

# COMMISSION GUIDE

UNHCR



**CCBMUNXVII**

**United Nations High Commissioner for Refugees**

Lucía Losada & Kate Robinson

**2019**

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## 1. Presidents' Letter

Hello delegates,

Welcome to the UNHCR commission. We are extremely honoured that you have decided to enter this Commission. Our names are Lucia Losada and Kate Robinson, and we are both in 10th Grade at Colegio Bolivar. Both of us have been part of numerous models, starting in 7th Grade, and both of us have won several awards. Having said that, for one of us, this is the first time being president, but we will give everything in our power to turn this into an exceptional model for you delegates and us presidents.

As your presidents, we hope you enjoy this Commission. We also hope that you learn a lot during the three days of the Model and see a new perspective of how the world works using diplomacy. MUN is a unique experience to see how all delegations differ in terms of points of view from one another. Participating in Model United Nations is great for learning outside a normal classroom; they teach their participants to have patience, to listen, comprehend problems in our society and to come up with innovative solutions to these problems. It also helps develop several skills such as researching, public speaking, and diplomacy skills. For all of the reasons stated above, we expect that each one of you is willing to give your best during the Model.

We expect all of you to be prepared so there can be a great and fluent debate in the Commission. All of you must become experts on your delegation's point of view. We know some of you may be rookies and we, as presidents, understand that. If you have any questions, do not hesitate to ask us. We will try our best to answer all your doubts and to help you in any way possible before and during the Model. If you have any questions regarding the Commission guide or the topics, you can ask us through the Commission's email: [unhcr@ccbcali.edu.co](mailto:unhcr@ccbcali.edu.co)

Once again, we would like to state that we expect that you come prepared to the Simulation and for the Model. A lot of planning and hard work has gone into making this a great commission, so we hope that you have a great model! Can't wait to see you at CCBMUN XVII!

Yours sincerely,  
Lucia Losada and Kate Robinson

Co-presidents of UNHCR

## 2. Commission Information

### i. History

The office of the United Nations High Commissioner for Refugees (UNHCR) was created in 1950, during the aftermath of the Second World War, to help millions of Europeans who had fled or lost their homes<sup>1</sup>. Governments needed help and the crisis needed coordination. Therefore, in December 1950 the organization was established. The organization was originally meant to complete its work for three years and then disband. Yet, 68 years later, it is still protecting and assisting refugees around the world.

In 1951, the Convention Relating to the Status of Refugees was adopted. This is a key legal document that forms the basis of UNHCR's work. Ratified by 145 state parties, it defines the term 'refugee' and outlines the rights of the displaced, as well as the legal obligations of States to protect them<sup>2</sup>. The convention states, "A refugee is someone outside his or her own country and unable to return as a result of a well-founded fear of persecution on grounds of race, religion, nationality, political opinion or membership of a social group." The core principle is *non-refoulement*, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom<sup>3</sup>.

In 1954, UNHCR won the Nobel Peace Prize for its ground-breaking work and effort in Europe. Not long after, they faced another big crisis, the Hungarian Revolution. In 1956, Hungarians rose up against Soviet occupation and were definitely not successful. As a result, 200,000 Hungarians fled to neighbouring Austria. It was the UNHCR's first emergency, and they led efforts to resettle asylum seekers. This uprising served as a model of how humanitarian organizations would deal with refugee crises in the future.

Approximately four years later, in 1960, the decolonization of Africa produced one of the biggest refugee crises. Hundreds of thousands were forced to flee. After this, refugees were no longer just a post-World War European issue, they could be found around the world. Therefore, the legal foundation guiding UNHCR's world (Convention Relating to the Status of Refugees) was modified in the 1967 protocol to which 146 countries are party. This stated the UNHCR would have global responsibility for Refugees and removed all temporal and geographical restrictions.

In the 1970's the spotlight of conflict shone on Latin America and Asia. Later, in the 1980's and 1990's new wars erupted in Africa, the Middle East, and Southern Europe. The number of refugees and those in need peaked in Lebanon, Somalia, Sri Lanka, Afghanistan and Uganda. Consequently, in 1981, UNHCR received a second Nobel Peace Prize for the worldwide assistance of refugees.

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<sup>1</sup> <https://www.unhcr.org/history-of-unhcr.html>

<sup>2</sup> <https://www.unhcr.org/1951-refugee-convention.html>

<sup>3</sup> <https://www.unhcr.org/1951-refugee-convention.html>

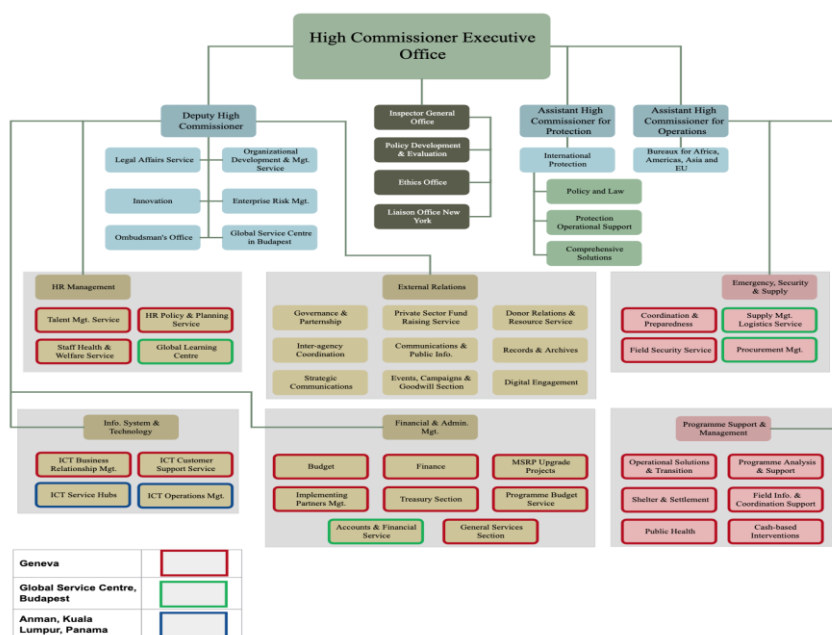
By the end of the 20th century, UN guiding principles identified a new group of people in need, the internally displaced. According to the UNHCR, “Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

In 1951, the UNHCR started with 34 employees. UNHCR now has more than 16,765 personnel. The organization works in 138 countries and has a budget of 6.54 billion US dollars (2016). In 2015, they celebrated their 65th anniversary. During the organization’s timeline, they have helped over 50 million refugees to successfully restart their lives.

