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HISTORY OF THE COMMITTEE

The United Nations Human Rights Council (UNHRC) was established by the UN General Assembly with the passing of resolution 60/251 in 2006. The first UNHRC session occurred in June of that year. Over the course of 2006 and 2007, its mechanisms and functions were formed,¹ and it was established as an “intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them”.² The main objective of the UNHRC is to draw attention to human rights issues, discuss them, and give suggestions about how to properly address them and provide justice to those affected. The council is composed of 47 UN Member States elected by the General Assembly.

The UNHRC replaced the UN Commission on Human Rights, which was created in 1946 to “weave the international legal fabric that protects our fundamental rights and freedom”.³ Some reforms implemented in the UNHRC included the Universal Periodic Review mechanism, which allows the UNHRC to investigate human rights situations in all UN Member States. Another was the Advisory Committee, which serves as the UNHRC’s “think tank” to offer “expertise and advice on thematic human rights issues”.⁴ A system to process “complaints” was also added, where human rights violations could be brought to the attention of UNHRC.⁵ Finally, the UNHRC works with UN Special Procedures,⁵ which include special rapporteurs, representatives, independent experts, and working groups which look to monitor human rights around the world. Fundamentally, the purpose of the UNHRC is to promote international human rights standards.

¹ “Welcome to the Human Rights Council,” OHCHR, accessed August 15, 2021, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

TOPIC A: ARMED CONFLICT AND THE HUMAN RIGHTS OF REFUGEES

Statement of the Problem

The international community is facing a global refugee crisis. Armed conflict fuels refugee crises, and it has fueled and is fueling the one we are currently facing.

Armed conflicts of all varieties present a physical danger to all groups of people in the surrounding area. These groups include soldiers, civilians, and governmental figures. However, the danger to parties who are not involved is often overlooked by parties who are involved. In many armed conflicts, civilians are often subject to a multitude of human rights violations. Civilians, their homes, or their towns may be fired upon, both either by accident or on purpose. As a tactic, one side in a conflict may destroy infrastructure to damage the supply chains of another side, which can cripple civilians' access to food and other vital goods in the process. These violations often go unaddressed and perpetrators are not prosecuted. For those who survive, sufficient aid or compensation is rarely available. In all cases, the destruction of civilians' livelihoods is often brushed off as "necessary" collateral damage. Facing human rights violations, economic destruction, and likely with little help coming, many choose to flee the country instead. Upon doing so, these people become **refugees**. In this manner, armed conflict brings about human rights violations, and those violations lead to refugee crises. Thus, prolonging armed conflicts intensifies refugee crises.

Human rights must not only be considered with regards to the origins of refugee crises, though. Refugees also face further human rights concerns after escaping their home countries. Many face ethnic, religious and/or racial discrimination in the places where they seek asylum. They may be arrested and forcibly deported back to their home countries—where their lives were at risk. The mistreatment of refugees, combined with the humanitarian problems responsible for refugee situations, presents a human rights crisis with a dual nature. Human rights violations are of concern both before and after refugees flee their home countries.

With this in mind, three issues show cause for concern.⁶ The first is the disturbing tendency to block asylum-seekers from entering a country. The second is violations of “minimum/basic rights” of asylum-seekers, both while they apply for asylum and after they have been granted asylum or refugee status. Racism, xenophobia, national and ethnic tensions and conflicts are rising in many places and thus affect many groups. Refugees and asylum-seekers are among the most notably affected. The third issue is the continuation of human rights violations in countries of origin. These human rights violations must be addressed before refugees can be voluntarily repatriated.

Voluntary repatriation refers to when a refugee or asylum-seeker opts to return to their country of origin.

The first two issues are referenced together in this document, as a set of human rights violations which occur after asylum-seekers and refugees flee their homes. The third issue is referred to as its own set of human rights violations—as those which lead to eventual asylum-seekers and refugees fleeing their homes.

The UN High Commissioner for Refugees (UNHCR) defines a **refugee** as “someone who has been forced to flee his or her country because of persecution, war or violence.”⁷ This distinguishes them from internally displaced persons—i.e. displaced from their home but still in the same country. Migrants are also a different category from refugees. Migrants are people who have chosen to move for reasons other than immediate danger or human rights violations. They may move to find work or education or to reunite with family members.

The term “**asylum seeker**” is generally used to refer to someone seeking international protection. Some may have applied for legal refugee status but are still waiting to hear a final decision. “**Asylum**” is not defined in international law, but it has generally described protection a state provides to refugees in its territory.

⁶ “Fact Sheet No.20, Human Rights and Refugees,” OHCHR, accessed June 29, 2021. <https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>.

⁷ “What Is a Refugee?” UNHCR. Accessed June 5, 2021. <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>.

To examine both facets of the refugee crisis, both International Humanitarian Law and International Refugee Law must be considered.

International Humanitarian Law

International Humanitarian Law (IHL) or the **Law of War** is, in essence, a set of rules. It focuses on reducing the impact of armed conflict, especially in relation to people not participating in the conflict.⁸

IHL includes the law of war and of armed conflict. Its aim is to reduce the harm done by armed conflict through a legal framework. There are two main principles of IHL:

1. "Persons who are not, or are no longer, participating in hostilities must be protected; and
2. The right of parties to an armed conflict to choose methods and means of warfare is not unlimited."⁹

IHL legally regulates armed conflict and complements *jus in bello*, which is a component of just war theory that includes what behaviors and actions are moral or ethical for belligerent parties to engage in.¹⁰ This is different from *jus ad bellum*, another component of just war theory, which describes when it is right or justifiable to go to war.¹¹ *Jus ad bellum* details "the conditions under which states may resort to war or to the use of armed force in general. The prohibition against the use of force amongst states and the exceptions to it (self defense and UN authorization for the use of force), set out in the UN Charter of 1945, are the core ingredients of *jus ad bellum* ('On the prohibition against

⁸ War & Law." ICRC, April 28, 2014. <https://www.icrc.org/en/war-and-law>.

⁹ "International Humanitarian Law," International Justice Resource Center, June 14, 2012. Accessed June 19, 2021. <https://ijrcenter.org/international-humanitarian-law/>.

¹⁰ Álvarez, Isabel. "MUNUC 33 Online: United Nations Human Rights Council." MUNUC 33, 2020. https://munuc.org/wpcontent/uploads/2020/12/UNHRC-BG-Final_online.pdf.

¹¹ "What Are Jus Ad Bellum and Jus in Bello?" International Committee of the Red Cross. Accessed October 17, 2021. <https://www.icrc.org/en/document/what-are-jus-ad-bellum-and-jus-bello-o>.

war’).¹² *Jus ad bellum* establishes what counts as justified use of armed force while *jus in bello* seeks to regulate justified armed force.

Therefore, IHL is a public and universal international law. It applies to all parties in a conflict regardless of context, justification, or cause. Adherence to IHL is essential in order to protect all victims on all sides, regardless of affiliation or a lack thereof. A lack of respect for human rights and of IHL in armed conflict is a major contributor to the devastating conditions which lead to forced displacement.

International Refugee Law

The **1951 Geneva Convention Related to the Status of Refugees**, which will be abbreviated as the **Convention**, is the main source of legal humanitarian protections for refugees, known as **International Refugee Law (IRL)**.¹³ The **1967 Protocol Related to the Status of Refugees**, which will be abbreviated as the **Protocol**, is also crucial to IRL.

The guidelines from the Convention seek to protect the human rights of refugees. The primary objectives are:

1. To define a refugee;
2. To safeguard a refugee’s ability to seek asylum;
3. To protect against **refoulement**; and
4. To outline the duties of refugees and of signatories.¹⁴

¹² Ibid.

