



General Assembly Third Committee Topic Background Guide

Topic 1: Refugees, Internally Displaced Persons, and the Right to Humanitarian Aid¹

13 October 2013

A refugee is a civilian who has left his or her home country due to fear of persecution. According to the 1951 Convention Relating to the Status of Refugees, a refugee is:

A person who is outside his or her country of nationality or habitual residence; has a well-founded fear of persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return, for fear of persecution.²

According to the UN High Commissioner for Refugees (UNHCR), at the end of 2012 there were 15.4 million refugees worldwide.³ Internally displaced persons (IDPs) have left their homes for similar reasons but have not crossed an international border. At the end of 2011, there were 28.8 million IDPs worldwide.⁴ This was the highest level since 1994. Overall, almost one percent of the world's people are currently displaced from their homes. Such displacement is usually the result of international war, civil war, and human rights violations.

According to the Universal Declaration of Human Rights (UDHR), all people have human rights, regardless of their location.⁵ Yet when people are displaced, it is often difficult for them to obtain these rights. When refugees and IDPs leave their homes, they leave behind whatever shelter and livelihoods they once had. To survive, they must find new places to live and new means to provide for themselves and their families. Thus the right of "everyone ... to a standard of living adequate for the health and well-being of himself and of his family" (UDHR, Article 25) is especially important to refugees and IDPs.

To ensure that displaced people have their rights respected, states, international organizations such as UNHCR, and non-governmental organizations such as the International Committee of the Red Cross and Oxfam must raise money and train personnel to provide the necessities of life, such as food, water, shelter, and sanitation, as well as services such as education and health care. Even more difficult can be encouraging states to recognize the rights of displaced people to a safe and secure place to stay. This is true for both refugees and IDPs. But for each of them the challenge is different. Because refugees have left their country of origin, their challenge is to have other countries accept their applications for asylum so they will not be forced to return home unless and until they can do

¹ This background guide was written by Karen Adams, Montana Model UN Faculty Advisor, and Kelsi N. Steele, (2009). Copyright 2013 by Karen Ruth Adams.

² "Convention and Protocol Relating to the Status of Refugees," 1951, Article I, available at <http://www2.ohchr.org/english/law/refugees.htm#wp1037012>

³ This includes the 10.5 million refugees served by UNHCR and the 4.9 million Palestinian refugees under the jurisdiction of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). United Nations High Commissioner for Refugees (UNHCR), "Global Trends 2012: Displacement, the New 21st Century Challenge," p. 3, <http://www.unhcr.org/51bac0f9.html>.

⁴ UNHCR, "Global Trends 2012," p. 3,"

⁵ UN General Assembly, "Universal Declaration of Human Rights," 1948, available at <http://www.un.org/en/documents/udhr/>

so safely.⁶ By contrast, because IDPs remain in their country of origin, their challenge is to have their own governments respect their rights and provide for their safety.

Since 1951, the rights of refugees have been protected by the Convention Relating to the Status of Refugees. But the rights of IDPs are not covered by any international agreements other than broad human rights instruments such as UDHR. Because of concerns about sovereignty, the international community usually takes no action on IDPs unless the states in which IDPs are located request assistance.⁷ Yet, today, IDPs are more numerous than refugees.

History and Current Events

Whenever conflict and persecution occur, people leave their homes and countries. The first concerted international effort to assist refugees was during World War I, when Herbert Hoover (who was later elected president of the United States) created a non-governmental organization called the Commission for Relief in Belgium. By the end of the war, it had distributed five million tons of food and \$1 billion in aid to refugees.⁸

In 1921, the League of Nations (the precursor to the United Nations) established a High Commission for Refugees to assist refugees from the Russian revolution and civil war. Over time its mandate expanded to include other groups, including Armenians, Assyrians, Assyro-Chaldeans, and Turks.⁹ The establishment of this organization was the “first recognition that the international community has responsibility for protecting those forced to flee their homelands because of repression or war.”¹⁰ But the League did not define “refugee” or offer assistance to all refugees worldwide. Instead, the office was authorized to assist only particular groups of people.