## ii. Structure

The UNHCR is governed by the UN General Assembly and the Economic and Social Council (ECOSOC). The UNHCR Executive Committee approves the agency’s biennial programmes and the corresponding budget<sup>4</sup>. UNHCR’s governing Executive Committee (ExCom) meets annually in Geneva to review, modify, and supervise the Agency’s programs and budgets. During the meetings, the executive committee also advises on international protection and discusses a range of other issues with UNHCR and intergovernmental and nongovernmental partners. The current High Commissioner of the UNHCR is Filippo Grandi of Italy. It is his role to report annually to ECOSOC and the General Assembly on the work of UNHCR.

The following chart shows the organization of the UNHCR.



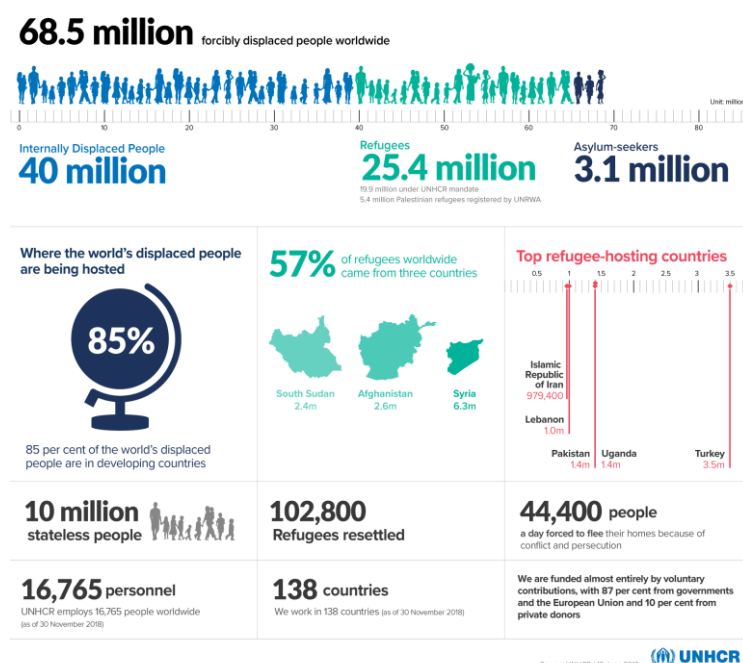
<sup>4</sup> <https://www.unhcr.org/governance.html>

The executive office mainly takes policies, improves management and accountability, and also monitors worldwide UNHCR programmes<sup>5</sup>. As seen in the chart, there are three sub-offices: the Deputy High Commissioner, the Assistant High Commissioner for Protection and the Assistant High Commissioner for Operations. The DHC usually offers strategic solutions for administrative issues that might present themselves, while the two assistant offices are the ones in charge of overseeing daily operations and coordination.

As shown on the chart, a branch of the DHC is the Division of External Relations (DER). This division is in charge of mobilizing political and financial support for global areas. Therefore, its role is to cooperate with governing agencies, private sector partners and other UN organizations with the purpose of handling refugee and humanitarian issues around the world. The Division of Financial and Administrative Management (DFAM) is in charge of building the framework that outlines the uses of financial resources, the applications of budget proposals, and financial management overall.

It is crucial to understand that the UNHCR works closely with many other UN departments and organizations to solve complex, current global humanitarian issues. Some of the UN organizations that cooperate with the UNHCR, the World Health Organization (WHO), the UN Development Programme (UNDP), the World Food Programme (WFP), the UN Children's Fund (UNICEF), the Joint UN Programme on HIV/AIDS (UNAIDS) and more.

UNHCR works to ensure everybody has the right to seek asylum and find safe refuge, having fled violence, persecution, war, or disaster at home<sup>6</sup>. The adjacent chart shows some current figures about UNHCR.



<sup>5</sup> <http://www.orgcharting.com/unhcr-org-chart/>

<sup>6</sup> <https://www.unhcr.org/about-us.html>

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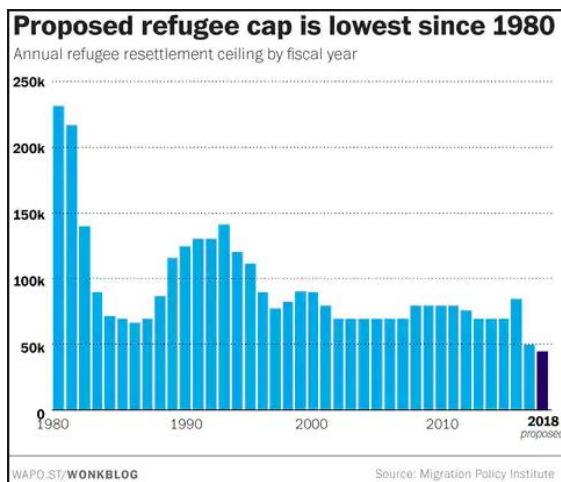
### 3. **Simulation:** *The Repercussions of the United States Policy Regarding Illegal Immigrants and Refugees*

#### i. History/Context

Immigration has been a huge controversial issue in the United States, but it wasn't always like this. In the early 1800s there was a free and open immigration policy. This law remained like this until the Civil War ended. In 1875, the Supreme Court decided that immigration was an issue to be handled by the federal institutes. In 1880, the immigration situation worsened when many countries lost economic power, and their citizens went to the United States to look for a better future. Consequently, the act of 1882 was created. This law included a tax of fifty cents on each person who entered the country, and prohibited the entry for the mentally disturbed, convicts, and lunatics.