¹³ “International Refugee Law (IRL).” Professionals in Humanitarian Assistance and Protection. Accessed June 19, 2021. https://phap.org/PHAP/Themes/Law_and_protection/IRL/PHAP/Themes/IRL.aspx?hkey=8dfbb7e2-3110-4747-b0508511cb227f29.

¹⁴ Nicholson, Frances and Judith Kumin. “A Guide to International Refugee Protection and Building State Asylum Systems.” UNHCR, 2017. Accessed September 10, 2021. <https://www.unhcr.org/3d4aba564.pdf>.

The Convention initially restricted refugee status to those impacted by events before 1951. The Protocol removes all temporal and geographical constraints of IRL and the definition of a refugee under the Convention.¹⁵

Refoulement is the forced return of a refugee to a country where they would likely face persecution. All refugees are entitled to protection from refoulement by the state in which they have sought asylum, as outlined in Article 33(1) of the Convention.¹⁶ This principle is called **non-refoulement**, and it is a cornerstone of IRL. Non-refoulement includes any conduct by a state which may place the refugee at risk of refoulement, even if deportation is carried out by a non-state actor. This includes refusal of entry at a border as well as forced removal from within the state's territory. Nonrefoulement applies to asylum seekers as well as approved refugees.¹⁷ Also, non-refoulement applies in all areas where a state exercises authority. This means that refoulement is prohibited in overseas territories, exclaves, territorial waters, and so on.¹⁸

The human right to seek and enjoy asylum in the Convention is derived from the 1948 Universal Declaration of Human Rights. Under IRL, it includes:

1. "Respect for the principle of non-refoulement, including non-rejection at the frontier;
2. The admission of asylum-seekers and refugees to the territories of States;
3. Asylum-seekers access to fair and effective processes for determining their status and protection needs;
4. Asylum-seekers' and refugees' rapid, unimpeded, and safe access to UNHCR;
5. The treatment of asylum-seekers and refugees in accordance with applicable human rights and refugee law standards;
6. Host States' responsibility for safeguarding the civilian, peaceful, and humanitarian nature of asylum; and

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

7. Refugees' and asylum-seekers' duty to respect and abide by the laws of host States."¹⁹

States have a responsibility to uphold IRL. Their obligations begin with tackling the root issues behind forced displacement.²⁰ As has been discussed, these root causes frequently include armed conflict. Enforcing human rights standards, strengthening the rule of law, and providing civilians with safety, security, and equality is critical in order to end cycles of violence, abuse, and discrimination which result in refugees fleeing.

When states joined the 1951 Convention and/or the 1967 Protocol, they promised to protect refugees and asylum-seekers within their jurisdiction, and to uphold the terms of those documents. They further promised to uphold IHL and human rights obligations to offer rights to refugees and asylum seekers. However, all states are obligated to uphold the principle of non-refoulement, regardless of whether or not they have signed either the Convention or the Protocol. Non-refoulement is considered a staple of IHL and of human rights, and therefore it is binding on all states.²¹

With their responsibility to uphold IRL, states have responsibilities towards asylum-seekers and refugees broadly. There are additional responsibilities towards certain asylum-seekers and refugees based on age, gender, disability, and other factors. Initiatives to secure protection for refugees and asylum-seekers must take into account the diversity of the relevant population.

Some asylum-seekers and refugees are at particularly acute risk. UN refugee and human rights groups have taken steps to provide a framework for addressing the needs of the following groups, which often overlap²²:

- Children;
- Women and girls;

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² For more information, see <https://www.unhcr.org/3d4aba564.pdf>.

- Persons with disabilities; and
- Other persons with specific needs.

Current Situation

Current estimates indicate that there are roughly 26 million refugees worldwide.²³ Of that number, around 20.7 million come from outside of the Palestinian territories. This latter group of 20.7 million refugees are of concern in this document. This magnitude is unprecedented, and it has been growing worse for much of the past 10 years. This trend can be seen in Image 1.²⁴ While the number of refugees has increased at a somewhat steady rate, the total number of displaced people has increased significantly. There is undoubtedly a global crisis of refugees and displaced people.

Including 3.9 million Venezuelans displaced abroad, there are 5 countries which account for 68% of all current displaced people abroad: Syria, Venezuela, Afghanistan, South Sudan, and Myanmar.²⁵ Image 2 depicts a pie chart demonstrating this proportion. According to the UNHCR, 86% of refugees are hosted in developing countries, and 73% of refugees live in countries neighboring their countries of origin. Although children are 30% of the world's population, they account for 42% of all forcibly displaced people.

There are currently 27 major armed conflicts in the world, of differing tension levels and with varying numbers of casualties and refugees. Most of these are intricate situations with many different factions and involved parties. Image 3 shows the countries where these conflicts are located. Red dots indicate conflicts where circumstances are worsening, and orange dots indicate conflicts currently in a stalemate. There is a clear correlation between the location of armed conflict and the geographical sources of refugees. The largest source countries of refugees are given in Image 3. Although not indicative of causation, this trend is expected, given the aforementioned connection

²³ "Figures at a Glance." UNHCR. Accessed June 17, 2021. <https://www.unhcr.org/en-us/figures-at-a-glance.html>.

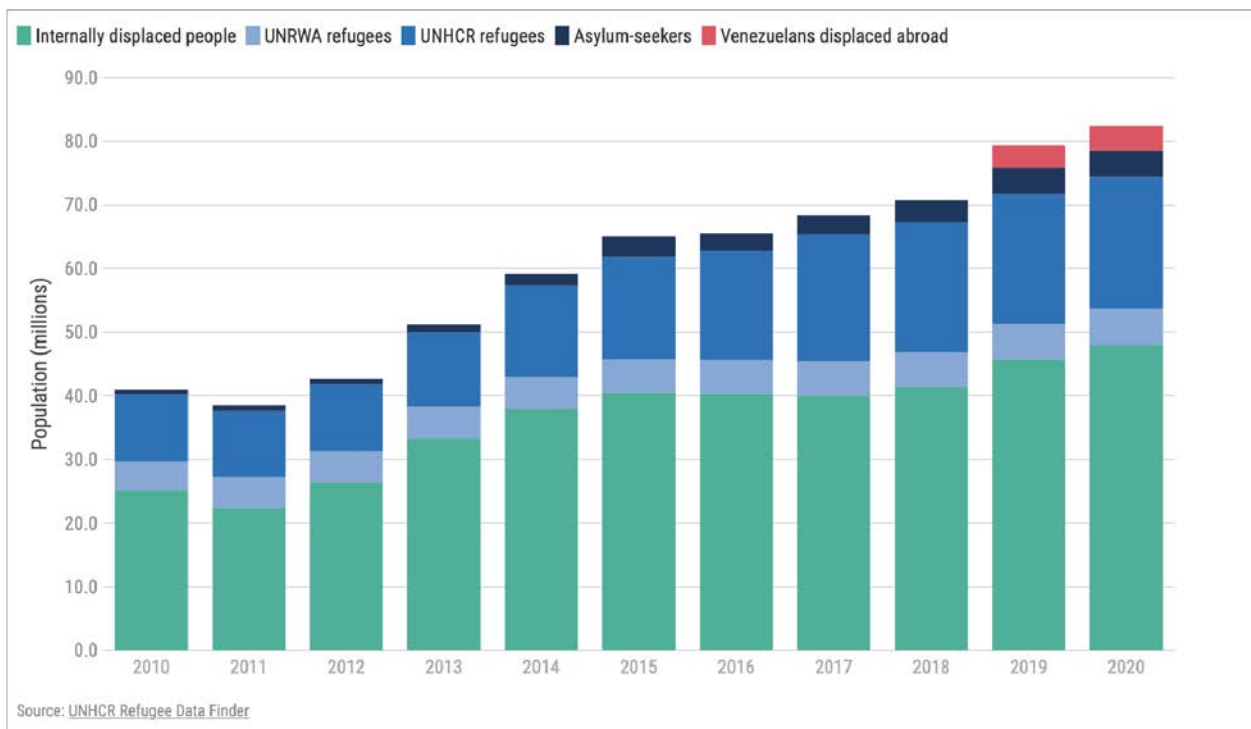
²⁴ Ibid.

