sup>7</sup> <http://www.ibiblio.org/pha/policy/1943/431109a.html>

It should be noted that the term “United Nations” was used for Allied Powers especially by Franklin D. Roosevelt during the course of war.

<sup>8</sup> Gallagher, D. (1989). The Evolution of the International Refugee System. *The International Migration Review*, 23(3), 579–598. <https://doi.org/10.2307/2546429>, p.579

cornerstone. An important change on its own, the Convention “legally recognized—for the first time—refugees in the region *based on their experience of displacement*, rather than their country of origin.”<sup>9</sup> For the purposes of this guide, we will examine some of the key articles of the Convention, how or whether they were amended, what other legal documents aimed to complement or substitute them, and in what ways did these articles were interpreted by UNHCR.

## **B) Examination of Articles**

One of the most important aspects of the 1951 Convention is its position as a founding statement for an extensive refugee regime. Stressed by the UNHCR in the Introductory Note to the Convention; grounded “in Article 14 of the Universal Declaration of human rights (1948), which recognizes the right of persons to seek asylum from persecution in other countries, the United Nations Convention relating to the Status of Refugees, adopted in 1951, is the centrepiece of international refugee protection today.”<sup>10</sup> There are few reasons why it is regarded as such.

The Convention includes several intriguing and influential articles. Most widely known difference from the rest of its predecessors lies within Article I. This particular article represents a significant progress and also the most problematic issue of the Convention. As explained by the Introductory Note; “The 1951 Convention consolidates previous international instruments relating to refugees and provides the most comprehensive codification of the rights of refugees at the international level. In contrast to earlier international refugee instruments, which applied to specific groups of refugees, the 1951 Convention endorses a single definition of the term “refugee” in Article I.”<sup>11</sup> Aforementioned article is as follows:

### **i. Article I:**

A. For the purposes of the present Convention, the term “refugee” shall apply to any person who:

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

B. (I) For the purposes of this Convention, the words “events occurring before 1 January 1951” in article 1, section A, shall be understood to mean either:

(a) “events occurring in Europe before 1 January 1951”; or

(b) “events occurring in Europe or elsewhere before 1 January 1951”, and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

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<sup>9</sup> <https://asylumaccess.org/what-is-the-1951-refugee-convention-and-how-does-it-support-human-rights/>

<sup>10</sup> <https://www.unhcr.org/3b66c2aa10>

<sup>11</sup> *Ibid.*

Commentary: 16 years later, the temporal and spatial aspect of this article was a clear problem and UNHCR members were gathered to amend the text. Thus, 1967 Protocol Relating to the Status of Refugees was approved, and the Protocol amended the original text as in the following way:

## **ii. Article I.2 of the 1967 Protocol:**

For the purpose of the present Protocol, the term “refugee” shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words “As a result of events occurring before 1 January 1951 and ...” “and the words” ... “a result of such events”, in article I A (2) were omitted.

Commentary: Before the Protocol, the term “refugee” was applicable only to those who had suffered from specifications in Article I before 1 January 1951; and through its spatial separation, states were granted the chance to choose either (a) “events occurring in Europe before 1 January 1951”; or (b) “events occurring in Europe or elsewhere before 1 January 1951”. One can deduct if a signatory state wanted to exempt itself from the burden of accommodating refugees from different parts of the planet and dealing with legal constraints resulting from it, it had the chance to select option (a) and abstain from accepting any migrant coming outside of Europe as a “refugee”. One can also deduct that the Convention’s primary concern was those who had suffered in the Second World War and forced to migrate from their countries of origin. Retrospective aspect of the Convention had restricted UNCHR to those who had suffered from the War and if the Protocol had not amended the article, UNHCR might have become obsolete by now; “Therefore, it is only with the 1967 amendments that the 1951 Convention has indeed become a valuable universal instrument for the protection of refugees.”<sup>12</sup>

Moving on with the Article I, we can see section (C) which defines the situations when a person ceases to be a refugee:

- C. This Convention shall cease to apply to any person falling under the terms of section A if:
- (a) He has voluntarily re-availed himself of the protection of the country of his nationality; or
  - (b) Having lost his nationality, he has voluntarily re-acquired it; or
  - (c) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
  - (d) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
  - (e) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality
  - (f) Being a person who has no nationality he is, because of the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence.

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<sup>12</sup> <https://blogs.lse.ac.uk/humanrights/2016/02/08/international-refugee-law-definitions-and-limitations-of-the-1951-refugee-convention/>

After section (C), sections (D), (E) and (F) declares situations in which the Convention cannot be applied:

- D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.
- E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.
- F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:
  - (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
  - (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
  - (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Commentary: Although the situations for cessation or exclusion of refugee status as they were laid down by Article I had been enough in post-war era, situations in which persons may become displaced and acquire refugee status gained significant variety especially after 1980s; naturally, this led to proliferation of new institutions and new rules which concerned both the definition and the nature of refugees – and displaced persons in general. “Overlapping and parallel institutions with a human rights orientation have tended to be complementary, reinforcing the protection standards of the regime. Regional instruments such as the OAU Convention and the Cartagena Protocol were explicitly conceived as complements to the 1951 Convention.”<sup>13</sup> It is necessary to give the enhanced definitions of these instruments relating the status of refugees.

The 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which applies to Africa only, came into being as a response to the violence and mass migrations caused by post-colonial state-and-nation-building process in 1960s; 1951 Convention, however, was a response to the European totalitarian experience and those who had suffered from its consequences: “Clearly, the OAU and the UN definitions reflect markedly different historical contexts.”<sup>14</sup> As all other legal instruments relating the status of refugees written after 1951, OAU Convention reaffirms the primary position of 1951 Convention in its preamble:

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<sup>13</sup> Betts, A. (2009). Institutional Proliferation and the Global Refugee Regime. *Perspectives on Politics*, 7(1), 53–58. <http://www.jstor.org/stable/40407214>

<sup>14</sup> Shacknove, A. E. (1985). Who Is a Refugee? *Ethics*, 95(2), 274–284. <http://www.jstor.org/stable/2380340>

1. **RECOGNIZING** that the United Nations Convention of 28 July 1951, as modified by the Protocol of 31 January 1967, constitutes the basic and universal instrument relating to the status of refugees and reflects the deep concern of States for refugees and their desire to establish common standards for their treatment,
2. **RECALLING** Resolution 26 and 104 of the OAU Assemblies of Heads of State and Government, calling upon Member States of the Organization who had not already done so to accede to the United Nations Convention of 1951 and to the Protocol of 1967 relating to the Status of Refugees, and meanwhile to apply their provisions to refugees in Africa.

Following the preamble, Article 1 of the OAU Convention copies the original definition of refugee given in 1951 Convention, and then gives the broadening part. The article is as follows:

### **iii. Article 1 of the OAU Convention:**

1. For the purposes of this Convention, the term “refugee” shall mean every person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
2. The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

Commentary: As it can be seen, Article I.1 is almost identical to the original definition given by 1951 Convention’s Article I. Article 1.2, however, reveals other possibilities for deterioration of bonds between the state and its citizen, persecution being but one. It is argued that “Persecution is but one manifestation of a broader phenomenon: the absence of state protection of the citizen’s basic needs. It is this absence of state protection which constitutes the full and complete negation of society and the basis of the refugeehood.”<sup>15</sup> Visible especially after 1980s, economic and natural catastrophes which forced hundreds of thousands to flee their home community were a giant deficit of the 1951 Convention. As such, persons who leave their home community due to the lack of education and job opportunities are also not covered under the refugeehood.<sup>16</sup> Naturally, following the example of OAU Convention, other complementary texts with broader definitions and more emphasis on the varieties of “persecution” appeared. In 1984, Latin American countries gathered to solve the issue of Southern and Central American refugees and formed the Cartagena Declaration on Refugees. Just as the OAU Convention did, Cartagena Declaration reaffirmed its commitment to the 1951 Convention in its preamble:

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<sup>15</sup> Shacknove, A. E. (1985). Who Is a Refugee? *Ethics*, 95(2), 274–284. <http://www.jstor.org/stable/2380340>

<sup>16</sup> <https://blogs.lse.ac.uk/humanrights/2016/02/08/international-refugee-law-definitions-and-limitations-of-the-1951-refugee-convention/>

1. "To carry out, if they have not yet done so, the constitutional procedures for accession to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees."
2. "To adopt the terminology established in the Convention and Protocol referred to in the foregoing paragraph with a view to distinguishing refugees from other categories of migrants."
3. "To ensure that any repatriation of refugees is voluntary, and is declared to be so on an individual basis, and is carried out with the co-operation of UNHCR."
4. "To identify, with the co-operation of UNHCR, other countries which might receive Central American refugees. In no case shall a refugee be transferred to a third country against his will."