Fridtjof Nansen, a delegate from Norway, served as the League’s high commissioner. For the selected groups, Nansen and his staff “utilize[ed] the methods that were to become classic: custodial care, repatriation, rehabilitation, resettlement, emigration, integration.” One of Nansen’s most important innovations was a document that certified that individuals were refugees; this became known as the “Nansen passport.” The document was accepted by more than 50 countries and was a precursor to the “Refugee Travel Documents” that contemporary states issue to refugees when they are granted asylum. For this work, Nansen received the Nobel Peace Prize.¹¹

After Nansen’s death in 1930, the League replaced the High Commission with the Nansen International Office for Refugees, which was authorized to operate for eight years.¹² In 1933, the Nansen Office sponsored talks

⁶ UNHCR, “Asylum Seekers,” <http://www.unhcr.org/pages/49c3646c137.html>, accessed 31 October 2009.

⁷ Roberta Cohen and Francis M. Deng, “Exodus within Borders: The Uprooted Who Never Left Home,” *Foreign Affairs* 77:4 (July/August 1998).

⁸ Paul Gordon Lauren, *Visions Seen: The Evolution of International Human Rights*, 2nd edition (Philadelphia: University of Pennsylvania Press, 2003), p. 85.

⁹ Nobel Foundation, “Nansen International Office for Refugees: The Nobel Peace Prize 1938, History of Organization,” available at http://nobelprize.org/nobel_prizes/peace/laureates/1938/nansen-history.html See also Christian Raitz von Frenz, “League of Nations,” in Matthew J. Gibney and Randall Hansen, eds., *Immigration and Asylum: From 1900 to the Present*, Vol. 2 (ABC-CLIO, 2005), p. 384.

¹⁰ Karen A. Mingst and Margaret P. Karns, *The United Nations in the 21st Century*, 3rd edition (Boulder: Westview, 2007), p. 168.

¹¹ Nobel Foundation, “Fridtjof Nansen: The Nobel Peace Prize 1922, Biography,” available at http://nobelprize.org/nobel_prizes/peace/laureates/1922/nansen-bio.html

¹² von Frenz, “League of Nations,” p. 384.

on a Refugee Convention that was signed by 14 countries. In 1938, the Office received the Nobel Peace Prize in recognition of its assistance to more than 800,000 refugees.¹³

During the Great Depression and in the run-up to World War II, states became less willing to help refugees. This was partly the result of economic crisis and partly the result of a desire not to interfere in the affairs of other states.¹⁴ For example, although it was clear as early as 1933 that Jews and other people in Germany were being persecuted, the German government protested consideration of the matter by the Council of the League of Nations, and the Council took no action.¹⁵ As the Dutch foreign minister explained,

We have no wish to examine the reasons why these people have left their country; but we are faced with the fact that thousands of German subjects have crossed the frontiers of neighbouring countries and refused to return to their homes for reasons which we are not called upon to judge.¹⁶

In 1933, Germany withdrew from the League. In 1935 the High Commissioner for German refugees, James G. MacDonald, resigned to protest the unwillingness of League members to help the Jews after the enactment of the anti-Semitic Nuremberg laws.¹⁷ In 1937, the League refused to extend the mandate of the Nansen Office and ordered it to close. The staff carried out the closure, but warned that “the liquidation [of this office] will naturally not do away with the refugee problem.”¹⁸ In 1939, the High Commissioner for German refugees and the Nansen Office were replaced by the Office of the High Commissioner for Refugees under the Protection of the League.¹⁹

Due to the outbreak of World War II (which divided and incapacitated the League of Nations), the new office never functioned. Instead, each side dealt separately with refugees and internally-displaced persons, both of which were more numerous than ever before due to the world-wide scope of the conflict and technological developments such as aerial bombardment of cities. During the war, 65 to 75 million people died,²⁰ about half of whom were civilians, and millions more were displaced. The first population movements were those of the Jews and others fleeing Germany. Then, as Germany, Italy, and Japan began to expand, Poles, Danes, Ethiopians, French, Chinese, and many others were displaced from their homes. At the end of the war, the population movement reversed. According researcher Joseph V. O’Brien, “In the immediate post-war period, millions of ethnic Germans were expelled from the liberated countries of eastern Europe, many of whom died in displaced-persons camps.” In China alone, 60 million people were homeless.²¹

¹³ Nobel Foundation, “Nansen International Office for Refugees.” Indiana University Center for the Study of Global Change and United Nations Library System, “A Century of Nobel Peace Prize Laureates: Nansen Int’l Office of Refugees, 1938,” available at <http://www.indiana.edu/~nobel/league.php?lid=23>

¹⁴ Lauren, *Visions Seen: The Evolution of International Human Rights*, ch. 4.