The list of restricted entrances increased with the 1891 Act. This act included “barring the immigration of polygamists, war criminals, persons convicted of crimes of moral turpitude, and those suffering loathsome or contagious diseases.” - U.S. Citizenship and Immigration Services. In 1918 the United States Government imposed passports and Border Crossing Cards. Between 1921 and 1924, migration entries and visas were limited for the first time. The first refugee legislation enacted by the U.S. Congress was the Displaced Persons Act of 1948. This legislation provided for the admission of an additional 400,000 displaced Europeans. In 1990 the visas were separated into 3 categories: family-sponsored, employment-based, and “diversity” immigrants. The United States immigration laws are currently in charge of:

- “Enforcing laws providing for selective immigration and controlled entry of tourists, business travellers, and other temporary visitors;
- Inspected and admitted arrivals at land, sea, and air ports of entry;<sup>7</sup>
- Administered benefits such as naturalization and permanent resident status;
- Granted asylum to refugees;
- Patrolled the nation’s borders; and
- Apprehended and removed aliens who entered illegally, violated the requirements of their stay, or threatened the safety of the people of the United States.” - U.S. Citizenship and Immigration Services.



<sup>7</sup> Image of Migration Policy Institute



Lastly, immigration in the United States is currently directed by three federal agencies:

- Customs and Border Protection (CBP): Prevents drugs, weapons, and terrorists and other inadmissible persons from entering the country.
- Immigration and Customs Enforcement (ICE): Enforces criminal and civil laws governing border control, customs, trade, and immigration
- U.S. Citizenship and Immigration Services (USCIS): Oversees lawful immigration to the United States and naturalization of new American citizens. Although now separate, these agencies continue to cooperate, benefitting from and building upon the legacy of INS.

## **ii. Current Situation**

The United States Government has recently declared an immigration crisis in the country, and that the border is in an emergency situation. Donald Trump has used his presidential period to express his discomfort regarding illegal immigrants who are trying to enter through the borders, the undocumented immigrants who live in the United States, refugee asylums, and the current flaws in the process for acquiring visas. In addition to this, Trump's Office has made it abundantly clear that the country's main focus is to put their own citizens' needs first, and this has brought to light many controversial moral dilemmas.

The United States Government is concerned with the alarming numbers of undocumented immigrants crossing the border. The U.S. has always had problems with Europeans, Middle Eastern and Central American immigrants, but it seems that Trump's main preoccupation is Mexico. Consequently, Trump decided to secure the southern border. In spring, he implemented the "zero tolerance" project. This policy stated that officials would prosecute anyone who was found crossing the border illegally. This was a contentious issue, because it caused thousands of migrant children to be separated from their parents, as they were sent to different courts or asylums. Fortunately, this project was abolished, but sadly this hasn't been the only controversial plan proposed to stop illegal immigration.

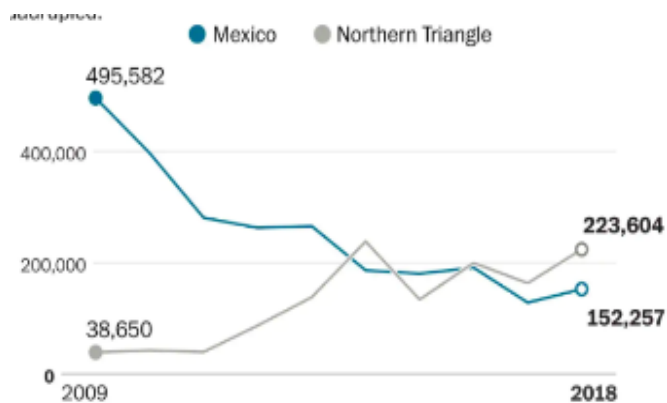
Another example of a controversial solution is the famous wall. In his presidential announcement speech, Trump said "When Mexico sends its people, they're not sending their best," he said. "They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists." Trump then proceeded to plan the construction of a wall on the Mexico- U.S. border. This border would serve as a deterrent, and it would also prevent people from entering the United States. The problem with the wall is that not only is it too expensive, but some also argue that the money should be invested in more urgent matters. It is also important to understand

that even though the wall could stop people from entering, it doesn't solve the problem for people who overstay their visa time period.<sup>8</sup>

The U.S Government is now starting to notice that Central America immigrants might become a bigger threat than Mexican ones. More than 7,000 Central American migrants have arrived at the southern border, and many have taken temporary refuge in Tijuana. Unfortunately, the Tijuana Mayor warns that they won't be able to help them for much longer, and the legal immigration process is too difficult, time-consuming, and the Mexican facilities are too unsanitary. This has caused the Central Americans to form caravans, and for most of them to opt for illegal migration. This has led people to ask themselves if the complexity of obtaining visas is encouraging illegal immigration?



Although Trump hasn't said as much about undocumented immigrants living in the United States, he has barred the DACA program, and has cancelled future applications for the DACA program. The Deferred Action for Childhood Arrivals is an American program that gives protection to young undocumented and eligible immigrants. The U.S. has also created a mission for ICE to detain any illegal immigrants. This has enforced the fear of being a foreigner and an immigrant in the United States, but it has also brought strength to the Dreamer Program. The DREAM act - development, relief, and education for Alien Minors - is a legislative proposal of 2001 for granting residence to qualifying immigrant children. Although, the future immigration policies are uncertain, Trump's administration has said that they admire Canada's policies. It is important to understand that overstaying visas are one of the main reasons for undocumented immigrants, and it is important to comprehend that Trump's main concern is losing American jobs to illegal foreigners.<sup>9</sup>



<sup>8</sup> Image by CNN

<sup>9</sup> Washington Post

Lastly, it is crucial to understand the humanitarian crisis that came along with the refugee and migration issue. Primarily, the United States has been heavily criticized with their decision on decreasing the amount of refugees accepted into their country. Nevertheless, the Trump Administration has come out and said that the support the refugees actually need is "close to their homes to help meet their needs until they can safely and voluntarily return home." Another aspect of the humanitarian crisis is the holding facilities. Immigrants who are trying to enter the United States legally have to go through customs in holding facilities in the Mexico border. This isn't only a long process, but it is also unsafe and unsanitary procedure. "During these past two years 22 immigrants have died in ICE detention centers"- NBC news. In 2018 a humanitarian outrage occurred when the 7-year-old, Jakelin Caal Maquin, died in Border patrol custody, which caused questions about migrants' deaths and the U.S. involvement. Finally, the Trump administration has broken serious humanitarian responsibilities with their zero tolerance act and the random inspection for illegal immigrants in the streets.