²⁵ Ibid.

between armed conflict and refugee crises. It is also clear that the dragging on of conflict produces more refugees every year. This can be seen in that some of the longest, most brutal conflicts have

led to the status of associated countries as large sources of refugees. The wars in Syria and Afghanistan both serve as examples of this. Unfortunately, as indicated in Image 3, none of the current armed conflicts seem likely to improve in the near future. This means that the global refugee crisis is expected to grow worse in the short term.

Image 1. Shows the increasing number of people facing forced displacement over the past decade, year by year.²⁶



²⁶ "UNHCR Global Trends - Forced Displacement in 2020." UNHCR. Accessed October 16, 2021. <https://www.unhcr.org/flagship-reports/globaltrends/>.

Image 2. Roughly two-thirds of refugees in the world currently are from 5 countries.²⁷

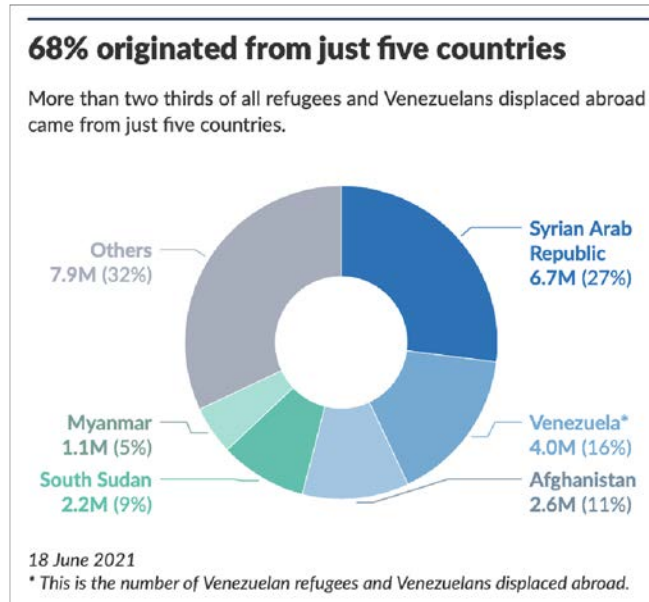


Image 3. Armed Conflicts around the world, labeled by the status of conflict.²⁸



²⁷ Ibid.

²⁸ "Global Conflict Tracker." Council on Foreign Relations. Accessed June 17, 2021. <https://www.cfr.org/global-conflictracker>.

History of the Problem

The history of refugee crises, especially as they pertain to armed conflict, is very complex due to its wide span across time and civilizations. The term “refugee” stems from the French *refugié*, “shelter” or “protection,” and the Old French *refuge*, “hiding place”.²⁹ “Refugee” was initially used to refer to French Protestant Huguenots who fled France after the 1685 revocation of the Edict of Nantes, which had granted them religious liberty and civil rights.³⁰ It was soon generalized to refer to anyone fleeing danger or persecution on the basis of religion or ethnicity.

History of International Refugee Law

Refugee crises are generally thought to have entered international conversation in the aftermath of World War I.³¹ The beginnings of modern international cooperation and protection of refugees would begin around the same time. As is the case for other components of current international law, the International Committee of the Red Cross (ICRC) was an important catalyst in the formation of refugee law.

World War I (1914-1918), the Balkan Wars (1912-1913), the wars in the Caucasus (1918-1921), and the Greco-Turkish War (1919-1922) created massive upheaval in involved states in the Near East and especially in the Russian Empire. Large numbers of refugees—estimates vary between 1 and 2 million—left Russian (later Soviet) territories for various countries across Eurasia between 1918 and 1922 and thereafter.³²

Charitable organizations were the main source of emergency relief. However, these groups could not extend their support beyond what material assistance they could manage. Coordination was poor, and resources were quickly exhausted.³³ Considering the situation, international bodies of Red Cross

²⁹ “Origin and Meaning of Refugee by Online Etymology Dictionary.” Etymonline. Accessed July 8, 2021. <https://www.etymonline.com/word/refugee>.

³⁰ Ibid.

³¹ “The Nobel Peace Prize 1938.” Accessed July 6, 2021. <https://www.nobelprize.org/prizes/peace/1938/nansen/history/>.

³² Jaeger, Gilbert. “On the History of the International Protection of Refugees.” *Revue Internationale de La CroixRouge/International Review of the Red Cross* 83, no. 843 (September 2001): 727–38. https://www.icrc.org/ar/doc/assets/files/other/727_738_jaeger.pdf.

³³ Ibid.

Societies called a conference to kickstart coordination efforts. This led to the appointment of a High Commissioner in the League of Nations for refugees. The purpose of the High Commissioner was “to define the status of refugees, to secure their repatriation or their employment outside Russia, and to coordinate measures for their assistance”.³⁴

Under the League’s jurisdiction, several important steps were taken to attempt to solve the refugee crises in the Near East at the time. The first agreements were made in the 1920s to provide a definition of Russian and Armenian refugees. These also attempted to set up processes for giving “identity certificates” to refugees.³⁵

These efforts eventually culminated in the Convention of 1933, which eventually served as a model for the 1951 Convention.³⁶ Article 3 of the 1933 Convention included two requirements which are now essential to IRL:

1. Signatories must not expel or turn away refugees who have been authorized to live there.
(This statement outlines the main component of **non-refoulement**.)
2. Signatories must not turn away refugees who are right on the border of their country of origin.

In essence, the Convention of 1933 established non-refoulement as a primary component of IRL, and it would go on to become a primary component of human rights law under the UN.³⁷

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

21st Century Examples of Armed Conflicts and Corresponding Refugee Crises

Syrian Civil War (2011 – present)

The Syrian Civil War has produced one of the largest ongoing refugee crises in the world today. Since 2011, more than 6.6 Syrians have fled Syria, and a large majority of them (5.5 million) have found asylum in neighboring countries—Turkey, Lebanon, Jordan, Iraq, and Egypt. An additional 1 million refugees have fled to Europe as well. Table 1 lists a handful of host countries with the largest populations of Syrian refugees.³⁸

Table 1. A handful of host countries of Syrian refugees by number as of 2020.³⁹

Host Country	Number of Refugees
Turkey	3,641,370
Lebanon	865,300
Jordan	662,790
Germany	605,338
Iraq	242,163
Egypt	130,577

There are concerns about the human rights of refugees, even in areas or countries which have displayed remarkable resilience in how many refugees have been accepted. Turkey, for example, has absorbed a total of around 3.6 million refugees from Syria. However, local racial violence has still

³⁸ "Syria Refugee Crisis Explained." Accessed August 3, 2021. <https://www.unrefugees.org/news/syria-refugee-crisisexplained/>.