¹⁵ von Frenz, “League of Nations,” p. 384.

¹⁶ Emma Haddad, *Between Sovereigns* (Cambridge: Cambridge University Press, 2008), p. 109.

¹⁷ von Frenz, “League of Nations,” p. 384-385.

¹⁸ Lauren, *Visions Seen: The Evolution of International Human Rights*, p. 132.

¹⁹ Indiana University Center for the Study of Global Change and United Nations Library System, “A Century of Nobel Peace Prize Laureates: Nansen Int’l Office of Refugees, 1938.”

²⁰ Milton Leitenberg, “Deaths in Wars and Conflicts in the 20th Century,” Cornell University Peace Studies Program Occasional Paper #29, 3rd ed., p. 9, available at <http://www.cissm.umd.edu/papers/files/deathswarsconflictsjune52006.pdf>.

²¹ Joseph V. O’Brien, “World War II: Combatants and Casualties (1937-45),” available at <http://web.jjay.cuny.edu/~jobrien/reference/ob62.html>, accessed 31 October 2009.

In 1944, the Allies (formally known as the United Nations alliance) established the United Nations Relief and Rehabilitation Administration (UNRRA). When the war ended in 1945 and the United Nations organization was founded, the General Assembly transferred UNRRA's responsibilities to a new organization, the International Refugee Organization (IRO). In 1950, the GA replaced IRO with the UN High Commissioner for Refugees (UNHCR).²² At that time (five years after World War II ended), there were still more than one million refugees from the war.²³

Today UNHCR remains the UN agency charged with overseeing programs related to refugees and other displaced persons. Over the past 50 years, UNHCR has helped more than 50 million refugees find "durable solutions" – either repatriation, local integration, or resettlement in other countries.²⁴

On July 28, 1951, the GA adopted the Convention Relating to the Status of Refugees, which was then opened for signature and ratification by member states. Although the Convention was important in enumerating the rights of refugees, it pertained only to Europeans displaced prior to 1951. It was not until 1967 that an Additional Protocol was adopted pertaining to all people fleeing persecution, at all times. According to UNHCR, the Convention Relating to the Status of Refugees

spells out a set of basic human rights which should be at least equivalent to freedoms enjoyed by foreign nationals living legally in a given country and in many cases those of citizens of that state. It outlines a refugee's rights including such things as freedom of religion and movement, the right to work, education and accessibility to travel documents. It also underscores, in turn, refugees' obligations towards their host governments. A key provision stipulates that refugees should not be returned to a country where they fear persecution. It also spells out individuals or groups of people who are not covered by the Convention. It recognizes the international scope of refugee crises and the need for international cooperation, including burden sharing among states, to tackle the problem.²⁵

Today, 145 states have ratified the 1951 Convention. All of these have also ratified the Additional Protocol.²⁶ Even if a state is not party to these conventions (and many of the states currently receiving refugees are not), the principle of non-refoulement – that refugees should not be returned to their country against their will -- has become so widely accepted that it is considered customary international law.²⁷

Since World War II, civil wars have accounted for the vast majority of wars and casualties. The most deadly have been the conflicts in Vietnam, China, and Afghanistan, which together have killed more than three million people.²⁸ Of these, the only active conflict is in Afghanistan, which has generated large numbers of refugees and IDPs. Although the war in Vietnam ended in the 1970s, many Vietnamese refugees displaced during that conflict continue to live in refugee camps in Thailand and other countries.²⁹

²² "Refugees," in Edmund Jan Osmańczyk and Anthony Mango, *Encyclopedia of the United Nations and International Agreements*, Vol. 1 (Taylor & Francis, 2003), p. 1904.

²³ UNHCR, "Refugee Figures," <http://www.unhcr.org/pages/49c3646c23.html>, accessed 31 October 2009.

²⁴ UNHCR, "Refugee Figures."

²⁵ UNHCR, "The 1951 Refugee Convention," <http://www.unhcr.org/pages/49da0e466.html>.

²⁶ UN Treaty Collection, "Chapter V: Refugees and Stateless Persons," <http://treaties.un.org/Pages/Treaties.aspx?id=5&subid=A&lang=en>

²⁷ UNHCR, "The 1951 Refugee Convention".