Following the preamble, Cartagena Declaration adopts the decision on the definition of refugee. The decision is as follows:

1. **TO REITERATE** that, in view of the experience gained from the massive flows of refugees in the Central American area, it is necessary to consider enlarging the concept of a refugee, bearing in mind, as far as appropriate and in the light of the situation prevailing in the region, the precedent of the OAU Convention (article 1, paragraph 2) and the doctrine employed in the reports of the Inter-American Commission on Human Rights. Hence the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

Commentary: Unlike the OAU Convention, which had no forerunner legal text that could have been cited as an example of complementary for 1951 Convention, Cartagena Declaration gives a reference to the OAU Convention which had been gathered for the exact same reason with Cartagena Declaration: to expand the definition of refugee and refugeehood.

After Cartagena Convention, no significant complementary for Article I of 1951 Convention was attempted except a much more recent Directive 2011/95/EU of the European Parliament and the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, which is quite relevant in our agenda since it is an official stance of the EU relating the status of refugees in its borders. The directive, again, reaffirms its commitment to 1951 Convention; but it contributes to the meaning of "persecution" written in Article I of 1951 Convention. The proposal is as follows:

#### **iv. Article 9: Acts of persecution**

1. In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

- (a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
  - (b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point.
2. Acts of persecution as qualified in paragraph 1 can, inter alia, take the form of:
- (a) acts of physical or mental violence, including acts of sexual violence;
  - (b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
  - (c) prosecution or punishment which is disproportionate or discriminatory;
  - (d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;
  - (e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);
  - (f) acts of a gender-specific or child-specific nature.
3. In accordance with point (d) of Article 2, there must be a connection between the reasons mentioned in Article 10 and the acts of persecution as qualified in paragraph 1 of this Article or the absence of protection against such acts.

The Directive also defines another group of people: person eligible for subsidiary protection. The definition is as follows:

**v. Article 2(f) of the EU Directive:**

‘person eligible for subsidiary protection’ means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country. -

Commentary: The Directive not only expands the definition of “persecution” to fit more people into the status of refugee, but also provides a secondary path of protection for persons fleeing their home communities under the umbrella of “person eligible for subsidiary protection.”

As we have delved into the nature and complementary elements of Article I, we can move on and take a quick glance at some other important articles of 1951 Convention:

## **vi. Article 2:**

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

## **vii. Article 9:**

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security. -

Commentary: Article 9 presents an important point about the suspension of one's refugeehood. Unlike Article I section C which regulates situations in which a person "ceases" to be a refugee and Article I sections D, E, F which regulate situations that the Convention cannot be applied on a person, Article 9 regulates the status of refugee in extraordinary situations. In these situations, this article grants states the right "to suspend refugee rights only when faced with a critical and exceptional crisis and only on an interim basis, allowing them time to investigate particular claims to refugee status."<sup>17</sup> With this provision in mind, we can realize that this article also governs those who flee from the war and/or persons who commit war crimes and escape to another country for asylum as a refugee. In these circumstances, "if a particular person is found not to be a Convention refugee, including the basis of criminal or other exclusion under Article I section F, no rights under the Refugee Convention accrue, and removal from the territory or the imposition of other restrictions is allowed."<sup>18</sup>

## **viii. Article 26:**

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

## **ix. Article 31:**

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article I, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

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<sup>17</sup> Hathaway, James C. "Refugee Rights Are Not Negotiable." A. K. Cusick, co-author. *Geo. Immigr. L. J.* 14, no. 2 (2000): 481-539.

<sup>18</sup> *Ibid.*

#### **x. Article 32:**

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.
2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

#### **xi. Article 33:**

1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Commentary: Principle of non-refoulement is now a part of *jus cogens* - core principles of international law. This article puts states under the obligation of not to send a refugee to a territory where his/her life or freedom would be threatened. Bearing in mind that a “refugee” is a person who flees from persecution, it would be ethically and politically wrong to send him/her back to the country he/she just fled to avoid persecution. Also reminding that persons who escape from invading forces are considered refugees as well, it is not a surprise to see that the principle of non-refoulement being quite relevant in the light of recent events. As another important aspect of non-refoulement, the durable solution of voluntary repatriation is quite intertwined with this principle. Since the only possible condition for a refugee to return to his/her home is the end of “well-founded fear of being persecuted”, any repatriation attempt without the refugees’ consent is unlawful and against the principle of non-refoulement.

#### **xii. Article 35:**

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.
2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:
  - (a) The condition of refugees,
  - (b) The implementation of this Convention, and;
  - (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.-

Commentary: Both the UNHCR Statute and the 1951 Convention authorize the organization to “supervise” refugee conventions. This opens up the possibility for the UNHCR to make

judgments or observations about state behaviour under refugee law and to challenge state policies when they endanger refugees.

# The War in Ukraine and the Refugee Crisis

## A) Onset of the war

Due to its position as a “frontier territory” where not only two, but three civilizations clashed and interacted<sup>19</sup>; Ukraine - and the western Pontic Steppe where it is located - had always been a hotspot for conflicts and disputes. Carrying the heritage of Islamic (Crimean/Ottoman), Muscovite (Russian/Soviet) and Western (Polish/Germanic) cultural spheres; Ukraine had also faced a near-constant trilemma regarding its cultural identity. However, since its historical process is irrelevant for our topic, we will skip to the post-cold war conjuncture and investigate the Russo-Ukrainian conflict of 2022.

Although the Budapest Memorandum on Security Assurances imposed the Russian Federation, the United Kingdom and the United States of America articles which included refraining from the threat or use of force against the territorial integrity or political independence of Ukraine, together with reaffirming their “commitment to seek immediate



Figure 4: U.S President Bill Clinton, Russian President Boris Yeltsin and Ukrainian President Kravchuk after signing the trilateral statement in Moscow in 1994

United Nations Security Council action to provide assistance to Ukraine, a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression...<sup>20</sup>; the treaty have been breached for couple of times

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<sup>19</sup> Opiola, W., et al. (2022). War and politics. The 2022 Russian invasion of Ukraine and refugee crisis on the eastern EU border from the perspective of border studies. *Border and Regional Studies*, 10(1), 7-22.

<https://doi.org/10.25167/brs4791>

<sup>20</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%203007/Part/volume-3007-I-52241.pdf>

by one of three guarantors. As a former Soviet state accommodating a large quantity of Soviet nuclear weaponry, Ukraine was asked to give up their nuclear weapons together with Kazakhstan and Belarus; but this concession did not satisfy Russia, formal successor and the largest of all states came out from the Soviet Union.