### iii. Participating Organisms

- ICE
- Human Rights Watch
- U.S. Customs and border protection
- Deferred Action for Childhood Arrivals
- United States Citizenship and Immigration Services
- US Refugee admission
- Justice Department
- White House
- Homeland security
- U.S. congress

### iv. Key points of the debate

- The consequences of undocumented immigration into the United States (DACA/ Southern border/Central American caravans/ Europe)
- The repercussions of illegal immigrants who are currently situated or living in the United States<sup>10</sup>

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<sup>10</sup> Image provided by MSNBC

- The possible ramifications of Trump's new immigration policy and the "zero tolerance" policy
- The possible consequences refugees will have if not admitted to the United States asylums
- The implications on the standards for visas and legal migration
- The effect of the record low refugees admitted to the United States and to their asylums
- The inhumane treatment when in border patrol custody.

#### v. Guiding Questions

1. What is your country's current policy regarding illegal immigrants?
2. Should the United States be deporting illegal Central American immigrants? Are there better solutions for this issue?
3. How are illegal immigrants and refugees treated in your country? What rights do they have?
4. How many refugees are currently residing in your country? How is your country supporting them?
5. Are there any illegal immigrants currently situated in your country? If so, how does your country address this?
6. Does your country support or apply Donald Trump's policy regarding illegal immigrants?
7. Is your country being currently affected by this policy? If so, how?
8. What is the border control in your country like?
9. Are Donald Trump illegal immigration policies inhumane or a violation of human rights?
10. What solutions does your country propose in order to stop undocumented immigrants?



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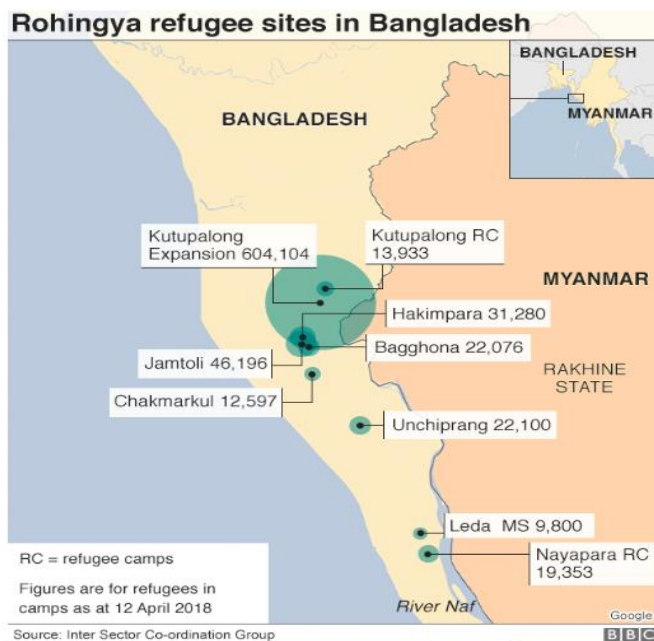
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## 4. Topic 1: Rohingya Muslim refugee crisis in Bangladesh

### i. History/Context

The Rohingya are an ethnic minority group in Asia. Rohingya Muslims, have the largest population of all Muslim groups in Myanmar. Over 1 million Rohingya live in Myanmar and around 3.5 million are dispersed around the world. This group practices variations of Sunni Islam, are descendants of Arab traders, and have their own language.



Unfortunately, the major differences in their culture have caused disputes and outbursts between different ethnic groups in Myanmar, especially with the Buddhists. Consequently, the Myanmar Government decided to exclude the Rohingya from the 2014 census, as a way of ignoring their acknowledgements of these people. Additionally, the Government also decided to refuse the Rohingya citizenship and any legal documentation, making them stateless. Rohingyas haven't only suffered exclusion, but they have also had to endure torture and numerous atrocities. The Myanmar Government has burned their villages, their families have been separated, women and children have been raped, and thousands of Rohingya people have been murdered.<sup>11</sup>

Adding to this, the government has decided to restrict their freedom by enforcing special laws. For example, the Rohingya citizens can't have more than two children, and they are not allowed to marry until they have a special Government permission. These brutal and demeaning actions have caused the Rohingya people to feel frightened and unsafe, causing them to flee to different countries in hopes of survival. "They burnt our house and drove us out by shooting. We walked for three days through the jungle seeking the

<sup>11</sup> Image provided by BBC

new opportunities,” said Mohammed, a man who escaped the horror with his family of seven, while starting his journey to Bangladesh.

The Rohingya are the world’s most persecuted minority, which has caused for many of them to seek asylum in countries like Bangladesh. Ever since the 1970s the refugees have started to move toward Bangladesh, and in 1990 the refugee camp had over 250,000 Rohingya refugees. In the early 2000s Bangladesh forced most of the refugees to return to Myanmar. Unfortunately, the action backfired, and in 2015 there were between 300,000 and 500,000 Rohingya refugees in their camps. Most of these refugees are undocumented, and they are causing severe repercussions in Bangladesh. In 2012 Bangladesh blamed the refugees for the Ramu violence, which were violent terrorist attacks against Buddhist monasteries. They have also been blamed for increasing prostitution, displacing indigenous people from Chittagong Hill Tracts, and for importing the Ya Ba drug. The situation is only getting worse, and the Bangladesh civilians are becoming impatient. The UN spoke about the Rohingya situation by saying that it is the “world’s fastest refugee crisis”.<sup>12</sup>

As the number of refugees in Bangladesh increases, the civilian resources are decreasing. Bangladesh civilians are losing jobs, shelter, water, healthcare, and food to the refugees. Bangladesh has been a welcoming home for the troubled Rohingya refugees, but this has brought many consequences to civilians and other participating countries, as well as bringing new problems to the refugees.