²⁸ Bethany Lacina "Explaining the Severity of Civil Wars," *Journal of Conflict Resolution* 50:2 (2006), pp. 277-278.

²⁹ For a list of refugees settled in the US, see Audrey Singer and Jill H. Wilson, "Refugee Resettlement in Metropolitan America," Brookings Institution, March 2007, available at <http://www.migrationinformation.org/Feature/display.cfm?ID=585>

From 1980-2007, the estimated number of refugees tripled, from 5.7 million to 16 million.³⁰ Since 2008, some Iraqis who were displaced during the 2003 US invasion and resulting civil war have returned to their homes. But, as of January 2013, there were still 746,440 Iraqi refugees in neighboring countries and 1.1 million Iraqi IDPs.³¹ Moreover, Syrians displaced by the civil war that began in their country in 2011 have taken the place of Iraqis in UNHCR's statistics. In January 2013, UNHCR estimated that there were 728,542 Syrian refugees in neighboring countries and 2.0 million Syrian IDPs.³² Together, this meant that 14% of all Syrians had been displaced by the war. Since then, both the violence and the number of displaced persons have grown.

At the end of 2012, the leading states of origin were Afghanistan, Somalia, Iraq, the Syrian Arab Republic, and Sudan, which together accounted for more than half (55%) of all refugees worldwide. The states hosting the largest number of refugees in relation to their economic capacity (GDP) were re Pakistan, Ethiopia, and Kenya. In 2012, twenty-two (11%) of UN member states accepted refugees for resettlement. Of those, the US received the largest number (66,300). Palestinians are currently the largest population of refugees, at 4.9 million.³³ According to UNHCR, refugees "live in widely varying conditions, from well-established camps and collective centres to makeshift shelters or living in the open. Most are in rural settings, but the number of urban refugees is growing."³⁴

In 2012, there were 28.8 million IDPs worldwide, about the same as the year before. According to UNHCR, the number of IDPs has increased steadily since 1997, when there were 17 million. Each year some people are able to go home or be resettled, while others become newly displaced. In 2012, 6.5 million people were newly displaced, almost twice as many as the year before. The countries with the most new displacements were the Syria (2.4 million), Democratic Republic of the Congo (1 million), Sudan (.5 million), and India (.5 million). Africa was the continent with the most IDPs – 10.4 million – followed by the Americas with 5.8 million. In 2012, the country with the largest number of IDPs was Colombia.³⁵

Refugees and IDPs are subject to an acute form of poverty; they have literally been forced to leave everything behind. As a result, they are the population at the greatest risk of starvation, with the highest rates of preventable diseases, and most vulnerable to human rights abuses.³⁶ More than 80% of refugees and IDPs are women and children.³⁷

Refugee Case Study: The Palestinians

As mentioned, Palestinians are the largest population of refugees. Currently, there are 4.9 million Palestinian refugees. This is about one in three refugees worldwide. The displacement of Palestinians dates to 1948, when the state of Israel was formed to provide Jews who had been persecuted in Germany and other European states with a homeland. When this occurred, people who lived in the region of Palestine were displaced.

³⁰ David Masci, "Assisting Refugees," *CQ Researcher*, vol. 7, no.5 (February 7, 1997), p. 180.

³¹ UNHCR, "Iraq: Country Operations Profile," available at <http://www.unhcr.org/pages/49e486426.html>

³² UNHCR, "Syria: Country Operations Profile," available at <http://www.unhcr.org/cgi-bin/texis/vtx/page=49e486a76&submit=GO>

³³ UNHCR, "Global Trends 2012," p. 3."

³⁴ UNHCR, "Refugee Figures."

³⁵ UNHCR, "Internally Displaced People Figures," <http://www.unhcr.org/pages/49c3646c23.html>

³⁶ Roberta Cohen and Fancis M. Deng, "Exodus Within Borders: The Uprooted Who Never Left Home."

³⁷ United Nations Development Fund for Women (UNIFEM), "Women, War, Peace and Displacement," available at <http://www.womenwarpeace.org/node/3>.