Ukraine was - and still is - known as the soft underbelly of Russia, thus its loss had posed a gigantic security breach in Russia's home front. To overcome this threat, Russia diverted its foreign policy resources towards setting a pro-Russian rule in Kiev/Kyiv. As long as Ukraine remained pro-Russian, Russian heartland was considered safe from foreign threats; however, Ukraine was in a course of socio-cultural shift.

Once the direct rule from Moscow was over, Ukraine as an independent, non-Communist country turned its face from the Muscovite world towards the West. As the winning side of the Cold War, the West -with its full glory and wealth, represented a beacon for most of post-Soviet republics and peoples located in Europe, including Ukraine. "The commitment of the majority of Ukraine's population to European liberal-democratic values clashed with authoritarian-conservative traditions that were actively promoted by the Russian ruling elite in the former

## Areas of Russian military control in Ukraine



Source: Institute for the Study of War (21:00 GMT, 9 June)



Soviet Union in the form of the geopolitical project “Russian world/*Russkiy mir*.”<sup>21</sup> As a result, Ukraine faced numerous foreign interventions, mostly originating from the Russian Federation. In 2014 after the Maidan Revolution in Ukraine, pro-Russian ruling elite was cast away from power; which in return threatened the safety of Russian interests and pro-Russian cliques among Ukrainian society. Consequently, pro-Russian rebellions erupted in areas of Ukraine influenced by the Muscovite cultural sphere, namely Crimea, Donetsk and Luhansk; thus igniting the Russo-Ukrainian War. As a result, some 514.000 people had been internally displaced by the conflict as of December 2014.<sup>22</sup> According to Russian Federal Migration Service, 233.000 people applied for refugee status in Russian Federation in the same process while “8,936 Ukrainians had asked for international protection in the EU, a tenfold increase from the 885 asylum applications for the whole of 2013.”<sup>23</sup> Interestingly, most of displaced Ukrainians remained as internally displaced persons in regions close to the conflict rather than escaping abroad and acquiring refugee status. When the active conflict was over, Crimea was annexed by the Russian Federation and splinter state organisms popped up in eastern Ukraine which would later become Donetsk and Luhansk Republics.

For almost 8 years, the Russo-Ukrainian War remained in halt except several border clashes and separatist actions occurring in eastern Ukraine and Crimea. In late 2021, however, tensions began to rise once again in the region when satellite images captured Russian military build-up in strategic locations close to the Ukrainian border. Although the Russian government denied claims of preparation for war over and over; tone of the officials and of President Vladimir Putin began to change during the Beijing Winter Olympics of 2022, similar to the pattern followed in Russo-Ukrainian War of 2014 which began at the same time with Sochi Winter Olympics. On 24 February, Vladimir Putin launched a “special military operation” with the aim of “demilitarizing and de-Nazifying” Ukraine. According to many analysts, Russian plan was to launch “a quick shock-and-awe operation directly targeting Ukrainian President Volodymyr Zelenskiy, in order to replace his government with one more pliable to Moscow’s will.”<sup>24</sup> Until the 33<sup>rd</sup> day of the operation, Russian forces acted as anticipated and fiercely charged towards Kiev/Kyiv; however, lack of discipline in Russian ranks together with stiff Ukrainian resistance forced Russians to abandon the plan aimed towards taking Kiev/Kyiv and toppling down Zelenskiy’s government. After three weeks of de facto truce, a new offensive was launched by Russian forces in eastern Ukraine, aiming to occupy areas claimed by Donetsk and Luhansk Republics. As we have passed the 100<sup>th</sup> day of war, apart from the surrender of Ukrainian port city Mariupol, no significant progress is achieved by either sides of the conflict. The final outcome of the war remains to be seen.

## **B) Ukrainian Refugee Crisis**

The war has caused the largest and most severe humanitarian crisis in Europe since the Second World War. “The escalation of conflict in Ukraine has caused civilian casualties and destruction of civilian infrastructure, forcing people to flee their homes seeking safety, protection and assistance. Millions of refugees from Ukraine have crossed borders into neighbouring countries,

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<sup>21</sup> Opiola, W., et al. (2022). War and politics. The 2022 Russian invasion of Ukraine and refugee crisis on the eastern EU border from the perspective of border studies. *Border and Regional Studies*, 10(1), 7-22.

<https://doi.org/10.25167/brs4791>

<sup>22</sup> <https://www.unhcr.org/news/latest/2014/12/548190aa9/ukraine-conflict-uproots-hundreds-thousands.html>

<sup>23</sup> Ibid.

<sup>24</sup> <https://www.theguardian.com/world/ng-interactive/2022/jun/01/100-days-of-war-in-ukraine-how-the-conflict-has-developed>

and many of them have been forced to move inside the country.”<sup>25</sup> As of 9 June; 4.904.207 refugees from Ukraine recorded across Europe, 3.206.642 refugees from Ukraine registered for Temporary Protection or similar national protection schemes in Europe, and 7.363.623 border crossings from Ukraine since 24 February 2022 is recorded.<sup>26</sup> Again, as of 9 June, 502,386 people have benefitted from core relief items and food assistance across eastern, central and western Ukraine. This includes 107,105 people who received food assistance, 42,590 who were in receipt of hygiene and shelter kits and 352,691 people received core relief items, such as clothes.<sup>27</sup> According to UNHCR estimates, 15.7 million people urgently require humanitarian assistance and protection. In order to reach UNHCR and governments’ response towards the crisis and further information on its scale, please visit the official website of UNHCR: [https://data.unhcr.org/en/situations/ukraine#\\_ga=2.111332036.130374113.1653064442-92142143.1606309077](https://data.unhcr.org/en/situations/ukraine#_ga=2.111332036.130374113.1653064442-92142143.1606309077)

To overcome this crisis UNHCR works with multiple agencies, including UN and non-UN international organizations. On 1 March, UNHCR published its Ukraine situation regional response plan covering actions needed to be taken between March-August 2022. In order to apprehend the roadmap of UNHCR on Ukrainian Refugee Crisis, please check the document: <https://unh.cr/6293930022f>

## Durable Solutions for Refugees

UNCHR’s founding document, Statute of the Office of the United Nations High Commissioner for Refugees calls upon Governments in its preamble to co-operate with the High Commissioner especially by:

- a) Becoming parties to international conventions providing for the protection of refugees, and taking the necessary steps of implementation under such conventions;
- b) Admitting refugees to their territories, not excluding those in the most destitute categories;
- c) Assisting the High Commissioner in his efforts to promote the voluntary repatriation of refugees;
- d) Promoting the assimilation of refugees, especially by facilitating their naturalization;
- e) Providing refugees with travel and other documents such as would normally be provided to other aliens by their national authorities, especially documents which would facilitate their resettlement;
- f) Permitting refugees to transfer their assets and especially those necessary for their resettlement;<sup>28</sup>

Similarly, in Chapter I of the Statute, UNCHR’s primary function is stated as: “...seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.”

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<sup>25</sup> [https://data.unhcr.org/en/situations/ukraine#\\_ga=2.111332036.130374113.1653064442-92142143.1606309077](https://data.unhcr.org/en/situations/ukraine#_ga=2.111332036.130374113.1653064442-92142143.1606309077)

<sup>26</sup> Ibid.

<sup>27</sup> Ukraine situation: Flash Update #16, <https://unh.cr/62a36de6e>

<sup>28</sup> <https://www.unhcr.org/3b66c39e1.pdf>

Ever since its foundation, UNCHR is devoted to achieve its mandate by the durable solutions laid down in its statute. In their latest form used by UNCHR, these durable solutions are: repatriation, resettlement and local integration. As we will be seeking to find durable solutions for the Eastern European Refugee Crisis, we believe that it is crucial for our delegates to know the basics of UNCHR's set of durable solutions, their qualities, their functions, and their inefficiencies. Apart from the brief introductions we present in this section of the study guide, it is compulsory for our delegates to read the official pamphlet given by UNCHR specifically for this agenda item. You can find the official pamphlet in this study guide located below our chapters.