³⁹ "Refugee Statistics." UNHCR. Accessed June 8, 2021. <https://www.unhcr.org/refugeestatistics/download/?url=K6hxH7>.

plagued refugee communities. Syrians in Turkey saw a threefold increase in the number of incidents of racial violence just in the second half of 2017 alone.⁴⁰

As for the war itself, it is one of the most convoluted armed conflicts of the 21st century. Part of the conflict's complexity is due to the sheer number of parties involved. Although it's a bit of an oversimplification, the easiest divide to follow is which parties support the Syrian government and President Bashar al-Assad. According the BBC:

"Supporting the current Syrian government (in favor of Assad):

- Russia (carries out air strikes and provides political support at the UN)
- Iran (provides arms, credit, military advisers and reportedly combat troops)
- Hezbollah (The Lebanese Shia movement has sent thousands of fighters)
- Shia Muslim militias (recruited by Iran from Iraq, Afghanistan and Yemen)

And [opposing the Syrian government], on the side of the rebels*:

- Turkey (provides arms, military [militia and paramilitary] and political support)
- Gulf Arab states (provide money and weapons)
- The US (provides arms, training and military assistance to "moderate" groups [and paramilitary assistance])
- Jordan (provides logistical support and training)

⁴⁰ "Turkey's Syrian Refugees: Defusing Metropolitan Tensions." Crisis Group. Accessed August 3, 2021. <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/248-turkeys-syrian-refugeesdefusing-metropolitan-tensions>.

**The term "rebels" is used to describe a huge and diverse array of fighters, some of whom co-operate with jihadists like those from Hayat Tahrir al-Sham, an al-Qaeda-linked alliance. Different foreign states often back different rebel factions.*"⁴¹

A significant amount of states' involvement takes the form of proxy battles, where states will support an array of militias, paramilitaries, and groups of mercenaries.

South Sudan

South Sudan, the newest UN member state, has been plagued by internal armed conflict and violence since independence in 2011, including a civil war from 2013 to 2020. Desertification also threatens the livelihoods of civilians in the country. These crises have led to the largest refugee crisis in Africa currently, with over 2.3 million South Sudanese refugees having fled to other nations. Table 2 shows that most of these refugees are living in neighboring countries, with 1.6 million in Uganda and Sudan put together.

Table 2. A handful of host countries of South Sudanese refugees by number as of 2020.⁴²

Host Country	Number of Refugees
Uganda	887,452
Sudan	736,685
Ethiopia	365,030
Kenya	123,912
Dem. Rep. of the Congo	54,755

⁴¹ "Syria War: A Brief Guide to Who's Fighting Whom." BBC News, April 7, 2017, sec. Middle East. Accessed August 3, 2021. <https://www.bbc.com/news/world-middle-east-39528673>.

⁴² "Refugee Statistics." UNHCR. Accessed June 8, 2021. <https://www.unhcr.org/refugeestatistics/download/?url=K6hxH7>.

Egypt	18,179
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The majority of the refugees live in refugee camps. In the camps, they continue to face a lack of resources and medical care. The rainy season compounds the situation further, bringing flooding, more acute food shortages, and disease.⁴³ In addition, roughly 80% of the South Sudanese refugee population consists of women and children, with 63% of the refugee population being children. Many are fleeing gender violence, which has been widespread during the conflicts in the country.⁴⁴

The civil war in South Sudan began in 2013 with a political crisis. President Salva Kiir accused opposition figure Riek Machar of leading a coup attempt. The army and ruling political party fractured over tensions between the two figures. Machar denied the allegations and then fled to lead the opposition factions.⁴⁵ From there, the main divide in the war was whether a group supported Kiir's government or not. A ceasefire and a unity government was agreed to in February 2020, but violence has continued in the months since.

⁴³ "South Sudan Refugee Crisis: Aid, Statistics and News." UNHCR. Accessed August 5, 2021. <https://www.unrefugees.org/emergencies/south-sudan/>.

⁴⁴ Ibid.

⁴⁵ Ibid.

Past Actions

Principle of Distinction Between Combatants and Civilians

The Principle of Distinction is a crucial element in international law, outlined as 6 rules in the first chapter of International Humanitarian Law.⁴⁶ The first rule is the most important, and it is described as the following statement: “The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.”⁴⁷

1949 Geneva Conventions and 1977 Protocols

The Geneva Conventions, held in August 1949, form a body of International Humanitarian Law. Their purpose is to “provide minimum protections, standards of humane treatment, and fundamental guarantees of respect to individuals who become victims of armed conflict.”⁴⁸ The conventions lay out protections for wounded soldiers, medical personnel, shipwrecked soldiers, hospital ships, prisoners of war, and civilians.

In particular, the fourth Convention is most pertinent to refugee crises, as it details protections for civilians.⁴⁹ It prohibits discrimination against civilians during armed conflicts “founded on race, color, sex, religion or faith, birth or wealth, etc.”⁵⁰ It also prohibits torture and extrajudicial killings of civilians during armed conflict, as well as other attacks on human dignity. It guarantees a right to medical treatment for civilians who are hurt.⁵¹

⁴⁶ “Customary IHL - By Chapter.” ICRC. Accessed September 10, 2021. https://ihl-databases.icrc.org/customaryihl/eng/docs/v1_cha.

⁴⁷ “Customary IHL - Rule 1. The Principle of Distinction between Civilians and Combatants.” ICRC. Accessed September 10, 2021. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1.

⁴⁸ “Geneva Conventions and Their Additional Protocols.” Legal Information Institute. Accessed September 10, 2021. https://www.law.cornell.edu/wex/geneva_conventions_and_their_additional_protocols.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

The fourth Convention also seeks to distinguish civilians from armed forces through additional protections and regulations. In particular, it prohibits attacks on civilian hospitals and medical transports, and it details “how occupiers are to treat an occupied populace.”⁵²

In 1977, two additional Protocols to the Conventions were adopted.⁵³ Protocol I “increased protections for civilians, military workers and journalists during international conflicts” and also established a ban on using weapons that cause an unnecessary amount of damage and destruction. Essentially, Protocol I seeks to protect civilians from the dangers that military operations can present.⁵⁴

Protocol II was established to protect victims of civil wars and national internal conflicts. The Protocol stated that “all people not taking up arms be treated humanely and there should never be an order by anyone in command for “no survivors.”⁵⁵

While Protocol I and II differ in the sense that Protocol I protects victims of international conflicts and Protocol II protects victims of national conflicts, they offer the same aid. Both are thorough in establishing protection for civilians and medical workers.⁵⁶

⁵² Ibid.

⁵³ “History of the ICRC,” ICRC, September 11, 2017. Accessed July 8, 2021. <https://www.icrc.org/en/document/historyicrc>.

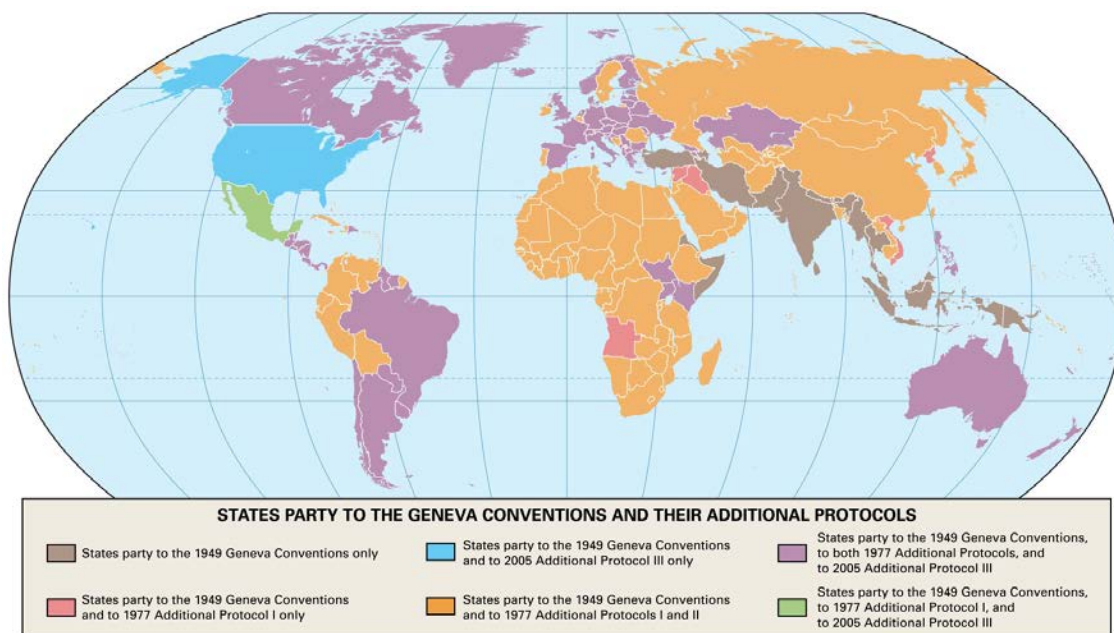
⁵⁴ “Geneva Convention.” HISTORY. Accessed September 10, 2021. <https://www.history.com/topics/world-war-ii/genevaconvention>.

