BACKGROUND *Guide*

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Table of Contents

Letter from the Dais.....3

Introduction to the Committee.....4

Introduction to the Agenda.....5

Key Terms.....6

Key Issues.....8

Key Stakeholders.....9

Past Actions.....11

Possible Solutions.....14

Bibliography.....17

Letter from the Dais

Dear Delegates,

We, the chairs, welcome everyone to the United Nations High Commissioner For Refugees(UNHCR)! We are all extremely excited to chair this committee. We expect to see high-stakes debates, diverse discussions, and heated arguments, which will help you better understand the world and prepare for a productive committee session.

The dias urges every delegate to thoroughly review this background guide to understand this agenda and ensure you come to the conference with the necessary knowledge. However, that being said, every delegate still needs to look at their own country's policies rather than solely base their research on this guide. Please refrain from going away from your country's policy (even if you disagree!) as this would make your speeches politically inaccurate.

We encourage participation from all delegates and for everyone to step out of their comfort zone to interact with fellow delegates or even us chairs! Remember, MUN is where you make fond memories and build lifelong friendships with people you don't expect to be friends with. The most important thing is having fun, and we, as the dias, will ensure that OUR committee is the best in OOB MUN'26

We look forward to seeing you all at the conference, and we wish you the very best with your research and preparations! Please feel free to contact us for any queries or details, we'd be more than happy to help!

Regards,

THE DAIS OF UNHCR

Kabeer Anill | Head Chair

Arjun Sujeev | Head Chair

Dhruv Hitesh | Co-Chair

Introduction to the committee

The international refugee protection system is based upon the basic concept that people fleeing from persecution, war or serious threats to their safety should not be left unprotected. The United Nations High Commissioner for Refugees (UNHCR) has a key responsibility in ensuring this basic principle is upheld by providing both protection and support for refugees, asylum-seekers, stateless persons, as well as supporting governments in meeting their international obligations. At the same time, the increasing complexity of today's displacement is creating issues for states that go far beyond what we traditionally view as humanitarian crisis.

Since the early 2000s, there has been a growing link between the movement of refugees and migrants and international relations (IR) conflicts. Both states and non-state actors will often intentionally allow, promote, or direct the movement of displaced peoples in an effort to exert political, economic, or military pressure on a competing state. These types of situations often lead to large and rapid increases in the number of refugees fleeing a country. This leads to a severe strain on the resources available to provide protection for refugees through the asylum process, humanitarian assistance organizations, border control agencies, and receiving communities. Furthermore, displacement can lead to further harm to the displaced population such as exploitation, human trafficking, arbitrary detention, violence, and other abuses.

The UNHCR faces an incredibly challenging conflict. Though nations have good reason to worry about border and national stability, especially in light of mass influxes, worry for such things shouldn't supersede the inherent rights of those forced to leave. Politics beyond individuals' control can lead to movement, and thus asylum processes and protections must remain an important aspect of any proposed response.

The committee must explore methods by which the international community can effectively manage migration that is driven by external pressures without negatively affecting the populations it intends to protect. Greater cooperation and stronger early warning systems and humanitarian response frameworks are necessary, in addition to supporting host countries and penalizing those

that utilize individuals who are at risk. The goal should be to remove forced displacement from being used as a strategic instrument to drive international political objectives and focus on upholding the protection of the refugees, even if they were displaced for political reasons.

Introduction to the Agenda - Addressing the exploitation of migration and refugee flows as instruments of geopolitical pressure

There are several causes for the phenomenon of migration such as conflict, inequality, instability, persecution, and searching for safer and better ways to live. Nowadays, more people migrate across countries that become more divided than before. There are times when it's easy to guess why people choose to migrate and how states use migration for their political agendas. Some people choose to migrate to support their cause, while others migrate to destabilize their neighboring country or to extract resources. Migratory flows are hard to secure, as well as protecting fundamental human rights in the process.