## **A) Voluntary Repatriation**

While the necessary information regarding the voluntary repatriation is given in the UNCHR's official pamphlet, we would like to add some key aspects as well. According to the UNHCR's Handbook on Voluntary Repatriation, the mandate on repatriation is summarized as follows:<sup>29</sup>

- a) Verify the voluntary character of refugee repatriation.
- b) Promote the creation of conditions that are conducive to voluntary return in safety and with dignity.
- c) Promote the voluntary repatriation of refugees once conditions are conducive to return.
- d) Facilitate the voluntary return of refugees when it is taking place spontaneously, even if conditions are not conducive to return.
- e) Organize, in cooperation with NGOs and other agencies, the transportation and reception of returnees, provided that such arrangements are necessary to protect their interests and well-being.
- f) Monitor the status of returnees in their country of origin and intervene on their behalf if necessary.
- g) Undertake activities in support of national legal and judicial capacity-building to help states address causes of refugee movements.
- h) Raise funds from the donor community in order to assist governments by providing active support to repatriation and reintegration programmes.
- i) Act as a catalyst for medium and long term rehabilitation assistance provided by NGOs, specialized development agencies and bilateral donors.

Right of refugees to return their country of origin is also guaranteed in the Universal Declaration of Human rights: "Everyone has the right to leave any country, including his own, and return to his country." In terms of voluntary repatriation, the principle of voluntariness is the cornerstone of international protection with respect to the return of refugees. While the issue of voluntary repatriation as such is not addressed in the 1951 Refugee Convention, it follows directly from the principle of non-refoulement: the involuntary return of refugees would in practice amount to refoulement. A person retaining a well-founded fear of persecution is a refugee, and cannot be compelled to repatriate (please see our commentary on Article 33 of the 1951 Convention).

Voluntariness means not only the absence of measures which push the refugee to repatriate, but also means that he or she should not be prevented from returning, for example by

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<sup>29</sup> <https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html>

dissemination of wrong information or false promises of continued assistance. In certain situations economic interests in the country of asylum may lead to interest groups trying to prevent refugees from repatriating.<sup>30</sup>

## B) Resettlement

UNHCR's Statute, adopted by the General Assembly in 1950 and extended by subsequent UN General Assembly Resolutions, states that UNHCR's functions are to: Provide international protection to refugees and Assist governments to find durable solutions for them.<sup>31</sup> Among these durable solutions, resettlement is defined in UNCHR Resettlement handbook as follows: "Resettlement involves the selection and transfer of refugees<sup>[SEP]</sup> from a State in which they have sought protection (host country) to a third State which has agreed to admit them – as refugees – with permanent residence status (resettlement country). The status provided ensures protection against *refoulement* and provides a resettled refugee and his/her dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity<sup>[SEP]</sup> to eventually become a naturalized citizen of the resettlement country."<sup>32</sup> In order to get qualified for being resettled, a refugee must have a continued need for international protection, and meet one of seven submission categories;

1. Legal and/or Physical Protection Needs of the refugee in the country of refuge (this includes a threat of *refoulement*);

Commentary: Remember that Article 33(1) of the 1951 Convention provides: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion."

2. Survivors of Violence and/or Torture, in particular where repatriation or the conditions of asylum could result in further traumatization and/or heightened risk;
3. Medical Needs, in particular life-saving treatment that is unavailable in the host country;
4. Women and Girls at Risk, who have protection problems particular to their gender;
5. Family Reunification, when resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or entire continents;
6. Children and Adolescents at Risk, where a best interests determination supports resettlement;
7. Lack of Foreseeable Alternative Durable Solutions, which generally is relevant only when other solutions are not feasible in the foreseeable future, when resettlement can be used strategically, and/or when it can open possibilities for comprehensive solutions.

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<sup>30</sup> Ibid.

<sup>31</sup> <https://www.unhcr.org/5fe06e8b4>

<sup>32</sup> <https://www.unhcr.org/46f7c0ee2.html>

UNHCR collects these data from its primary registration system, proGres, which contains entries for millions of individuals. proGres is continuously updated when refugees and/or partners report protection problems, and contains detailed biodata and photographs of individuals, information on family composition, and information on specific needs. Refugees who meet one of these requirements are then evaluated by UNHCR in a process which includes interviews, “through which the protection needs of individuals are carefully assessed.” However, as it is the case with other two durable solutions, “Resettlement States undertake their own thorough screening and review processes, including identity and national security checks. The final decision on whether to accept refugees for resettlement lies with States.” To reach a common ground and deliver the best possible options for refugees, UNCHR gathers Annual Tripartite Consultations on Resettlement, “which is the primary vehicle for collaborative efforts between UNHCR, governments, NGOs, refugees and other stakeholders.” The ATCR is a forum which promotes partnerships reflecting the variety of stakeholders engaged in the resettlement process. Through the ATCR, partners develop resettlement policy and procedures, advocate for the establishment and expansion of resettlement opportunities, build capacity and share best practices, enhance global resettlement delivery, share data and evidence on the availability and impact of resettlement, and shape joint strategies on resettlement. In recent years, some researchers investigated the states’ reluctance to welcome refugees and many of them reached to the conclusion that “by making the country of processing the same as the country of final settlement, the current regime creates a very strong incentive for both unauthorized immigrants and bona fide refugees to make their way to affluent countries with the help of smugglers.”<sup>33</sup> To overcome this situation, resettlement as a durable solution provides states with better tools to distribute refugees according to their capacity to entertain. Resettlement also provides refugees with the possibility of reaching a third state, thereby saving them from getting stuck in the country of first asylum where most refugees stay once they leave their home community. All resettlement schemes are regulated by UNCHR and refugees are delivered to third states selected by UNCHR, not to the countries of their choosing due to the concerns of relieving the burden of states caused by unsustainable amount of refugees. One should remember that most of the illegal refugee crossings from the first countries of asylum to third states - via smugglers - are caused by refugees’ reluctance to stay in the first country of asylum and their desire to reach more affluent states which may provide better conditions for them.

As one of its top priority situations, the Eastern European Refugee Crisis put UNHCR into a position which cannot be dealt without the collaboration of the European Union. A favoured resettlement spot, the European Union is a cornerstone for UNCHR’s resettlement vision for 2028. This vision’s core statement is as follows: “Third country solutions for refugees are expanded so that by the end of 2028, 3 million refugees benefit from effective protection and solutions through resettlement (1 million) in 50 resettlement countries and complementary pathways (2 million).”<sup>34</sup> UNHCR also published a set of recommendations to the European Union regarding this vision, asking member states and the supranational bodies to improve their capacities and provide better resettlement facilities for refugees reaching the borders of European Union. To learn more about key commitments UNHCR asks from the European Union, please visit: <https://www.unhcr.org/publications/euroseries/5fb7e43a4/unhcr-resettlement-needs-complementary-pathways-key-priorities-2022-summary.html>

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<sup>33</sup> Ferracioli, L. (2014). The Appeal and Danger of a New Refugee Convention. *Social Theory and Practice*, 40(1), 123–144. <http://www.jstor.org/stable/24332266>

<sup>34</sup> <https://www.unhcr.org/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html>