⁵⁵ Ibid.

⁵⁶ “Summary of the Geneva Conventions of 1949 and Their Additional Protocols.” American Red Cross. Accessed September 10, 2021.

https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf.

Image 5. Signatories to the Geneva Conventions and the Subsequent Protocols. Image from Encyclopedia Britannica.⁵⁷



The International Criminal Court and International Humanitarian Law

Under the statute of the International Criminal Court, attacking civilians intentionally, both in international and non-international armed conflicts, is considered a war crime which can be prosecuted.⁵⁸

⁵⁷ "Geneva Conventions | 1864–1977." Encyclopædia Britannica. Accessed September 10, 2021. <https://www.britannica.com/event/Geneva-Conventions>.

⁵⁸ Customary IHL - Rule 1. The Principle of Distinction between Civilians and Combatants." ICRC. Accessed September 10, 2021. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1.

In order to distinguish between these parties, IHL defines belligerent combatant explicitly in rule 3, which states: "All members of the armed forces of a party to the conflict are combatants, except medical and religious personnel."⁵⁹

⁵⁹ "Customary IHL - Rule 3. Definition of Combatants." ICRC. Accessed September 10, 2021.
https://ihldatabases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule3.

With this terminology, and considering that armed forces often include non-state actors such as private militias, it is important to understand how armed forces are identified. These are all the terms that must be fulfilled in order for a person to be considered a combatant:

“Combatant describes those persons with a right to directly participate in hostilities between States.

1. Members of [a state’s] armed forces, except medical personnel and religious personnel.
2. Members of other militias and members of other volunteer corps, including those organized resistance movements, belonging to a Party to the conflict, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:
 - a. They are commanded by a person responsible for his subordinates;
 - b. They wear a fixed distinctive sign recognizable at a distance;
 - c. They carry arms openly;
 - d. They conduct their operations in accordance with the laws and customs of war.
3. Members of the regular armed forces who profess allegiance to a government or authority not recognized by the other Party to the conflict.
4. Participants in a levée en masse⁶⁰.⁶¹

The distinction is important as combatants must be easily distinguished as non-civilians during attacks.⁶² Otherwise, civilians will quickly be endangered and impacted by wartime actions, a

⁶⁰ For more information, see <https://casebook.icrc.org/glossary/levee-en-masse>.

⁶¹ “Combatants.” ICRC. Accessed September 10, 2021. <https://casebook.icrc.org/glossary/combatants>.

⁶² Ibid.

primary catalyst for refugee crises. Nonetheless, this distinction is not often abided by and is sometimes even blatantly ignored. Civilians are often targeted by belligerents in order to distract and make an enemy's force more vulnerable.

Non-refoulement

As described previously, non-refoulement is an integral component of international human rights and refugee law. Its basis in modern human rights law stems from Article 14 in the Universal Declaration of Human Rights (UDHR), which states that it is the right of all people "to seek and enjoy in other countries asylum from persecution."⁶³ The purpose of the non-refoulement principle, and of the 1951 Convention relating to the Status of Refugees as a whole, is to uphold this tenant of human rights. Refugees are usually fleeing violent human rights abuses, and to forcibly return them would be to put them at risk of further abuse.

The principle of non-refoulement implies obligations of states beyond simply stopping all forced returns of refugees.⁶⁴ In order to uphold non-refoulement, they would have to implement legal mechanisms for:

1. Entry and stay for refugees who are unable to return under international law. This would include "administrative and legislative" means to grant legal status to those who should be protected under non-refoulement.⁶⁵
2. Assessment of refugees' protection needs individually and with due process.

⁶³ "Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol." UNHCR. Accessed July 18, 2021. <https://www.unhcr.org/4d9486929.pdf>.

⁶⁴ "The Principle of Non-refoulement Under International Human Rights Law." OHCHR. Accessed June 13, 2021. <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNonRefoulementUnderInternationalHumanRightsLaw.pdf>.

⁶⁵ Ibid.

The United Nations and the UN Human Rights Commission and Council

The UN Commission on Human Rights was created in 1946 with the purpose of “[weaving] the international legal fabric that protects our fundamental rights and freedoms.”⁶⁶ There are currently 47 members of UNHRC, but it has made sure that voices from all other countries, non-governmental organizations (NGOs), and human rights defenders can be heard.⁶⁷ Every year, over 3000 delegates meet in Geneva and participate in debate over different resolutions to pass.⁶⁸

While the UNHRC advocates for human rights, the Commission also allows the UNHRC to look into allegations of human rights violations. The council can request to refer cases to the International Criminal Court (ICC) or the International Court of Justice (ICJ). Only the international courts have the authority to prosecute for human rights violations and war crimes against civilians, whereas the UNHRC has the responsibility to draw attention to and denounce human rights violations.⁶⁹

Assessment of Previous Action

There is no doubt that a clear and rigorous legal framework for IHL and IRL has been established in the international community. However, without exception, armed conflict is still always destructive. No matter how many guidelines, laws, distinctions and limits are established in place, belligerent conflict is violent, lethal, reckless, and cataclysmic for all parties, countries, combatants and civilians involved. Addressing the needs of refugees while protecting their rights and without putting them at further risk remains a monumental task.

Armed conflict is directly incompatible with human rights and the UDHR in every sense. Human rights violations occur all the time, no matter how much international law tries to stop them. Although certain practices of war are legal, their legality does not guarantee they are humane. The

⁶⁶ “CHR United Nations Commission on Human Rights.” OHCHR. Accessed September 23, 2021.

<https://www.ohchr.org/en/hrbodies/chr/pages/commissiononhumanrights.aspx>.

⁶⁷ Ibid.

⁶⁸ Álvarez, Isabel. “MUNUC 33 Online: United Nations Human Rights Council.” MUNUC 33, 2020.

https://munuc.org/wpcontent/uploads/2020/12/UNHRC-BG-Final_online.pdf.

⁶⁹ Ibid.

aim of war is to destroy an enemy's ability and will to fight. Such an objective clashes with a fundamental principle of the UDHR, Article 3 "Everyone has the right to life, liberty and security of person."⁷⁰

These conventions, declarations, and non-governmental bodies are remarkable and undoubtedly have made progress in ensuring that armed conflict is as safe, legal and as compartmentalized as it can be. Nevertheless, the fact remains that armed conflict continues to impact civilians in a catastrophic fashion. Even for civilians who do survive international or civil conflict, the wounds of war are present in destroyed infrastructure, socioeconomic unrest, tolls on physical and mental health, and other crises. Tens of millions of people who face these types of conditions have chosen to flee to escape danger.

Astounding progress has also been made towards guaranteeing that displaced persons may seek asylum without risk of deportation. Many nations have displayed remarkable resilience by taking in so many refugees from nearby countries embroiled in conflict. However, non-refoulement is still frequently violated, and the problems for refugees do not end there. Many refugee communities are forced to endure food shortages, lack of access to medical care, poor labor conditions (if they can find work), and xenophobic violence.

⁷⁰ "Universal Declaration of Human Rights." United Nations. Accessed October 13, 2021.