Palestinians are primarily Muslim and Christian Arabs. Before World War I, the territory they traditionally occupied was ruled by the Ottoman Turks. During the war, the French and British promised the Palestinians and other Arabs that in return for their support against the Ottomans and Germans, they would support the creation of an independent state. But after the defeat of Turkey in World War I and the collapse of the Ottoman Empire, the British and French occupied the area, administering various parts of it as “trusteeship territories” authorized by the League of Nations. The French mandate included what is today Syria and Lebanon, while the British mandate included Israel, the West Bank, the Gaza Strip, and Jordan. When the persecution of Jews began in Europe in the 1930s, the British allowed Jews to escape to Palestine.³⁸ During the Holocaust, 6 million Jews were exterminated throughout Europe, especially in Germany, Poland, Hungary, Romania, and the Soviet Union.³⁹

By 1946, 0.6 million Jews were living in Palestine, along with 1.3 million Arabs, and Jews had purchased 20 percent of the arable land. The British asked the newly-created UN General Assembly to deal with the situation. In Resolution 181 (November 1947), the General Assembly recommended partitioning Palestine into two states, one Jewish and the other Arab, each with a majority of its own population and sharing Jerusalem and Bethlehem as international zones. When the Palestinians and neighboring Arab states refused to comply, war broke out. Israel quickly gained control over 77 percent of the territory once known as Palestine. The rest was controlled by Jordan and Egypt.⁴⁰ This left the Palestinians in a bind. Although their families had lived in the region for thousands of years, they were displaced to neighboring countries.

In 1949, the GA established the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to aid these refugees. According to UNRWA, Palestinian refugees are “persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.” Descendants of persons who became refugees in 1948 are also considered Palestinian refugees. Initially, there were about 750,000 Palestinian refugees. Due to population growth, the 1967 Arab-Israeli war, the 1982 Israeli invasion of Lebanon, and continued Israeli settlement in the occupied territories, the number has grown to more than 4.9 million.⁴¹

In 2009, most of the Palestinians registered as refugees lived in Jordan (about 2 million). Of those, the majority settled in Jordanian towns and cities, while 338,000 lived in 10 UNRWA camps. The next largest populations were in the Gaza Strip (1 million, including 8 camps), West Bank (0.7 million, 19 camps), Syria (0.5 million, 9 camps), and Lebanon (0.4 million, 12 camps).⁴² In addition, some Palestinians have been resettled in countries beyond the Middle East.

When the GA established UNHCR in 1951, it decided that Palestinians would not come under the UNHCR’s authority because they were already receiving support from the UNRWA. Palestinian refugees are the only refugees in the world who do not come under the authority of UNHCR and the 1951 Refugee Convention.

³⁸ Middle East Research Information Project (MERIP), “Palestine, Israel and the Arab-Israeli Conflict: A Primer: The British Mandate in Palestine,” available at http://www.merip.org/palestine-israel_primer/brit-mandate-pal-isr-prime.html; accessed 31 October 2009.

³⁹ Shoah Resource Center, “Frequently Asked Questions,” The Holocaust and the United Nations Outreach Programme, available at <http://www.un.org/holocaustremembrance/docs/FAQ%20Holocaust%20EN%20Yad%20Vashem.pdf>; accessed 31 October 2009.

⁴⁰ MERIP, “Palestine, Israel and the Arab-Israeli Conflict: A Primer: The United Nations Partition Plan,” available at http://www.merip.org/palestine-israel_primer/un-partition-plan-pal-isr.html; accessed 31 October 2009.

⁴¹ UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “Who Is a Palestinian Refugee?,” available at <http://www.un.org/unrwa/refugees/whois.html>

⁴² UNRWA, “Publications/Statistics,” available at <http://www.un.org/unrwa/publications/index.html>

Instead they are subject to host countries' polices. In addition, unlike UNHCR, the UNWRA is not funded by UN member states' dues but relies on separate contributions, which have fallen substantially in recent years.⁴³

Why Palestinian are refugees is a matter of debate. According to Israelis, the Palestinians left during the Arab-Israeli war on the orders of Arab commanders and are in limbo due to the unwillingness of Arab states to recognize Israel's right to exist and grant citizenship to Palestinians. By contrast, Palestinians maintain they were expelled by Israeli military forces and fled in fear with the hope of one day returning.⁴⁴ In Resolution 194 (1948) the GA supported the latter view, stating that Palestinian "refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss or damage to property." But Israel has refused to allow the repatriation of the Palestinians, whose villages have been largely destroyed.⁴⁵ Palestinians are frustrated that UN member states continue to reaffirm their right to return to Israel but do nothing substantial to support that right. In the most recent hostilities (December 2008 to January 2009), over 90,000 Palestinians were displaced in the Gaza Strip.⁴⁶