## C) Complementary Pathways

As explained above; states' reluctance towards carrying burden of refugees, long and lengthy process of assessment for resettlement eligibility and relatively low number of refugees benefiting from resettlement compared to the total number of refugees worldwide (which just recently passed 100 million people) makes resettlement seem like an unlikely option in the eyes of many refugees, albeit regarded as a fine option. At this point, complementary pathways become involved in the situation as another form of resettlement. According to the UNHCR's definition, complementary pathways are "safe and regulated avenues for refugees that complement resettlement by providing lawful stay in a third country where their international protection needs are met."<sup>35</sup> Inseparable from resettlement schemes, These pathways can provide flexibility and complement resettlement by offering additional opportunities for refugees who have resettlement needs. Rather than replacing resettlement, they provide an additional and complementary avenue for refugees to access international protection and a pathway to a long-term solution. By facilitating safe entry to third countries, they also offer refugees an alternative to unregulated and dangerous onward movement. One of the most fundamental differences of these pathways from UNHCR's resettlement scheme is the autonomy they offer to refugees regarding the way and place they wish to get benefited by. By allowing refugees to access new and existing pathways autonomously, third country solutions for refugees can be achieved on a greater scale. As mentioned in the official pamphlet, "along with resettlement, offers of complementary pathways are an indispensable aspect of the GCR (Global Compact for Refugees) and comprehensive refugee responses that are designed to contribute to more predictable burden- and responsibility-sharing."<sup>36</sup>

There are various complementary pathways but most widely used ones are as follows;

1. Humanitarian admission is an avenue that provides individuals in need of international protection with effective protection in a third country. While humanitarian admission programmes share many characteristics with resettlement, they may use eligibility criteria in addition to the established UNHCR Resettlement Submission Categories. (see categories for resettlement eligibility given above)
2. Community sponsorship of refugees allows individuals, groups of individuals or organizations to come together to provide financial, emotional and practical support for the reception and integration of refugees admitted to third countries.
3. Humanitarian visas can be used to admit individuals in need of international protection to a third country where they are sometimes subsequently provided the opportunity to apply for asylum, including through expedited procedures. In this regard, they differ from humanitarian admission programmes through which individual legal status is often determined prior to arrival in the third country.
4. Following separation caused by forced displacement resulting from persecution and war, family reunification is often the only way to ensure respect for a refugee's right to family unity with nuclear family members. To facilitate refugee attainment of this fundamental right, States are expected to provide the legal avenues for refugee to

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<sup>35</sup> <https://www.unhcr.org/protection/resettlement/5ce55faf4/unhcr-complementary-pathways-admission-refugees-third-countries-key-considerations.html>

<sup>36</sup> Ibid.

reunite with their nuclear family members, where more effective protection, longer-term solutions and family support are possible.

5. Third country employment opportunities are safe and regulated avenues for entry or stay in another country for the purpose of employment, with the right to either permanent or temporary residence. Employment opportunities in third countries can help provide refugees with the opportunity to re-establish an independent, productive life and attain an adequate standard of living. Proper travel documentation for legal entry and stay arrangements and relevant protection safeguards for refugees throughout and following the duration of their employment is essential to sustain programmes of this type.
6. Third country education opportunities include private, community or institution-based scholarships, apprenticeships and traineeship programmes.

Through these pathways, refugees can be relocated into third states and benefit from the relative autonomy of complementary pathways to avoid states' and UNCHR's long processes of resettlement.

## **D) Local Integration**

According to the UNHCR Working Paper No. 45, local integration refers “to the granting of full and permanent asylum, membership and residency status, by the host government. It takes place through a process of legal, economic, social and cultural incorporation of refugees, culminating in the offer of citizenship.”<sup>37</sup>

Local integration depends on the good will of key groups in the host country. In the absence of this good will, refugees will find it more difficult to settle amongst the community and become integrated. The willingness of the local population to accept local integration depends on who benefits and who loses from the continued presence of refugees, and on whether the interests of the various actors, particularly the most powerful, are being sufficiently served.

While there are different available ways of local integration, one must also take into consideration the economic and political availability of host states. Today, almost all countries of first asylum are developing states with restricted capacities in terms of refugee integration and its costs. Although international organizations such as UNCHR promotes such schemes, in most cases the integration scheme's costs are too overwhelming for host states. Still, local integration as a durable solution also provides certain advantages to host states such as labour force. For more information on local integration, please see the official pamphlet below.

# **A Legal Reform? Reconsidering 1951 Convention and Possible Amendments**

The United Nations Convention relating to the Status of Refugees, adopted in 1951, is the centrepiece of international refugee protection today; however, the Convention faces troubles

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<sup>37</sup> <https://www.unhcr.org/research/working/3b7d24059/forgotten-solution-local-integration-refugees-developing-countries-karen.html>

regarding its capacity to address complex crises and legal questions in the post-Cold War setting. The world has changed dramatically since the Convention and the Protocol in ways that lawmakers could not have anticipated back then. In the context of refugees and refugeehood, the most dramatic change came with the Arab Spring, a series of events which created the greatest refugee crisis of all times. For the first time in its history, UNHCR and the refugee regime faced a multi-dimensional crisis involving tens of millions of people fleeing from their home communities, ravaged and war-torn states, a wide geographical range, and unprecedented legal problems. As the UNCHR struggled to respond to this crisis, scholars and politicians began to reconsider the compatibility of 1951 Convention and its complementary Protocol of 1967 louder than before. In order to provide a stepping stone for further debates in the committee, we will give you some of the key arguments laid down by scholars.

Before moving on with the arguments of scholars, we should examine UNHCR's own criticism of the 1951 Convention laid down in the Introductory Note by the Office of High Commissioner for Refugees in 2010. Recalling Article I of the Convention, the Introductory note states that; "The Convention does not however apply to all persons who might otherwise satisfy the definition of a refugee in Article 1. In particular, the Convention does not apply to those for whom there are serious reasons for considering that they have committed war crimes or crimes against humanity, serious non-political crimes, or are guilty of acts contrary to the purposes and principles of the United Nations. The Convention also does not apply to those refugees who benefit from the protection or assistance of a United Nations agency other than UNHCR, such as refugees from Palestine who fall under the auspices of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Nor does the Convention apply to those refugees who have a status equivalent to nationals in their country of asylum." Apparently, the Introductory Note stresses the difference of refugees under the auspices of other United Nations agencies from those sheltered under the UNHCR mandate. Again, underlying Article I.F of the 1951 Convention, the Introductory Note - naturally - excludes people who committed serious crimes listed in Article I.F from the definition of refugees. All in all, we can see that UNCHR's own criticism is rather a repetition of already known facts given by the 1951 Convention itself.

In the academia, however, criticism towards the 1951 Convention is much harsher. One of the most debated flaws of the 1951 Convention is its outdated definition of "refugee" and "refugeehood". Some of the key arguments shall be given below.

Since 1980s, basic threats to the individual are divided into three categories: "persecution, vital (economic) subsistence, and natural calamities." In the 1951 Convention's Article I, however, refugeehood is "said to only result from acts of persecution."<sup>38</sup> Again in the same argument, "alienage" is also deemed unnecessary for establishing refugee status. As the author argues: "It too, is a subset of a broader category: the physical access of the international community to the unprotected person. The refugee need not necessarily cross an international frontier to gain such access."<sup>39</sup> Similar to the argument on the Article I's exclusion of vital subsistence and natural calamities, it is argued that; "The Convention's definition of the term "refugee" does not accommodate a growing population of people who have experienced displacement, including those displaced due to climate change, food insecurity or non-state terrorism or those who are displaced internally. The agreement also lacks guidance on long-term (or "protracted") displacement, of which a growing proportion of displacement

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<sup>38</sup> Shacknove, A. E. (1985). Who Is a Refugee? *Ethics*, 95(2), 274–284. <http://www.jstor.org/stable/2380340>

<sup>39</sup> *Ibid.*

experiences are.”<sup>40</sup> Again and again, exclusion of these key reasons for displacement are criticised among scholars: “Another shortcoming regards the five grounds of persecution (race, religion, nationality, membership of a particular social group and political opinion), categorically listed in the refugee definition. These five grounds considerably limit its scope: indeed, only the presence of at least one of them can determine the application of the 1951 Convention. Hence it is worth mentioning the lack of reference to economic, social and cultural rights for the purpose of refugee status determination: for example, people who leave their countries of origin or residence due to the lack of education and/or work are not considered as refugees. Additionally, there is also a lack of gender perspective, not only as a ground of persecution but also as a limitation to the protection of women and homosexuals.”<sup>41</sup>

The criticisms towards the 1951 Convention does not end with those directed towards the refugee definition of Article I, but expand their scope to comprise the 1951 Convention in total. It is argued that the 1951 Convention is not only outdated, but also receives alternatives from different sections of international law; such as migration in general or border security.