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

Possible Solutions

As has been discussed, the current global refugee crisis is dual-pronged. To address the two sets of human rights violations, a comprehensive response must include two categories of solutions: recommendations for addressing war and armed conflict, and recommendations for addressing the human rights violations of refugees and asylum-seekers in host countries.

Human Rights of Refugees and Asylum-Seekers

Facilitating Self-Reliance of Refugees

The implementation of more lasting solutions for refugees will be far more possible if self-reliance of refugees and asylum-seekers can be better ensured. **Self-reliance** refers to the ability of a refugee, household, or community to fulfill essential needs sustainably and with dignity.⁷¹ Often, though, self-reliance usually refers to granting refugees access to the host country's economy and labor market.⁷² Guaranteeing accessible education, language courses, vocational training, and adequate housing and social services are important steps to help refugees become self-reliant.

Self-reliance can also be fostered during asylum procedures, and the scope of benefits can be expanded when the person is granted refugee status. Facilitating self-reliance over an extended period ensures that the time spent between arrival, recognition of status, and the implementation of durable solutions is constructive. This obviously benefits the refugees themselves, but it also benefits the host community.

Durable Solutions

The UN promotes three durable solutions as a response to refugee crises:⁷³

1. Voluntary Repatriation

⁷¹ "Solutions for refugees." UNHCR. Accessed September 18, 2021. <https://www.unhcr.org/50a4c17f9.pdf>.

⁷² Ibid.

⁷³ Ibid.

2. Local Integration

3. Resettlement

Voluntary Repatriation

Voluntary repatriation, if feasible, is one of three durable solutions promoted by the UN.⁷⁴ Before proper implementation, it requires appropriate measures to make sure a refugee's choice about return is free from coercion and based on objective information.⁷⁵ Support for the return of refugees to safety, with the goal of full restoration of national protection in the country of origin, ensures that the return is safe and sustainable.

Coordination amongst host and origin countries, UNHRC, the UN High Commissioner for Refugees, other international organizations, and partnered NGOs is crucial for successful and human repatriation. Cooperation ensures that a sufficient framework for sustainable return is set up in the host country and in the country of origin. In the host country, this would come in the form of providing objective information, necessary documentation, and financial support. In the country of origin, this would come in the form of legal amnesty guarantees, property restoration, and reintegration efforts.

Local Integration

Local integration is a complicated process in which refugees are brought into a host country and then their social and economic adaptation is facilitated. Local integration into a host country can serve as a durable solution in some countries for some groups of refugees, particularly those who

⁷⁴ For further details on voluntary repatriation, see: <http://www.unhcr.org/pages/49c3646cfe.html>

⁷⁵ Ibid.

cannot voluntarily repatriate back to their country of origin.⁷⁶⁷⁷ The 1951 Convention includes a legal framework for the integration of refugees into host countries.

The scope of an integration process depends on the refugee caseload and the conditions in the host country. Groups of refugees which are often prioritized for local integration include:

1. Refugees born in territory of the host country who may be stateless otherwise; 2.

Refugees who cannot go through voluntary repatriation in the near future; and

3. Refugees who have established close links to the host country.

Host countries may sometimes adopt an incremental approach to local integration by granting documentation which leads to more entitlements as time passes. Rights that should be provided immediately include documentation, administrative assistance, freedom of movement, and the rights to work, education, healthcare, and family unity.

In some situations, host countries may seek to integrate refugees but may not have enough resources. In these cases, there should be assistance and support from the international community, and the “Development through Local Integration” methodology can help host countries in such situations.⁷⁸

⁷⁶ Solutions for refugees.” UNHCR. Accessed September 18, 2021. <https://www.unhcr.org/50a4c17f9.pdf>.

⁷⁷ For further details on local integration, see: <http://www.unhcr.org/pages/49c3646c101.html>.

⁷⁸ For further details, see *Framework for Durable Solutions for Refugees and Persons of Concern*, May 2003, available at: <https://www.refworld.org/docid/4124b6a04.html>.

Resettlement

Resettlement refers to a process in which refugees are transferred from one host country to another, and then integrated into that host country. Resettlement of refugees to a third country, where long-term protection and integration are more feasible, can be a solution for some refugees. This is particularly the case when neither voluntary repatriation or local integration are viable.^{79 80}

Within the context of international cooperation, resettlement can be an effective option for sharing responsibility, providing an option to help first host countries. It can also allow first host countries to increase the efficacy of protection, which would therefore diminish the rate of secondary movements. A **secondary movement** is where refugees or asylum-seekers flee their initial host country to seek protection elsewhere.

Resettlement agreements can distinguish between responsibilities for initial reception and processing arrangements from the provision of a long-term solution. These agreements could therefore encourage coastal states to allow refugees rescued at sea to pass through. A careful use of resettlement, within a broader comprehensive plan with all three durable solutions, also decreases the risk of resettlement strategies becoming a pull factor in agreements.

While strategic resettlement plans and responsibility sharing can be promoted by one country, the benefits of these plans would be maximized by international cooperation among various host countries. Collaboration between host countries and resettlement countries would be necessary to establish the conditions of a resettlement programs, including timelines, assistance for local integration into resettlement countries, and improvements in refugees' living conditions while they still live in their first host countries.

⁷⁹ "Solutions for refugees." UNHCR. Accessed September 18, 2021. <https://www.unhcr.org/50a4c17f9.pdf>.

⁸⁰ More information on refugee resettlement is available at: <https://www.unhcr.org/pages/4a16b1676.html>.

The Use of Existing Migration Frameworks

In some cases, refugees may be able to find temporary or long-term solutions within existing migration policies.⁸¹ These solutions may include ways to legalize refugees' status or options for legal migration to another country. In terms of viability, this would vary widely on a case-by-case basis by country, and it would depend on national law, bilateral agreements, or regional frameworks. These policies could include free movement agreements or specific programs aimed at certain groups of people, such as by ethnic affiliation, labor programs, or family unification policies. Furthermore, these policies should be encouraged in addition to solutions offered by international frameworks for refugee protection. They are particularly crucial when other solutions for refugees are impossible or ineffective in a host country, or where migration policies may decrease risks of further abuse and provide better access to work, healthcare, and education.⁸²

To serve as a potent alternative solution, migration policies for refugees must allow for a stable time of residence in the host country. They must ensure protection against refoulement, and they should offer an increasingly larger set of rights as time passes. A refugee obtaining legal status under local migration policies may lead to their removal of refugee status internationally, although this is not immediate or automatic.⁸³ Their protection needs must be assessed, and their human rights must be ensured even if they find solutions in this category.

Human Rights Concerns During Armed Conflict

Minimizing Belligerent Conflict and War

In order to minimize the human rights violations committed against civilians (and other people who become refugees), belligerent conflict and war must be minimized. Civilians are often present at all times during armed conflict, which complicates the task of monitoring and upholding their human rights. Furthermore, as aforementioned, the protections of civilians outlined in International Humanitarian Law are often partially or entirely ignored. In essence, then, war will always result in

⁸¹ "Solutions for refugees." UNHCR. Accessed September 18, 2021. <https://www.unhcr.org/50a4c17f9.pdf>.

⁸² Ibid.

⁸³ Ibid.

human rights violations, which then leads to waves of refugees and asylum seekers. Minimizing armed conflict and war would certainly be beneficial to more people than would having paramilitary and militia soldiers. Long term peace would benefit civilians, armed forces, and third parties.