## ii. Current Situation

As of 2018, there were around 1.1 million Rohingya refugees in Bangladesh, seeking shelter from the atrocities of the Myanmar Government. Sadly, Bangladesh has limited resources, and is not able to provide shelter for all the fleeing victims. Rohingya people can’t return to Myanmar, but they are not safe or free in Bangladesh. Over 60 percent of the water in the refugee camps is contaminated, which has increased the chances of the refugees acquiring diseases such as tetanus, diphtheria, hepatitis, and measles, among others. In addition to this, Bangladesh is also short of food supplies, sanitary products and shelters. The poverty and suffering in the camps has made the Rohingya vulnerable and weak. In order to ensure that most of the Rohingya survive, they are being forced into illegal actions. Many of them have turned into smugglers, drug mules,

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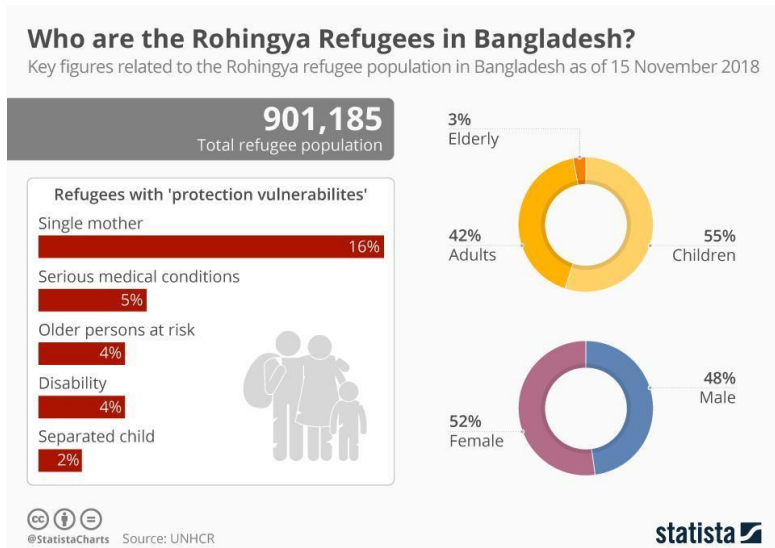
<sup>12</sup> Image provided by CNN

prostitutes, and criminals. This has put the Rohingya refugees' lives at risk, as well as endangering the Bangladesh civilians.

Bangladesh has pleaded for the Myanmar Government to take back the Rohingya refugees, but unfortunately the Rohingya are afraid of returning. Both Bangladesh and Myanmar parties have met in order to discuss the return of refugees while ensuring that their rights are respected in Myanmar. "We hope that the Rohingya are able to return to Myanmar, as our population levels are already an unbearable burden," said the Bangladesh Government. In 2018, Human Rights Watch suggested that the repatriation and the choosing of the refugees was random. Unfortunately, their rights and citizenship are still being disrespected, and the Rohingya are still being tortured and are being diminished by the Myanmar military.

The UNHCR is currently working on different solutions that will improve the well-being of the refugees. In the first months of the crisis, the UNHCR donated 1,500 metric tons of emergency life-saving aid equipment. This primarily included things like blankets, kitchen supplies, tents, buckets, beds, and hygiene products. Following this, the United Nations High Commissioner for Refugees then helped the Bangladesh Government to develop safe shelters for the refugees. They accomplished this by funding roads that improved transportation and mobility, by building toilets for sanitation, providing them with cement and building materials, building wells that would improve the water quality while also making it easier to access, and by containing diseases such as diarrhea.<sup>13</sup>

Furthermore, the UNHCR is building a referral system, which is a process in which a health worker that has insufficient resources (drugs, equipment, skills) to manage a clinical condition, seeks the assistance of a better or differently resourced facility at the same or higher level to assist in<sup>14</sup>, to insure both protection and as a system for quarantine. They are also establishing safe zones for the children and for the women, that seek the prevention of sexism, violence, rape, and sexual harassment. The UNHCR is also increasing emergency teams and relief specialists by sending over 300 people to Bangladesh.

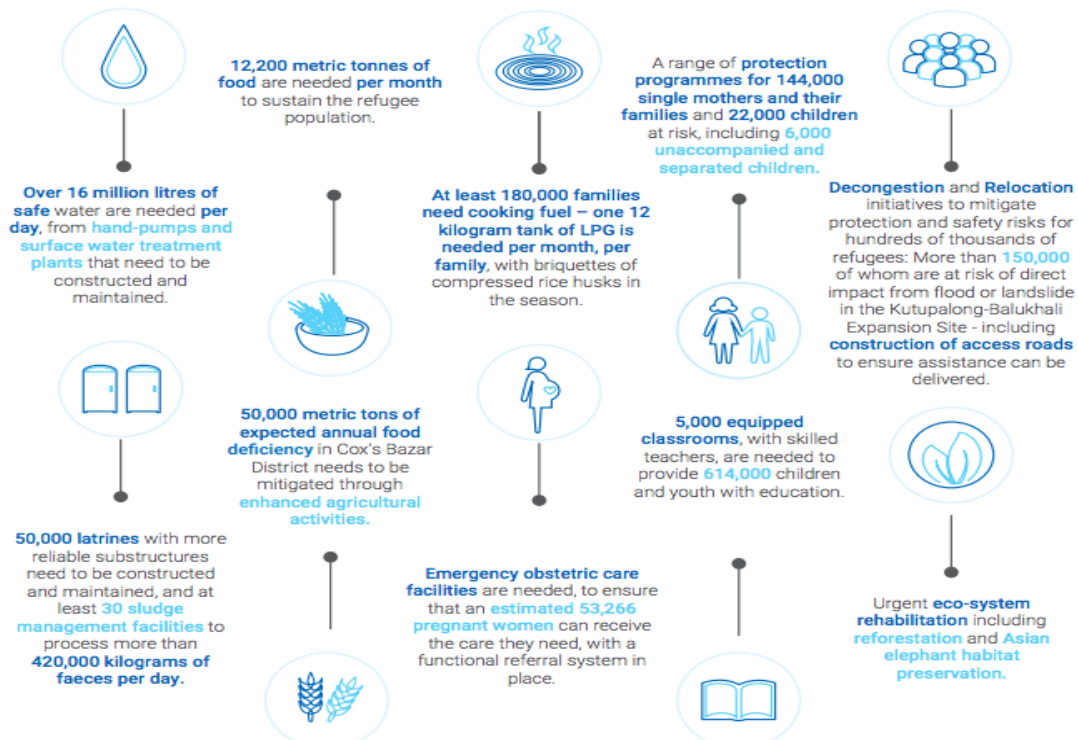


<sup>13</sup> UNHCR

<sup>14</sup> Definition is provided by the World Health Organization (WHO)