Unlike refugeehood which has a formal and binding definition, there is no definition of “migrant” which is agreed upon by states. United Nations International Organization for Migration (UNHCR) has a definition for its own purposes, but this definition is an informal one and it is not agreed by state parties: “An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.”<sup>42</sup> As it can be seen, informal definition of “migrant” is an all-encompassing one, a definition that can surely create an alternative for states which are overwhelmed with the narrow and highly-regulated concept of “refugee”. Just like UNHCR, since 1980s, numerous international organizations were created to complement or fill the gaps left by UNHCR’s mandate; “These new institutions have been created by states in response to the increase in South-North migration since the 1980s and the growing securitisation of asylum and immigration in the 1990s and early 2000s.”<sup>43</sup> As it is stressed by the author: “Although the new institutional proliferation has taken place in relation to international migration and IDPs rather than refugees, it has nevertheless has significant implications for the politics of refugee protection. Despite UNHCR consistently arguing that “refugees are not migrants,” the fact that refugees move across borders and refugees’ ability to seek protection is dependent upon their transnational mobility, governance that relates to human mobility has direct relevance for asylum and refugee protection.”<sup>44</sup> The most important role of these new institutions is their enablement of states to circumvent the UNHCR mandate and solve their problem with migrants without being forced to give them the status of refugee. Since the refugee mandate can only be imposed once refugees enter a country other than their own home community, ensuring that those migrants with the potential of becoming refugee stays at their home territory and preventing them from reaching

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<sup>40</sup> <https://asylumaccess.org/what-is-the-1951-refugee-convention-and-how-does-it-support-human-rights/>

<sup>41</sup> <https://blogs.lse.ac.uk/humanrights/2016/02/08/international-refugee-law-definitions-and-limitations-of-the-1951-refugee-convention/>

<sup>42</sup> <https://www.iom.int/about-migration>

<sup>43</sup> Betts, A. (2009). Institutional Proliferation and the Global Refugee Regime. *Perspectives on Politics*, 7(1), 53–58. <http://www.jstor.org/stable/40407214>

<sup>44</sup> Ibid.

states' borders automatically remove the possibility of receiving them as "refugees"; thus freeing states from becoming bound to UNCHR mandate. This innovative solution, however, brings with itself some other problems.

As a result of these new institutions, "many of the new border control mechanisms (such as FRONTEX) have been identified as being inconsistent with the notion that refugees should not be forcibly returned to countries in which they face a well-founded fear of persecution (non-refoulement principle)."<sup>45</sup> Under the mandate of Article 33 of the 1951 Convention, the states are bound "under a negative obligation not to contribute to harm, but not, strictly speaking, under a stringent positive obligation to assist." Although the principle of non-refoulement is deemed insufficient, given the new tactics used by states to prevent migrants from reaching their borders, "why have states not yet committed themselves to an explicit positive duty to fully include refugees? A charitable interpretation of the rationale of states for avoiding an actual duty to include is that they are concerned with the potential high costs that would follow from the legal recognition of such a moral right. The worry is that it could become too burdensome for each individual state to provide membership to all genuine refugees who make their way to its borders."<sup>46</sup>

So far in this section we have tried to present some of the key arguments contra-Convention. During the course of the debate inside the committee, we expect our delegates to detect the defunct sides of the 1951 Convention and argue on possible amendments which will be both sufficient to remove some of the aforementioned flaws and acceptable by sovereign states of the UN system.

## **VI. Questions a Resolution Should Cover and Useful Resources**

### **A) Questions a Resolution Should Cover**

Together with the Questions to Guide the Debate given by the official pamphlet, we would like our delegates to seek answer to the following questions:

1. How can the definition of refugee and refugeehood in the 1951 Convention be changed?
2. How can we address the inefficiencies in the 1951 Convention?
3. How can we convince hesitant states to create a more competent Refugee Convention?
4. How can we ensure the coordination of different agencies with overlapping mandates on the matters of refugees and migration?
5. How can we prevent another border crisis in the Eastern European Region involving refugees?
6. What emergency steps should be taken in regards to the Ukrainian Refugee Crisis?

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<sup>45</sup> Ibid.

<sup>46</sup> Ferracioli, L. (2014). The Appeal and Danger of a New Refugee Convention. *Social Theory and Practice*, 40(1), 123–144. <http://www.jstor.org/stable/24332266>

## B) Useful Resources

Belarussian and Ukrainian Refugee Crises:

<https://researchbriefings.files.parliament.uk/documents/CBP-9389/CBP-9389.pdf>

<https://www.theguardian.com/world/ng-interactive/2022/jun/01/100-days-of-war-in-ukraine-how-the-conflict-has-developed>

<https://www.unhcr.org/refugeebrief/>

<https://www.bbc.com/news/59233244>

[https://data.unhcr.org/en/situations/ukraine#\\_ga=2.111332036.130374113.1653064442-92142143.1606309077](https://data.unhcr.org/en/situations/ukraine#_ga=2.111332036.130374113.1653064442-92142143.1606309077)

<https://www.unhcr.org/ukraine-emergency.html>

Opiola, W., et al. (2022). War and politics. The 2022 Russian invasion of Ukraine and refugee crisis on the eastern EU border from the perspective of border studies. *Border and Regional Studies*, 10(1), 7-22. <https://doi.org/10.25167/brs4791>

Legal Sources:

<https://www.unhcr.org/3b66c2aa10>

<https://www.unhcr.org/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html>

<https://www.unhcr.org/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html>

<http://data.europa.eu/eli/dir/2011/95/oj>

<https://asylumaccess.org/what-is-the-1951-refugee-convention-and-how-does-it-support-human-rights/>

<https://www.iom.int/about-migration>

*Problems of Protection: The UNHCR, Refugees and Human Rights*, ed. Niklaus Steiner, Mark Gibney and Gil Loescher (New York: Routledge, 2003), 19–36.

Betts, A. (2009). Institutional Proliferation and the Global Refugee Regime. *Perspectives on Politics*, 7(1), 53–58. <http://www.jstor.org/stable/40407214>

Shacknove, A. E. (1985). Who Is a Refugee? *Ethics*, 95(2), 274–284. <http://www.jstor.org/stable/2380340>

Gallagher, D. (1989). The Evolution of the International Refugee System. *The International Migration Review*, 23(3), 579–598. <https://doi.org/10.2307/2546429>

Durable Solutions:

<https://www.unhcr.org/3b66c39e1.pdf>

<https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html>

<https://www.unhcr.org/46f7c0ee2.html>

<https://www.unhcr.org/publications/euroseries/5fb7e43a4/unhcr-resettlement-needs-complementary-pathways-key-priorities-2022-summary.html>

<https://www.unhcr.org/protection/resettlement/5ce55faf4/unhcr-complementary-pathways-admission-refugees-third-countries-key-considerations.html>

<https://www.unhcr.org/research/working/3b7d24059/forgotten-solution-local-integration-refugees-developing-countries-karen.html>

<https://www.unhcr.org/partners/partners/3f1408764/framework-durable-solutions-refugees-persons-concern.html>

## **VII. The Official Background Guide from The Office of the United Nations High Commissioner for Refugees (UNHCR)**

You can find the official pamphlet in the next page.