Nonetheless, **appeasement**⁸⁴ is not a good option. Most notoriously, the League of Nations' practice of appeasement directly led to Germany's invasion of the Saar, the Rhineland, Sudetenland, Czechoslovakia, and eventually Poland. This led to the start of World War II.⁸⁵

One solution would be to host mediated diplomacy concerning the conflict. As has been shown over the years, the UN does not have much authority to involve itself in belligerent conflict.⁸⁶ All policies are only recommendations to nation-states. However, the UN can provide a neutral ground for involved parties to converse and diplomatically resolve conflict, as opposed to deploying thousands of soldiers and killing thousands of civilians and other bystanders. The UN can provide mediators and translators to impartially aid in resolving a conflict, without being directly involved themselves.⁸⁷

Raising Awareness on the Effects and Consequences of War

War is inherently devastating, lethal, and catastrophic. In the present day, with the tool of social media and mass international media coverage, all eyes can be trained on a belligerent conflict. Social media has been called a "global battlefield"⁸⁸ and a "weapon in modern warfare."⁸⁹ Both of these characterizations are correct. Social media has allowed third parties and civilians from across the globe to view the actions of war and has allowed belligerents to showcase their perspective digitally. At the same time, social media is also a tool of manipulation, and it can be weaponized to portray a certain perspective which may or may not be trustworthy. Thousands of raw, brutal images are posted around the world, depicting all types of unrest, from protests to warfare. Strong images elicit

⁸⁴ Check Glossary for more information on Appeasement.

⁸⁵ Álvarez, Isabel. "MUNUC 33: United Nations Human Rights Council." MUNUC 33, 2020. https://munuc.org/wpcontent/uploads/2020/12/UNHRC-BG-Final_online.pdf.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Deutch, Gabby. "Social Media Has Become a Global Battlefield." The Atlantic, October 2, 2018. <https://www.theatlantic.com/international/archive/2018/10/social-media-battlefield-internet/571960/>.

⁸⁹ Books, Wharton Business Daily, and Global Focus. "Why Social Media Is the New Weapon in Modern Warfare." Knowledge@Wharton. Accessed September 23, 2021. <https://knowledge.wharton.upenn.edu/article/singerweaponization-social-media/>.

intense emotional responses, which may influence people to involve themselves in a belligerent conflict, whether directly or indirectly.

This comes with benefits and drawbacks. Injustices are demonstrated daily and awareness is brought to them through this activism. Social media can propel change through the virality of images, statements, videos⁹⁰.⁹¹ However, as aforementioned, social media can be heavily manipulated to showcase untrustworthy perspectives, as each individual has their own point of view.⁹²

Seeing war and conflict incites empathy. The refugee crisis in Syria is a massive example of this idea. Although the country has faced a civil war since 2011, the mass displacement of civilians was only brought to the world's attention around 2015.⁹³ Images of mass graves and inhumane conditions that refugees face when fleeing went viral. This pushed countries, such as in Europe, to take in mass influxes of Syrian refugees.⁹⁴

Nonetheless, tech companies and social media companies are actively trying to censor this kind of explicit content.⁹⁵ This is for a variety of reasons, including to avoid liabilities of being complicit in crimes against humanity, and to remove desensitizing content from their platforms. War is now capable of literally "going viral."⁹⁶ As in the case of the Arab Spring, social media can turn a few posts into a full-blown political uprising and movement, in which one can be immersed with only a phone and internet access.

⁹⁰ Ibid.

⁹¹ Álvarez, Isabel. "MUNUC 33 Online: United Nations Human Rights Council." MUNUC 33, 2020. https://munuc.org/wpcontent/uploads/2020/12/UNHRC-BG-Final_online.pdf.

⁹² Guterres, António. "The Highest Aspiration: A Call to Action for Human Rights." The United Nations, 2020. https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/2020_sg_call_to_action_for_hr_the_highest_aspiration.pdf.

⁹³ Álvarez, Isabel. "MUNUC 33 Online: United Nations Human Rights Council." MUNUC 33, 2020. https://munuc.org/wpcontent/uploads/2020/12/UNHRC-BG-Final_online.pdf.

⁹⁴ Salvadoretti, Teresa. "The Role of Social Media in the Syrian Crisis," *Asfar*, December 12, 2013. Accessed October 17, 2021. <https://asfar.org.uk/the-role-of-social-media-in-the-syrian-crisis/>.

⁹⁵ Warner, Bernhard. "Tech Companies Are Deleting Evidence of War Crimes." *The Atlantic*, May 8, 2019. <https://www.theatlantic.com/ideas/archive/2019/05/facebook-algorithms-are-making-it-harder/588931/>.

⁹⁶ Prorok, Alyssa K., and Paul K. Huth. "The Conduct and Consequences of War." *Oxford Research Encyclopedia of International Studies*, March 1, 2010. <https://oxfordre.com/internationalstudies/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e72>.

Evaluating the toll of war on a country is incredibly difficult. Death, infrastructural upheaval, emotional scarring, structural changes, political tensions, and economic crisis are only a few of the potential consequences war can bring to a nation.⁹⁷ Armed conflict, no matter the outcome, brings tragedy to people and countries.

Educating the general population on this notion is crucial. History should teach what should be replicated and what should be avoided in the future. Although it is up to every country to legislate whether their history of belligerent armed conflict should be included in schooling curriculum, this recommendation is a powerful step to ensure that wars are not repeated.

*Strengthening Collaboration between the UNHRC and the ICC & ICJ*⁹⁸

Ideally, the International Court of Justice (ICJ) and the ICC could collaborate with the UNHRC to eliminate some of the current barriers that keep most cases recognized by the UNHRC from being passed onto the courts for prosecution. While it is up to these two organizations to discuss how to improve collaboration, this should be done such that no organization loses their power, but rather complements it. The UNHRC has more power to identify and denounce human rights violations, whereas the ICC has more power to prosecute perpetrators of human rights violations.⁹⁹ In a way, the UNHRC is more concerned with the victims of human rights violations, while the ICC is more concerned with the perpetrators. By collaborating, they may amplify their power and influence.

Reallocating Military Spending

Table 3 lists the ten countries with the largest military spending in the world, in US dollars, as of 2019. These are large sums of money which can be directed towards more sustainable and pacifistic

⁹⁷ "Hybrid Conflict, Hybrid Peace: How Militias and Paramilitary Groups Shape Post-Conflict Transitions." United Nations University Centre for Policy Research. Accessed October 17, 2021.

<https://cpr.unu.edu/research/projects/hybridconflict.html#outline>.

⁹⁸ "ICC Prosecutor and UN High Commissioner for Human Rights Pledge to Further Strengthen Collaboration." ICC. Accessed October 17, 2021. <https://www.icc-cpi.int/Pages/item.aspx?name=pr1051>.

⁹⁹ Álvarez, Isabel. "MUNUC 33 Online: United Nations Human Rights Council." MUNUC 33, 2020. https://munuc.org/wpcontent/uploads/2020/12/UNHRC-BG-Final_online.pdf.

endeavors. Investing in quality healthcare, education, infrastructure and sustainability are far nobler missions than stocking a surplus of chemical and nuclear weapons and firepower ready for conflict. Although a country certainly needs to have a strong protective force, the level of funds they direct towards that protection needs to be reevaluated.

Furthermore, although land disputes do still exist, most armed conflicts stem from socioeconomic and political unrest which results in the overthrow of a government or other calls for change. If countries who are at low risk to get into armed conflicts were to allocate more of their defense spending into ensuring societal wellbeing, then the chances of internal conflicts and civil wars may decrease significantly. Subsequently, the outflow of refugees and asylum-seekers from a country would also lessen dramatically.

Table 3. Top Ten Countries with the Largest Total Annual Military Spending in 2019¹⁰⁰

Country	Total Annual Military Spending (in US dollars)	Total Annual Military Spending (in billion US dollars)
United States	732,000,000,000	732

¹⁰⁰ "Ranking: Military Spending by Country 2020." Statista. Accessed October 17, 2021. <https://www.statista.com/statistics/262742/countries-with-the-highest-military-spending/>.