There are many ways to use migration to gain an advantage in the game of politics. One example is to force the population to another country as a result of political tensions or trade wars. People choose to move across a country's border in order to meet their own ends as well. The presence of large numbers of people can stress asylum systems and even border systems. Host populations may find it difficult to accommodate large influxes of people and may face economic difficulties as well. Sometimes, even the possibility of creating a

migration route is sufficient for other countries to alter their positions to comply.

In the same way, preventing the exploitation of migrants and refugees should not lead to their being treated as security threats. Migrants and refugees have rights under international law, and this holds even if they leave their home country for reasons not covered by the term "persecution" or if they are affected by other circumstances not fully protected by existing laws. The international community should therefore distinguish between the right to seek sanctuary and the weaponization of the refugee and migrant population for political gains.

The present agenda will need to look into how the system is exploited by migration and what responsibilities lie with States and International organizations, as well as measures needed to avoid having vulnerable people as the means of an geopolitical struggle. National security and border management will have to be balanced against the necessity of ensuring dignity and fundamental rights, especially at the international level.

Key Terms

1. Weaponisation of Migration

The use of migration flows for political, economic, or diplomatic leverage by a country or a non-state actor to disrupt a country or coerce a country to alter its policy.

2. Refugee

A refugee is a person who, due to a threat, a conflict, a violent act or another type of severe situation, has been forced to leave their country and who is eligible for international protection, in particular, on the basis of the 1951 Convention on the Status of Refugees.

3. Migration Diplomacy

Migration Diplomacy is the use of foreign policy by a state using agreements on migration to bargain with another state. Migration policies, border arrangements and visas can all be used to bargain for policy changes.

4. Non-Refoulement

This is a central tenet of the law on refugees that prevents states from forcibly sending refugees back to countries where they would be at risk. This protects the vulnerable, especially those displaced by persecution.

5. Human Trafficking

This is the act of kidnapping and/or holding someone against their will, often for sex, forced labor, or slavery. People are vulnerable to this during periods of mass movement, especially after a country's economic and/or social collapse, and/or during armed conflict.

6. Border Externalisation

Border Externalisation occurs when one country attempts to regulate migration beyond its borders, typically through accords with transit and neighbouring countries. Such agreements may become means for geopolitical extortion, wherein migration regulation is leveraged to seek concessions for policy and/or finances.

Key Issues

1. .Belarus–Latvia border situation: Latvia is still reporting that migrants are attempting to enter the country by crossing over from Belarus. It is being alleged that the Belarusian government is facilitating these migrations. At present, this problem is unresolved as border enforcement has failed to prevent migrants from entering Latvia, and the pressure on each of the EU member states' borders can change over time.

2. Poland's Asylum Limits: At some areas of its Belarusian border, Poland continues to restrict access to asylum as a result of "orchestrated" migration. However, critics caution that restrictions and returns could violate international law, resulting in a conlict between protecting refugees and ensuring national security.

3. Finland–Russia Border Closure: The border crossings between Finland and Russia are still closed because of the possibility of "instrumentalized" migration. While the risk of this type of migration is believed to be long-term, closing the borders has raised issues regarding asylum access and managing the borders.

4. Pressure on Latvia’s Border Capacity: Latvia is under pressure, has restricted resources and has some weak points in the area of border infrastructure. Increased numbers of attempts to cross the border create extra work for border service personnel and challenge cooperation among the countries in the region.

5. Migrants Stuck at Borders: Migrants stuck in border areas are often without housing, food, medical attention and can't use asylum processes. No matter how the government views their situation, they are in jeopardy.

6. Accountability and International Law**:** The issue of how to address allegations of coercion by governments, while also maintaining respect for non-refoulement and the right to apply for asylum, has not been resolved. There are still many issues surrounding investigations, legal challenges and disputes regarding "pushbacks" that have yet to be addressed. These unresolved issues are leading to diminished confidence in governments' ability to respond effectively to these issues and making it difficult to develop a unified European approach to addressing them.