IDP Case Study: Darfur

Until recently, Sudan had the largest IDP population in the world, reflecting the fact that it has experienced civil war almost constantly since it gained independence from Britain in 1956. In 2011, agreements between the government and rebels, and the secession of South Sudan, reduced the number of Sudanese IDPs. But in 2012, there were new displacements in the Darfur region of Western Sudan. At the end of 2012, approximately 2.3 million people from Darfur's black African tribes were internally displaced.⁴⁷

According to many observers, what has happened in Darfur since 2003 is genocide. According to the Rome Statute of the International Criminal Court (ICC), genocide consists of acts intended "to destroy, in whole or in part, a national, ethnical, racial or religious group" (Article 6).⁴⁸ According to UNHCR, "The Darfur emergency ... is a case study of how difficult it is to protect internally displaced persons when their own government has caused the displacement and fails to comply with UN resolutions to provide security."⁴⁹

The problem began in 2003, when insurgents from the Fur, Massalit and Zaghawa tribes attacked Sudanese government installations in retaliation for favoring Sudan's Arab population. In response, the government and government-sponsored Arab Muslim militias (the Janjaweed) attacked the black African communities. According to UNHCR, they

⁴³ UNHCR, "Chapter 5: Protracted refugee situations: Box 5.1 Palestinian refugees," *The State of the World's Refugees 2006*, 19 April 2006, available at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4444d3c92f&query=unrwa> See also Jennifer Ibrahim, "The Discrimination of Palestinian Refugees Living in Lebanon," *Palestine-Israel Journal of Politics, Economics, and Culture* 15:1/2 (2008), pp. 83-90.

⁴⁴ Terry M. Rempel, "Who are the Palestinian Refugees?" *Forced Migration Review* 26 (August 2006), p. 5.

⁴⁵ UNHCR, "Chapter 5: Protracted refugee situations: Box 5.1 Palestinian refugees."

⁴⁶ Aghreed El-Khodary and Sabina Tavernise, "U.N. Warns of Refugee Crisis in Gaza Strip," *New York Times*, January 12, 2009, available at <http://www.nytimes.com/2009/01/13/world/middleeast/13mideast.html?scp=5&sq=Palestine%20+%20refugees&st=cse>.

⁴⁷ UNHCR, "Sudan: Country Operations Profile," available at <http://www.unhcr.org/pages/49e483b76.html>

⁴⁸ International Criminal Court, "Rome Statute," 1998, available at <http://www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm>

⁴⁹ UNHCR, "Chapter 7: Internally displaced persons: Box 7.2 Darfur," *The State of the World's Refugees 2006*, 19 April 2006, available at <http://www.unhcr.org/4444d3ce2.html>

killed up to 70,000 men and deliberately drove from their homes more than 2 million people, most of whom became internally displaced, while 200,000 became refugees in neighbouring Chad. Janjaweed militias then burned their villages, poisoned the wells and killed animals in a scorched-earth campaign. ... From 2003 to [2006], the number of deaths from starvation, disease and violence in Darfur is estimated at more than 350,000. Almost 2 million people live in squalid camps, totally dependent on international aid and with little or no prospect of returning home due to the insecurity and destruction in their homeland.⁵⁰

As of 2008, most Sudanese IDPs were living in 65 camps established by international organizations with the permission of the Sudanese government. Others settled in neighboring towns or fled to the bush, where it is nearly impossible to receive aid.⁵¹

IDP camps cannot guarantee security. When women leave the camps in search of firewood for cooking, they are often raped. Thus UNHCR and the many other refugee organizations operating in the country attempt to provide alternatives to firewood, such as cooking stoves. Another problem is the plethora of weapons in the camps, which makes it hard for the organizations to provide security. As in most refugee camps, the percentage of children receiving an education is extremely small. Considering that the young people prior to the conflict would have farmed but today have no access to land and no prospects of employment, their future seems bleak.⁵²

In addition to being a very difficult place for many Sudanese to live, Darfur is a dangerous place for international aid workers. From January to November 2007, 128 vehicles belonging to aid organizations were hijacked, and 74 humanitarian convoys were attacked.⁵³ In 2009, two aid workers were taken hostage for four months.⁵⁴