Finally, the UNHCR, along with the United Nations, decided to launch the Joint Response Plan (JRP). This has the objective of solving both the refugee dilemma in Bangladesh and the Rohingya humanitarian crisis in Myanmar. The Joint Response Plan was initiated on



the 16th March 2018, and from March to December it called for 951 million US dollars to improve the refugees' quality of life. They then asked for 240 million dollars to strengthen the communities and promote independence and self-reliance. Furthermore, the UNHCR has created an initiative to protect the refugee communities during the monsoon rain seasons. The wet monsoon is a seasonal prevailing wind in the region of South and Southeast Asia, blowing from the southwest between May and September and bringing rain, whilst the dry monsoon brings rain from the northeast between October and April. The monsoon harsh rains cause floods, landslides, and countless casualties. In 2018, it was said that over 200,000 Rohingya refugees could be affected and possibly killed by the unsettling natural disaster. "We will continue to boost our presence and operations to match the complexity of this still fluid and evolving operation"<sup>15</sup>. Nevertheless, this proposal isn't enough, as Bangladesh can't sustain any more people, and the refugees can't return home to Myanmar.<sup>16</sup>

Other agencies such as the IOM (International Organization for Migration) and NGO's (non-governmental organizations), have decided to unite and help the refugees' living conditions. They are doing this by providing physical and mental health medication, shelter assistance, legal counselling, and protection against human trafficking and

<sup>15</sup> Said by the UNHCR

<sup>16</sup> Image provided by UNHCR

outside threats. The main way for the refugees to combat the inhumane and barbaric threats in the camps and in Myanmar is through education and communication.

In the aftermath of this unsolved crisis, many people are hesitant and worried about the future of the Rohingya people. Bangladesh is no longer able to maintain the refugees, nor is it able to care for their offspring, whilst many other countries, such as Malaysia and the United States, are growing impatient with the “ethnic cleansing” and torture of the Myanmar Government towards the Rohingya civilians. Bangladesh government, and their prime minister Sheikh Hasina, blames Myanmar completely for the Rohingya crisis. On the other hand, countries such as Russia and China, believe that the Myanmar Government is trying to restore control and stability. No matter what your opinion on this crisis is, everyone must agree on the fact that a solution is needed. One of the most recent solutions was proposed by the Bangladesh Government. This proposal talks about relocating all Rohingya to a new land, Thengar Char.



Thengar Char is an uninhabited and undeveloped island in the Bay of Bengal. “The government is making arrangements on the island for the Rohingya to provide them with food and homes,” said by the Hatiya, division in Bangladesh, local government that administers and controls the Thengar Char island. Unfortunately, as nice as the idea of sending all refugees to a new home made up of 30,000 hectares sounds, it is actually a very risky solution. Many people are troubled with the idea of sending refugees to an island that has no potable water, little land for agriculture, and waters infested with pirates and criminals.

Bangladesh has constructed a barrier for the harsh rains and for any possible floods. Along with this, the housing and communities being built are only about 1.5 square kilometres square. Unfortunately, by doing so, it means that only around 100,000 Rohingya could live on the island, and even then, there could still be overpopulation issues. It is clear that the Rohingya people are not welcome in Myanmar, and Bangladesh is no longer able to help refugees, so is it worth going to a possibly dangerous and isolated island for the hope of freedom and tranquillity?

### iii. Key points of the debate

- The repercussions towards Bangladesh for accepting Rohingya refugees

- The outcome on Bangladesh refugee camps running out of space
- The effect on Rohingya refugees facing recurring mental health issues
- The emergence of new infectious diseases in Rohingya refugees
- The inhumane treatment of Rohingya women being raped or sexually harassed
- The consequences of Rohingya refugees returning to Myanmar
- The cause of the violence and “ethnic cleansing” the Rohingya Muslims are facing
- The necessity for humanitarian aid (sanitation, water, shelter, protection, food, and medical care) in the Bangladesh refugee camps
- The possible effects of the Joint Response Plan
- Discuss the current legal status of Rohingya civilians in Myanmar
- Outcome of Rohingya not being considered one of the 135 national ethnic groups in Myanmar
- The ramifications of Myanmar militants refusing to admit atrocities and inhumane treatment
- Possible aftermath of the Thengar Char island proposal



#### iv. Participating Organisms

- UNHCR
- Association of Southeast Asian Nations
- UNICEF
- Myanmar Government
- Amnesty International

- Human Rights Watch
- Sheikh Hasina
- World Bank
- Arakan Salvation Rohingya Army
- Joint Response Plan
- IOM

#### **v. Guiding Questions**

1. Does your country give any type of aid to Bangladesh or to Rohingya refugees?
2. What is your country's point of view regarding the inhumane treatment in Myanmar?
3. Are there any Rohingya people living in your country?
4. What are some possible solutions to solve the Rohingya crisis?
5. How does your country manage refugee camps? What problems does it face?
6. How could your country be affected if Bangladesh stops accepting refugees?
7. Has your country ever dealt with diseases in refugee settlements? If so, how did your country respond to it?
8. How does your country deal with ethnic differences? Should Myanmar violence and atrocities be justified or sanctioned?

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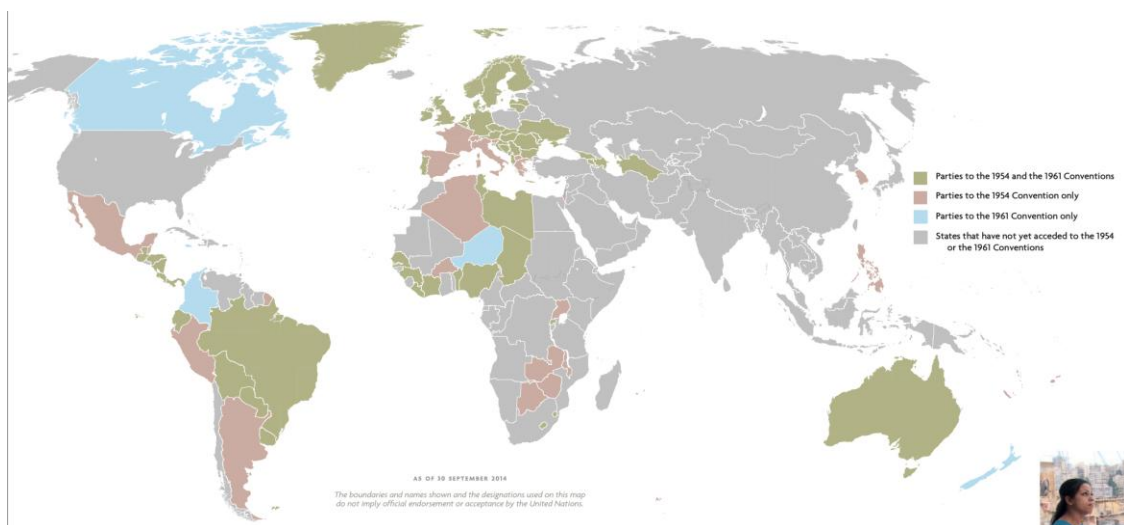
## 5. Topic 2: *Violations to the Right to a Nationality*