China	261,000,000,000	261
India	71,100,000,000	71.1
Russia	65,100,000,000	65.1
Saudi Arabia	61,900,000,000	61.9
France	50,100,000,000	50.1
Germany	49,300,000,000	49.3
United Kingdom	48,700,000,000	48.7

Japan	47,600,000,000	47.6
South Korea	43,900,000,000	43.9

Bloc Positions

Asia

Asia has seen its fair share of violent conflicts and subsequent refugee/asylum crises. In particular, the continent is currently plagued by one of the largest refugee crises in the world in Afghanistan.

The crisis in Afghanistan is a product of more than 40 years of armed conflict between world superpowers (the US and the USSR), guerrillas, militias, and religious extremist groups. As a result of so many years of conflict, millions of Afghans have fled the country, with more than 6 million refugees alone in neighboring Iran and Pakistan. Refoulement and other human rights abuses, such as torture, against Afghan refugees have been documented in neighboring countries, as well as in some NATO member states.

Africa

There are a number of armed conflicts and refugee crises across the continent of Africa. Many of these have arisen from deep political instability and/or ethnic conflict.

Historians and political analysts have observed that “intra state conflicts in Africa tend to be messier” than other conflicts in the world.¹⁰¹ This may be in part due to weak governance across fairly large regions. As a result, in these conflicts, there tend to be a slew of militias and armed groups fighting for territory. Many will attack villages and towns along the way, sending outward refugees, whom the state is in some cases unable to help significantly. Furthermore, the diversity of the parties involved often means that these conflicts are very complicated and layered.

One example is in the Democratic Republic of the Congo (DRC), a country which hosts more than 500,000 refugees from its eastern neighbors: South Sudan, Uganda, Burundi, and Rwanda. This is a product of the 1994 Rwandan genocide and the broader ethnic conflict between the Hutus and

¹⁰¹ Møller, Bjørn. “The Role of Militias and Other Paramilitaries in African (Un)Civil Wars.” Danish Institute for International Studies. Accessed September 10, 2021. <https://www.econstor.eu/bitstream/10419/84526/1/DIIS200623.pdf>.

Tutsis, two predominant groups who live in this area. At the same time, in the aftermath of the situation, armed Hutu and Tutsi militias formed in the eastern DRC and began fighting each other. The violence has persisted in the decades since. As a result, in addition to the 500,000 refugees hosted in the DRC, there are some 800,000 refugees who have fled the DRC.¹⁰² A majority of these refugees fled to Uganda, but there are DRC refugee populations all over sub-Saharan Africa.¹⁰⁴

Europe

During the mid-to-late 2010s, Europe saw an unprecedented wave of refugees and asylum-seekers arrive. In particular, European Union (EU) member states such as Germany, France, Italy, Sweden, and Austria had the largest influxes. Refugees and asylum-seekers came mostly from conflict-ridden countries in the Middle East and western Asia such as Syria, Afghanistan, and Iraq. Prior to 2015, most asylum-seekers from the Middle East to Europe traveled across the Mediterranean Sea from Libya to Italy. This wave of refugees instead traveled across the Aegean Sea from Turkey to Greece, and then through the Balkan Peninsula to Central Europe and the EU.

Refugees, asylum, and immigration have all morphed into an overtly political issue in Europe. Antiimmigration stances and attempts to keep out asylum-seekers have been sources of domestic popularity for some right-wing politicians. In addition, the frequency of xenophobic and Islamophobic terrorist attacks has risen across Europe over the past decade, with a sharp increase following the wave of migrants beginning in 2015.¹⁰³ In some areas, such as in the Czech Republic, Slovakia, and Slovenia, far-right extremist militias have terrorized the streets to spur stricter immigration policies adopted by governments.

Furthermore, while refugees and asylum-seekers in Europe still face less instability than those in developing countries, there are still humanitarian concerns. Refugees are seldom fully accepted as

¹⁰² "Violence in the Democratic Republic of Congo." Council on Foreign Relations. Accessed August 5, 2021.

<https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo>.¹⁰⁴ "DRC Situation." UNHRC. Accessed August 27, 2021. <https://data2.unhcr.org/en/situations/drc>.

¹⁰³ Cai, Weiyi, and Simone Landon. "Attacks by White Extremists Are Growing. So Are Their Connections." *The New York Times*, April 3, 2019, sec. World. <https://www.nytimes.com/interactive/2019/04/03/world/white-extremist-terrorismchristchurch.html>.

members of their host country's society. In addition to ethnic violence and terrorism, violations of non-refoulement and other issues with labor rights and housing have been documented.

North America

Similar to Europe, immigration has become a highly polarizing political issue in North America in recent years. Surges of refugees and asylum-seekers from Mexico and Latin America have entered both countries, especially the United States, where refugees and asylum-seekers number in the millions. Smaller numbers have also come from the Middle East and western Asia.

In response, xenophobia and anti-immigration positions have gained more prominence in mainstream American and Canadian politics, creating hostile political environments for refugees and asylum-seekers. As in Europe, the rate of xenophobic extremist and terrorist attacks against immigrants have increased in recent years in the US and Canada. Far-right groups have organized and pushed for stricter immigration policies. A significant portion of these militias' activities appear to be organized on the Internet.

The Caribbean and Central and South America

Political and economic instability and organized crime have acted as the primary forces of displacement in Latin America.

Drug cartels and their militias have long been connected to armed conflict in Mexico, Central America, and Colombia. Violent efforts to maintain control over territory, as well as conflict amongst each other, have led to a regional refugee crisis. More than a million refugees and asylum seekers have fled for nearby countries. In addition to seeking asylum in directly neighboring states, there is also a significant number who have fled to the United States. There have been notable concerns with refoulement and the human rights of these asylum seekers in almost all of their host countries.

There is also a refugee crisis in Venezuela, a result of cratering political and economic instability.

Several million Venezuelan nationals have fled the country, with the largest populations of asylum seekers in Colombia, Peru, and Chile. There are populations of asylum seekers from Venezuela all across the Americas.

Glossary

1951 Convention: The current main source of legal humanitarian protections for refugees. Its primary objectives are to define a refugee, to safeguard the ability to seek asylum, to protect against refoulement, and to outline the duties of refugees and of signatories.

1967 Protocol: A key treaty in IRL. It removes all temporal and geographical restraints on the definition of a refugee, as initially outlined in the Convention.

Appeasement: Political diplomatic practice and policy to give concessions with the goal of avoiding belligerent or further conflict.

Asylum: A general term for state protection offered by a host country to refugees or asylum seekers.

Asylum-seeker: A general term for a person seeking international protection.

International Humanitarian Law (IHL; Law of War): A subset of International Law, which focuses on minimizing the harm done by armed conflict.

International Refugee Law (IRL): Set of treaties which aim to give refugees legal humanitarian protections. The 1951 Convention and 1967 Protocol are the two most important components in the present day.

Local Integration: A process in which refugees are brought into a host country and then their social and economic adaptation is facilitated.

Non-refoulement: A key cornerstone of IRL. The principle that all refugees have the right to not be forcibly returned to their country of origin, or anywhere else where they face danger.

Refoulement: The forced return of a refugee to a country where they would likely face persecution. This constitutes a human rights violation under IRL.

Refugees: A person who “has been forced to flee his or her country because of persecution, war or violence,” as defined by the UNHCR. Most people who become refugees as a result of armed conflict were initially civilians in their country of origin.

Resettlement: A process in which refugees are transferred from one host country to another, and then integrated into the new host country.

Secondary Movement: A term used to describe when a refugee or asylum-seeker flee their first host country to seek protection elsewhere.

Voluntary Repatriation: A process through which a refugee or asylum-seeker opts to return to their country of origin from their host country.

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