In 2005, the UN Security Council exercised its authority under the Rome Statute to refer Sudanese individuals to the ICC for trial. In 2009, the ICC indicted Sudanese President Omar Hassan al-Bashir with five counts of crimes against humanity.⁵⁵ According to the Rome Statute, crimes against humanity involve “a widespread or systematic attack directed against any civilian population” (Article 7). In response, President Bashir ordered 13 international and three national non-governmental organizations operating in Darfur to leave the country, alleging that they had provided biased testimony to the ICC. These organizations employed 40 percent of all aid workers in Darfur.⁵⁶ UNHCR and other organizations, such as the International Committee of the Red Cross (ICRC), were allowed to continue working in Sudan and expanded their operations to make up for the departure of the other organizations.⁵⁷ Because the ICC does not have a police force or military, it is up to UN member states to apprehend Bashir, if they so desire. As of October 2013, Bashir is still in power in Sudan.

⁵⁰ UNHCR, “Chapter 7: Internally displaced persons: Box 7.2 Darfur.”

⁵¹ Amnesty International, “Displaced in Darfur,” January 2008, available at <http://www.amnesty.org/en/library/info/AFR54/001/2008>.

⁵² Amnesty International, “Displaced in Darfur.”

⁵³ Amnesty International, “Displaced in Darfur.”

⁵⁴ Henry McDonald, “Aid worker tells of mock executions staged by her kidnappers in Dafur,” *Guardian*, 19 October 2009, available at <http://www.guardian.co.uk/world/2009/oct/19/aid-work-mock-executions-dafur>

⁵⁵ “World: Countries and Territories: Sudan,” *New York Times*, updated 20 October 2009, available at <http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html>

⁵⁶ Sudan Report, *OCHA-United Nations Office for the Coordination of Humanitarian Affairs* (March 8, 2009), available at <http://www.reliefweb.int/rw/rwb.nsf/db900SID/VDUX-7PYUBZ?OpenDocument>

⁵⁷ International Committee of the Red Cross (ICRC), “Sudan: addressing civilians’ needs in complex circumstances,” Interview with Jordi Raich Curco, 12 May 2009, available at <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sudan-interview-120509>

Previous Committee Work on This Topic

The 1951 Convention Relating to Refugees and 1967 Additional Protocol remain the governing documents for refugees. Due to UN member states' concern with sovereignty, there has never been a similar global treaty for IDPs. However, in the Millennium Declaration (A/RES/55/2, 2000), UN member states pledged "to strengthen international cooperation, including burden-sharing in and the coordination of humanitarian assistance to countries hosting refugees, and to help all refugees and displaced persons to return voluntarily to their homes in safety and dignity and to be smoothly reintegrated into their societies."⁵⁸ Moreover, since 2012, one-third of African states have ratified the Kampala Convention, which asserts that states have the primary responsibility to prevent displacements and assist displaced people.⁵⁹

In 2003, UNHCR (which reports to the GA) developed a framework for "durable solutions" to refugee populations that would spread the burden more evenly across member states. Recognizing that less-developed countries receive the majority of refugees, the framework calls for more deliberate efforts to settle conflicts so refugees can be repatriated in their country of origin. Failing that, the aim is to resettle and integrate them into other countries, worldwide.⁶⁰

In 2009, the GA passed a resolution emphasizing that refugees and internally displaced persons "are primarily the responsibility of states in appropriate cooperation with the international community" and condemned attacks against refugees and IDPs. The resolution also called on member states to contribute to the work of UNHCR; consider gender, age, and diversity in deciding how best to protect refugees; and find durable solutions by addressing the root causes of refugee situations.⁶¹ In 2012, the GA passed several resolutions regarding refugees in particular countries.⁶²

In September 2009, Secretary-General Ban Ki-Moon congratulated the GA adopting its first resolution on the "responsibility to protect" civilians from genocide, ethnic cleansing, war crimes, and other atrocities.⁶³ The idea of "responsibility to protect" is that states are responsible for protecting the human rights of people within their borders, and that when they fail to do so it is the responsibility of other states to intervene.⁶⁴ This is a controversial idea within the UN.