### i. History/Context

Today, millions of people in the world are denied a nationality. These people are categorized as stateless. The international legal definition of a stateless person is “a person who is not considered as a national by any State under the operation of its law”<sup>17</sup>. As a result, they often aren’t allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married<sup>18</sup>. Stateless people have great difficulty accessing basic human rights, since no country is held accountable for them and therefore no country is obligated to provide these rights. Some human rights they are deprived of are: the right to an education; healthcare; freedom of movement; and of course, the right to a nationality.



The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are the key international conventions addressing statelessness. Yet, they are also complemented by provisions relevant to the right to a nationality. The 1954 Convention ensures stateless people enjoy a minimum set of human rights and establishes minimum standards of treatment for them. Also, the Convention guarantees the right to an identity, travel documents, and administrative assistance for all stateless people. Until November 2014, there were 83 States that were parties to this Convention.



<sup>17</sup> <https://www.unhcr.org/stateless-people.html>

<sup>18</sup> <https://www.unhcr.org/stateless-people.html>



Although there are 83 States that are party to the 1954 Convention, there are only 61 states that are party to the 1961 Convention (shown in the map). This Convention primarily aims to prevent statelessness and reduce it over time. It basically established an international framework to ensure every single person has access to the basic right to a nationality. It also requires each state to establish laws to prevent statelessness in birth or later in life. Another important section of the Convention is that which states that children are to acquire the nationality of the country in which they are born if they don't acquire any other nationality.

There are several causes for statelessness. These include the following, declared by the UNHCR:

1. Gaps in nationality laws. Each country establishes under which circumstances someone can obtain nationality or have it withdrawn. If these conditions are not carefully written and applied, this can result in a percentage of the population being left out, and therefore stateless. An example is children who are of unknown parentage and live in a country where nationality can only be acquired based on descent from a national.
2. Another circumstance that can lead to statelessness is when people move from the countries where they were born. A child who is born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth alone, and if the country of origin does not allow a parent to pass on nationality through family ties. Another factor that can affect this is the fact that the rules setting how to obtain nationality are sometimes discriminatory. For example, in 27 countries, the laws do not let women pass on their nationality. Another example is when countries marginalize and limit citizenship for certain minorities, races, or ethnicities.
3. The emergence of new states and changes in borders. When this happens, specific groups of people can be left without a nationality especially ethnic, racial, and religious minorities, who often have trouble proving their link to the previous country. It is important to highlight that in countries where nationality is only acquired by descent from a national, statelessness will be passed on to the next generation.
4. Lastly, statelessness can also be caused by loss or deprivation of a nationality. In some countries, citizens can lose their nationality simply from having lived outside their country for a long period of time<sup>19</sup>. Countries can also deprive citizens of their nationality by changing their laws in a way that leave specific groups of individuals stateless, often using discriminatory criteria like ethnicity or race.

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<sup>19</sup> <https://www.unhcr.org/stateless-people.html>

In 2014, UNHCR launched a Global Action Plan to End Statelessness by 2024. The current Secretary General of the United Nations, Antonio Guterres, stated, “Statelessness is a profound violation of an individual’s human rights. It would be deeply unethical to perpetuate the pain it causes when solutions are so clearly within reach. This Global Action Plan sets out a strategy to put a definitive end to this human suffering within 10 years, I count on your support to help make this ambitious goal a reality.” The Global Action Plan to End Statelessness, developed in consultation with states, civil society, and international organisations, sets out a guiding framework made up of 10 actions that need to be taken to end Statelessness within 10 years<sup>20</sup>.



The actions included in the plan aim to: resolve existing situations of statelessness; prevent new cases of statelessness from emerging; and better identify and protect stateless persons. The actions are the following:

- Action 1: Resolve existing major situations of statelessness.
- Action 2: Ensure that no child is born stateless.
- Action 3: Remove gender discrimination from nationality laws.
- Action 4: Prevent denial, loss or deprivation of nationality on discriminatory grounds.
- Action 5: Prevent statelessness in cases of State succession.
- Action 6: Grant protection status to stateless migrants and facilitate their neutralization.
- Action 7: Ensure birth registration for the prevention of statelessness
- Action 8: Issue nationality documentation to those with entitlement to it.
- Action 9: Accede to the UN Statelessness Conventions.
- Action 10: Improve quantitative and qualitative data on stateless populations.

It is important to highlight that the actions presented in the Global Action Plan are not in order of implementation. priority, or importance. Each country's situation is different so, in the majority of cases, only one or two Actions will be relevant to address statelessness.

A well-known historical example is the dissolution of the Soviet Union in 1991. This led to large scale statelessness in the Baltic States and in Eastern Europe. Currently, more than 370,000 people lack a nationality in Estonia and Latvia alone. Many of these are

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<sup>20</sup> <https://www.unhcr.org/ibelong/global-action-plan-2014-2024/>

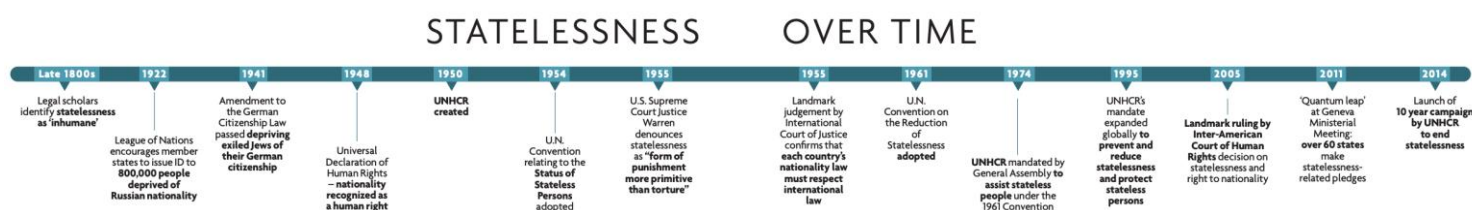


people with expired Soviet passports, who have not been able to acquire the nationality of the state in which they have resided since the dissolution.