# FINDING DURABLE SOLUTIONS FOR REFUGEES

BACKGROUND GUIDE  
CHALLENGE TOPIC #1



The MUN Refugee Challenge is an initiative launched by UNHCR, the UN Refugee Agency, to encourage students worldwide to shape solutions for people forced to flee their homes. This guide was drafted to help students prepare for their debates as part of the 2022 edition.

A Syrian family resettled in London, United Kingdom, with local community support.  
© UNHCR/Andrew McConnell

## **THE CHALLENGE**



Worldwide, there are 26 million refugees – people who have fled their country to escape war or persecution. Under the 1951 Refugee Convention, they have the right not to be returned to the country where they faced threats to their freedom or security.

But no one wants to be a refugee their whole life. Being a refugee should not be permanent.

Refugees should be able to rebuild their lives as citizens. This is why it is important to advocate for “durable solutions” for refugees. These solutions include: 1) returning back home voluntarily if the situation is safe, 2) being resettled to a third country, especially if they are in danger or cannot return home, or being admitted in a third country through complementary pathways and 3) integrating and becoming citizens of their country of asylum.

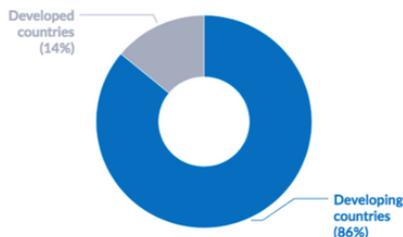
## **WHY IS THIS ISSUE IMPORTANT TO ADDRESS?**

Although refugees are protected under international law, they are often socially and economically excluded in the communities that host them. 86% of refugees live in low- to middle-income countries, which have limited capacity to support them.

As a result, many refugees live in poor urban areas (60% of refugees live in cities) or densely populated camps. Finding long-term solutions is key to sharing the responsibility equally of hosting refugees and helping refugees build better futures.

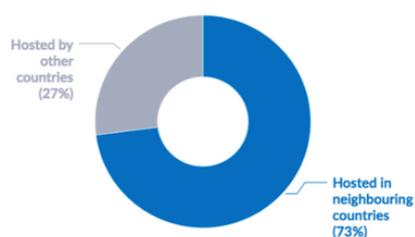
### **86% hosted in developing countries**

Developing countries hosted the vast majority of the world's refugees and Venezuelans displaced abroad.



### **73% hosted in neighbouring countries**

Most refugees and Venezuelans displaced abroad lived in countries neighbouring their countries of origin.



Source: [UNHCR Figures at a glance, 2021](#)



## DURABLE SOLUTIONS FOR REFUGEES

Before we delve into more details, here are some examples to help you understand the durable solutions. Take the case of Ali (not a real person), who has fled war in Syria and found refuge in Jordan. In this case, Syria is Ali's country of origin, and Jordan is his country of asylum.

### Voluntary repatriation

If the situation back home is safe, Ali might decide to go back home. In this case Ali would leave Jordan, his country of asylum, to return to Syria. He would stop being a refugee since he would be back in his country of origin. He would be considered a "returnee."



### Resettlement

If Ali is particularly vulnerable or has little chance of returning home because his life would be at risk, UNHCR might submit Ali's case for resettlement. If for example Canada agrees to resettle Ali, then Ali would leave Jordan, his country of asylum, and travel to Canada, his country of resettlement. He would become a resettled refugee and after some time, he would receive Canadian citizenship and lose his status of refugee.



Ali could also access "Complementary pathways," which are safe and regulated avenues that complement resettlement and by which refugees may be admitted in a third country. For example, Ali might be able to obtain a work visa or a scholarship in Canada.

### Local integration

If Ali can neither go back home nor be resettled, the best solution would be for Ali to be integrated locally. This would happen if his country of asylum, Jordan, gives him the same rights as other citizens and ultimately naturalizes him. In this case, Ali would lose his refugee status and become a citizen of his country of asylum.



## **VOLUNTARY REPATRIATION**



73% of refugees fleeing war and persecution in their country find safety in a neighboring country, with the hope of coming back home once the situation has stabilized. For many, returning home concludes an often traumatic time in exile. It may happen months, years or even decades after they left. Refugees who return to their country of origin are referred to as “returnees”.

Over the years, UNHCR has managed numerous voluntary repatriation programmes that have brought millions of displaced people home. UNHCR also assists with small-scale and individual repatriations, and monitors the reintegration of returnees to ensure that their repatriation was a sustainable solution. Some 251,000 refugees were able to return to their country of origin in 2020, either assisted by UNHCR or spontaneously.

Successful voluntary repatriation requires a stable political situation in the country of origin to ensure that returnees will be able to find safety and reintegrate. When reintegration is not sustainable, people sometimes decide to leave again. This phenomenon is called “back-flows”. Even if refugees want to go home and conditions have changed sufficiently to allow refugees to return, the situation can be extremely difficult. For example, if a war has taken place, destroyed infrastructures and services often need to be rebuilt. Sometimes, returnees become internally displaced within their country of origin, because they don’t have a home to go back to.



In 2021, [60,000 refugees returned to Burundi](#) from Uganda, Tanzania, Rwanda, the Democratic Republic of Congo (DRC) and Kenya. Many Burundians fled their country in 2015 after a coup attempt sparked civil unrest.

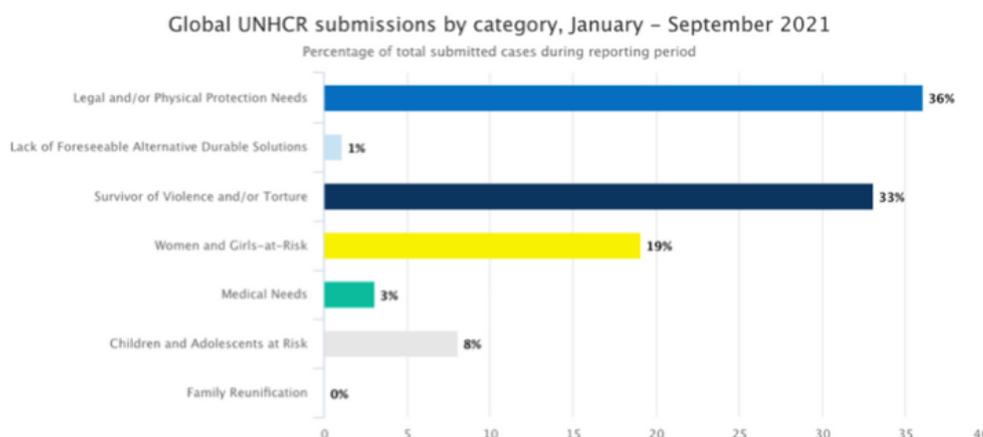


## **RESETTLEMENT**

Many refugees cannot go home or have specific needs that cannot be addressed in the country where they have sought protection. In such circumstances, UNHCR helps resettle refugees to a third country. Resettlement is the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent residence. UNHCR officers identify refugees at risk and submit their applications but the final decision to accept a refugee for resettlement is taken by governments.

Consistently about 7% of the global refugee population is in need of resettlement but only 1% cent of the refugee population has access to resettlement each year. In 2019, [over 63,000 refugees assisted by UNHCR were resettled](#) to 29 countries. Three-quarters of the refugees submitted for resettlement originated from just five countries: Afghanistan, Eritrea, the DRC, Syria, and Somalia, all of which suffer from protracted conflict (lasting for more than five years) or insecurity. Due to Covid-19, [2020 marked the lowest resettlement numbers](#) witnessed by UNHCR in almost two decades.