Conclusion

Today there are 15.4 million refugees worldwide and 28.8 million IDPs. Many of these persons have been uprooted for many years. In the case of the Palestinians, the dislocation has gone on for decades. Refugees and IDPs create many tensions for UN member states. States of origin are scrutinized for issues they view as domestic

⁵⁸ UN General Assembly, "Millennium Declaration," Resolution A/RES/55/2 (2000), Section VI, Item 26, <http://www1.umn.edu/humanrts/instree/millennium.html>

⁵⁹ Internal Displacement Monitoring Centre, "Africa Unites on Human Rights: The Kampala Convention in Brief," <http://www.internal-displacement.org/kampala-convention>

⁶⁰ UNHCR, "Framework for Durable Solutions for Refugees and Persons of Concern," <http://www.unhcr.org/pages/49c3646cf8.html>

⁶¹ UN General Assembly, "Report of the Third Committee," December 5, 2008, available at <http://www.undemocracy.com/A-63-423.pdf>

⁶² UN General Assembly, "Resolutions, 67th Session," <http://www.un.org/en/ga/67/resolutions.shtml>

⁶³ UN News Centre, "General Assembly agrees to hold more talks on responsibility to protect," 14 September 2009, available at <http://www0.un.org/apps/news/test/story.asp?NewsID=32047&Cr=responsibility+to+protect&Cr1=>

⁶⁴ International Commission on Intervention and State Sovereignty, "Report of the International Commission on Intervention and State Sovereignty," December 2001, available at <http://www.iciss.ca/report-en.asp>

matters, while states of refuge often have economic, social, and political constraints that the presence of refugees can worsen. As you develop your country's position on this issue, consider the following questions:

- Is your country a source of refugees or IDPs? If so, why? Where have people moved? Are their rights being respected?
- Does your country receive refugees? Why or why not? If so, how does it provide for them? Are their rights being respected? How have they affected the stability of your country?
- Has your country ratified the 1951 Convention and 1967 Protocol? Why or why not?
- What is your country's position on the Palestinian refugees and the IDPs in Sudan? What other displaced persons are of concern to your country? What has your country done to advance their rights?
- Is your country in favor of the "responsibility to protect?" Why or why not?
- What can and should the GA do to ensure that refugees and IDPs have access to humanitarian aid and other fundamental human rights?
- What are the root causes of persecution and displacement, and how could the GA address them?

Recommended Reading

Amnesty International. Website. Available at <http://www.amnesty.org/>

Amnesty International is a non-governmental organization that works to promote human rights. This site is a good source of information on the human rights and refugee situations in most countries.

Eakin, Hugh and Alisa Roth. "Syria's Refugees: The Catastrophe." *New York Review of Books*. 10 October 2013. Available at <http://www.nybooks.com/articles/archives/2013/oct/10/syrias-refugees-catastrophe/?page=2>

This recent article describes the situation of Syrian refugees and IDPs, both those who are served by the UNHCR and the many others who are unregistered and receive no UN assistance. It also addresses the challenges faced by aid workers and neighboring countries, such as Lebanon, Jordan, and Turkey.

International Coalition for the Responsibility to Protect. Website. Available at <http://www.responsibilitytoprotect.org/index.php/crises/37-the-crisis-in-darfur/2148-amnesty-international-international-community-fails-to-protect-darfur>

This is the website of an alliance of non-governmental organizations founded in January 2009 to promote the idea of the "responsibility to protect." Members of the alliance include Human Rights Watch and Oxfam International.

United Nations High Commissioner for Refugees (UNHCR). Website. Available at <http://www.unhcr.org/>

From this UNHCR home page, you can find reports on the refugee and IDP situation in your country, as well as other countries in which you may be interested (such as Jordan, Syria, Sudan, and Colombia).

United Nations High Commissioner for Refugees (UNHCR). "Framework for Durable Solutions for Refugees and Persons of Concern." 1 May 2008. Available at <http://www.unhcr.org/3f1408764.html>

This 2008 report summarizes the long-term challenges of repatriation and integration of refugees, with emphasis on ideas for spreading the burden among UN member states. For an update, see footnote 60.

United Nations Treaty Collection. "Chapter V: Refugees and Stateless Persons." Available at <http://treaties.un.org/Pages/Treaties.aspx?id=5&subid=A&lang=en>

From this page, you can read the text of the 1951 Convention and 1967 Additional Protocol. In addition, you can find out whether your state has ratified these treaties. If so, you may be able to read statements about how it interprets them. If your country is in Africa, see also the source in footnote 59.