Another example is the breakup of Yugoslavia. During the creation of new States, groups of people fell between the cracks created by new nationality laws and became stateless, especially members of minority groups such as the Roma, or Gypsies

It is estimated that over a million refugees are currently stateless. But it is important to understand that not all stateless people are refugees, and not all refugees are stateless. A stateless refugee has rights under the international convention on stateless persons as well as the refugee convention. It is also important to highlight that many refugees are born stateless in refugee camps.

The following is a timeline of statelessness over time:



## ii. Current Situation

Currently, it is estimated that there are around 10 million stateless persons in the world. The following chart shows a yearly report of stateless people in the top 10 countries that house them.

End of 2017	End of 2016	End of 2015
Bangladesh* (932,204)	Myanmar (925,939)	Myanmar (938,000)
Côte d'Ivoire (692,000)	Côte d'Ivoire (694,000)	Côte d'Ivoire (700,000)
Myanmar* (621,763)	Thailand (487,741)	Thailand (443,862)
Thailand (486,440)	Latvia (242,736)	Zimbabwe (300,000)
Latvia (233,571)	Syrian Arab Republic (160,000)	Latvia (252,195)
Syrian Arab Republic (160,000)	Kuwait (93,000)	Syrian Arab Republic (160,000)
Kuwait (92,000)	Russian Federation (90,771)	Dominican Republic (133,770)
Uzbekistan (85,555)	Uzbekistan (86,524)	Russian Federation (101,813)
Russian Federation (82,148)	Estonia (82,585)	Kuwait (93,000)
Estonia (80,314)	Saudi Arabia (70,000)	Uzbekistan (86,703)

\* In Bangladesh, the figure includes stateless Rohingya refugees; in Myanmar the figure includes stateless Rohingya IDPs.

It is important to take into consideration the relationship between displacement and statelessness. Areas that have experienced large-scale displacement have also been significantly affected by statelessness. For example, in Côte d'Ivoire (West Africa), the

estimated stateless population is 700,000 people, many of whom were immigrants who were not eligible for Ivorian nationality after the country's independence from France.

An example of a stateless minority are the Nubians. They are originally from Sudan, but were brought to Kenya over 150 years ago to fight in the colonial army. Since then, they haven't been able to return home. Today, Kenya won't grant Nubians basic citizenship rights. Therefore, they are forced to live in one of the largest slums on Earth, despite trying to receive title rights to land. Lastly, Yao is one of many hill tribes of Thailand that don't have citizenship. During recent years, the Thai Government has granted temporary citizenship to a select few, but a large percentage of the population remains stateless. This means they can't vote, buy land or seek legal employment.



In November 2018, Filippo Grandi (UNHCR Chief) said, "Every person on this planet has the right to nationality and the right to say *I belong*." This was included in a report about the progress of the Global Action Plan to End Statelessness by 2024 (#IBelong Campaign). He stated that since the #IBelong campaign began, more than 166,000 formerly stateless people have received a nationality. In addition, 20 states have acceded to international accords on statelessness since November 2014, bringing the total number of parties to the 1954 Convention to 91 and 73 to the 1961 Convention<sup>21</sup>. Also, nine states have established or improved statelessness determination procedures,

six states have reformed their nationality laws and another two have eliminated gender discrimination that prevents women from passing on their nationality to their children<sup>22</sup>. National plans to end statelessness have also been formally adopted in nine countries. Grandi said, "States like Kenya, Kyrgyzstan and Thailand are paving the way, showing that with political will and commitment, and concerted national efforts, the lives of tens of thousands of people can be transformed through the acquisition of nationality."



Many groups become stateless if their government does not establish them as nationals that have representation under state law. This can often open the gateway for discriminatory laws against minorities. Some examples of this are the Rohingya, the Roma, the Nubians, the Bidoon and the Yao. For instance, the Roma arrived in Europe prior to the

<sup>21</sup> <https://news.un.org/en/story/2018/11/1025561>

<sup>22</sup> <https://news.un.org/en/story/2018/11/1025561>

ninth century. Along with the Jews, they were persecuted and forced into labor camps during World War II. Today, millions of Roma find themselves stateless and living in isolated slums without running water or electricity.

### **iii. Key points of the debate**

- The lack of human rights provided for stateless people.
- The correct implementation of the Global Action Plan to End Statelessness by 2024.
- The possible modification of the Global Action Plan to End Statelessness by 2024.
- The prevention and removal of discriminatory nationality laws.
- The discussion of a stable framework for the management of stateless refugees.
- The close relationship between refugees and stateless people.
- The relationship between certain excluded minorities and statelessness.
- Addressing how to deal with the four main causes of statelessness.
- The prevention of children being born stateless.

### **iv. Participating Organisms**

- UNHCR
- Human Rights Watch
- Institute on Statelessness and Inclusion
- #IBelong Campaign
- European Network on Statelessness

### **v. Guiding Questions**

1. Do any stateless people currently reside in your country? If so, how many?
2. What restrictions are usually imposed on a stateless person and how does this impact their quality of life?
3. Are stateless people residing in your country able to access government services (such as education or healthcare)?
4. What does your constitution state in behalf of acquiring a nationality in your country?
5. What are the laws referring to stateless people in your country? Can they apply for citizenship? Can they stay under a work visa?
6. Is your country a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness? If so, is it acting according to what it states?
7. Does your country support the Global Action Plan to End Statelessness by 2024?
8. Has your country implemented any of the actions stated in the Global Action Plan to End Statelessness by 2024.
9. What can be modified in the Global Action Plan for it to be more effective?

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### Map showing states that are parties to each convention:

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### Chart showing number of stateless people per country:

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