Refugees are identified as in need of resettlement when they have particular needs or vulnerabilities in their country of asylum, such as women and girls at risk, and cannot return to their country of origin. The chart below shows UNHCR submissions of cases based on resettlement categories further explained in [UNHCR's Resettlement Handbook](#).



## **RESETTLEMENT**



Providing for effective reception and integration is essential for both the resettled refugee and the receiving country. Integration can be facilitated by cultural orientation, language and vocational training, as well as programmes to promote access to education and employment.

In addition to resettlement, refugees can also access “[Complementary Pathways](#)” to find protection in a third country. Complementary pathways are safe and regulated avenues that complement resettlement and by which refugees may be admitted in a country where they can be safe while supporting themselves to potentially reach a sustainable and lasting solution.

Pathways include:

- [Humanitarian visas](#), which are often used to admit individuals in need of international protection to a third country where they are given the opportunity to formally apply for asylum.
- [Community sponsorship of refugees](#), through which local citizens and organizations are responsible for financing and housing resettled refugees.
- [Family reunification](#), in cases where a family is separated and at least one member was recognized as a refugee; other family members can then apply to join them in that country.
- [Work visas](#), which allow access to a third country through safe and regulated avenues for purposes of employment, with the right to either permanent or temporary residence.
- [Education programmes](#), including scholarships, traineeships, and apprenticeships.



Since 2013 more refugees have arrived in Canada via [private resettlement schemes](#) than through government resettlement programs. In 2019, just one-third of refugees resettled in Canada received government assistance upon arrival; the rest entered through private or community sponsorship.

© UNHCR/Annie Sakkab/Leyland Cecco

## **LOCAL INTEGRATION & OTHER LOCAL SOLUTIONS**



When voluntary repatriation is not feasible and refugees do not qualify for resettlement, a solution is for refugees to integrate in their country of asylum. Local integration is a gradual process which should ultimately lead to refugees gaining the nationality of their host country. Local integration can provide a realistic alternative to living in refugee camps.

Local integration starts with the provision of basic rights for refugees. This includes the right to work, access financial services, go to school, travel freely, etc. Yet, 70% of refugees live in countries with restricted right to work, 66% with restricted freedom of movement and 47% with restricted access to bank accounts.



In countries that have been hosting large numbers of refugees over protracted periods of time, efforts towards local integration are essential to reduce the tensions that can occur between refugees and host communities over resources, land, jobs and other services.

Once refugees access fundamental rights, States can take steps to facilitate their integration and naturalization (i.e granting of citizenship) of refugees. According to the 1951 Convention, States are encouraged but cannot be compelled to grant nationality to refugees settled in their territory. UNHCR estimates that, over the past decade, 1.1 million refugees around the world became citizens in their country of asylum.

**The Contracting States shall as far as possible facilitate the naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.**

—1951 Convention, Article 34

## **WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?**



### Voluntary repatriation

- UNHCR provides information and organizes visits to make sure that refugees who wish to return make a free and informed choice.
- UNHCR supports the transportation of returnees. For example UNHCR [helps refugees from the Central African Republic \(CAR\)](#) living in the DRC to return home, by truck, boat and plane
- UNHCR helps returnees access justice and housing, and also promotes the participation of returnees in peace and reconciliation activities

### Resettlement and complementary pathways

- UNHCR coordinates resettlement needs, develops resettlement criteria, and identifies refugees to be submitted for consideration for resettlement.
- UNHCR advocates for higher resettlement quotas and diversified intake.
- UNHCR works with various partners to develop complementary pathways to third countries (e.g. visas, work permits, scholarships) that will meet the protection needs of refugees.

### Local integration

- UNHCR advocates refugees' access to jobs, education and other services in their country of asylum, as well as for refugees' naturalization, especially in protracted situations.
- UNHCR works with partners to help refugees make a living. For example, UNHCR works with ILO and UNDP and NGOs on [micro-finance programs](#) to increase refugees' self-reliance.



**“We urgently call on governments to boost their resettlement programs this year, offer more places, expedite the processing of cases and help us save lives of those most in need and at greatest risk”**

—UNHCR’s Assistant High Commissioner for Protection, Gillian Triggs.

## **WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?**



### **GOVERNMENTS**

#### Voluntary repatriation

- Governments of the countries of origin and countries of asylum can enter tripartite agreements with UNHCR, to establish the conditions for the returns of refugees.

#### Resettlement and complementary pathways

- Governments can increase resettlement quotas. For example, the US Government announced to admit more resettled refugees – up to 62,500 in 2021 and 125,000 in 2022.
- Governments can create private resettlement schemes to encourage their citizens to provide financial, social and/or emotional support to welcome resettled refugees.
- Governments can offer scholarships for refugees to study in their countries, put in place family reunification programs, offer humanitarian and work visas.

#### Local Integration

- Governments can revise their laws to include refugees. For example in 2019, [Ethiopia's parliament revised its refugee law](#) to enable refugees to obtain work permits and driving licenses, access primary education, and legally register life events (such as marriages).
- Governments can grant citizenship to refugees who have been in their country for a long time. For example, [Panama issued a law](#) valid from 2008 to 2010 allowing people who had been refugees for over 10 years to apply for permanent residency status, which gives the right to apply for naturalization after five years, or less for parents of Panamanian children.

### **HOST COMMUNITY AND NGOS**



#### Voluntary repatriation

- NGOs can help returnees to reintegrate. For example, the [Danish Refugee Council](#) in Syria supports returnees with shelter and education, reaching over 300,000 people in 2019.

#### Resettlement

- Local communities can support the integration of resettled refugees. In Denmark, the [Red Cross' Buddy program](#) pairs newly arrived refugees with a buddy to nurture friendships.

#### Local Integration

- Local communities can help reduce tensions between refugees and host communities. In 2014, [Search for Common Ground](#) supported UNHCR to reduce tensions caused by the arrival in Niger of refugees fleeing Boko Haram.

## **Questions to Guide the Debate**

- How do we convince States to invest more in durable solutions?
- How can we urge governments to expand their resettlement programmes?
- How do we convince citizens to sponsor refugees through private resettlement schemes?
- How do we make sure that resettled refugees are properly integrated in their new country?
- How do we engage civil society to support complementary pathways?
- How to make sure that repatriation programs are safe and voluntary?
- How to convince States to naturalize refugees who have been in their countries for a long time?
- How can we ensure refugees' access to health services, housing and work?
- What role can local citizens play to help refugees integrate both in countries of asylum and resettlement countries?

## **Useful Resources**

### **General**

- [UNHCR Solutions for Refugees](#)
- [UNHCR Global Trends](#)
- [Framework for Durable Solutions for Refugees and Persons of Concern](#)

### **Resettlement**

- [UNHCR Resettlement numbers](#)
- [Resettlement Data Finder \(UNHCR\)](#)
- [UNHCR- What is Resettlement?](#)

### **Local Integration**

- [UNHCR | Integration Handbook](#)
- [UNHCR | Local Integration](#)
- [The forgotten solution: local integration for refugees in developing countries](#)

### **Voluntary Repatriation**

- [UNHCR | Voluntary Repatriation Handbook](#)
- [UNHCR | Returnees](#)

### **Complementary Pathways**

- [Complementary Pathways for Admission of Refugees to Third Countries: Key Consideration](#)
- [Three Year Strategy on Resettlement and Complementary Pathways](#)
- [Complementary Pathways](#)

## **Contact us**

If you have any questions about UNHCR's MUN Refugee Challenge or this background guide, please visit our [webpage](#) or contact [hqmunrefugee@unhcr.org](mailto:hqmunrefugee@unhcr.org).