Key Stakeholders

1. UNHCR

The UN High Commissioner for Refugees (UNHCR) protects refugees, asylum seekers and those without a state. They aid in protection, advocacy, compliance and legal procedures relating to the international protection of refugees. They support the legal rights of displaced persons, ensuring that they are not a pawn for other states to use for political gain, and that their dignity and safety remain a priority.

2. IOM

The IOM helps individuals to move safely and lawfully. They work with refugees in times of emergency and crisis, offering assistance for resettlement and migration. Their role in supporting border protection, data collection and responding to crises is important for those affected by unpredictable and politically engineered migration that exposes individuals to trafficking and perilous migration routes.

3. EU

The EU is of concern because numerous European nations have been accused of employing migration as a means to achieve geopolitical goals. The EU provides border management and helps coordinate and solve security problems of member states and migration policy. They need to find the right balance between maintaining border control and ensuring the asylum rights and protection of vulnerable migrants, without letting them be the means of a politically motivated dispute.

4. Belarus

Belarus represents an important stakeholder due to the 2021 border crisis when the government of Belarus is suspected to be facilitating the movements of migrants to put pressure on Europe. European authorities accused the government of Belarus of facilitating the movement of migrants for that purpose. Belarus disagrees with some of those claims. The importance of Belarus as the stakeholder reflects the challenge of creating accountability in cases where migration becomes associated with sanctions and security issues.

5. Poland

Another frontline state impacted by migration crisis through its border with Belarus. The government of the Polish Republic underlines the necessity of protecting the territory and border against suspected state-sponsored migration. At the same time, the restrictions imposed on accessing asylum by

migrants create issues of Poland violating their human rights as well as international laws and regulations concerning refugee treatment.

6. Migrants and Refugees

It is necessary to note that migrants and refugees represent a group of stakeholders that suffers most from the ongoing problem, but has no possibility to defend their rights. Individuals who migrate because of conflicts, persecution, poverty, or instability risk being exploited by their governments, smugglers, and human traffickers.

Past Actions

1. **Global Compact on Refugees, adopted by the UN General Assembly (2018).**

In 2018, the UN General Assembly adopted the Global Compact on Refugees (GCR) to create a model for the more predictable and equitable share of responsibility that should happen in a refugee emergency. The Compact is expected to drive states to increase the delivery of financial and technical assistance to their hosts, increase refugee resettlement and complementary pathways, and advocate for refugee self-sufficiency. The Compact does not include legal obligations but it is nonetheless a valuable tool in preventing the "balkanization" of responsibility onto frontline States. This is especially relevant in contexts where large refugee populations are mobilized to exert political or economic pressure on their host countries—where greater burden-sharing in the international arena can lessen the vulnerability of individual countries to such pressure.

2. **Grassroots response to the border crisis between Belarus and Poland (2021).Grassroots reaction to Belarus–Poland border crisis (2021).**

UNHCR has strongly criticized the use of the refugee and migrant flows for political manipulation and instrumentalsion, publicly speaking, during the border crisis in Belarus and Poland in 2021, calling on all stakeholders to ensure respect for individual rights at the border. UNHCR demanded access to asylum procedures, the availability of humanitarian assistance and respect for international refugee laws. It also summoned immediate de-escalation from IOM, and stated that it was alerting society to the dangers of such use of the vulnerable as a means to fuel political manoeuvres. The relevant answer created an important precedent for the UNHCR in dealing with cases of refugee migration that is openly promoted or directed to bring pressure to bear on another state.

3. **European Union — Temporary Protection Directive (2001, 2022)**

Introduced by the European Union in 2001, the TPD was first triggered in 2022 in response to the conflict in Ukraine. The distinction is that through the mechanism, either a wide range of individuals can be placed under temporary protection, or all individuals have to go through a long asylum procedure at once. Beneficiaries are given the right to live, work, stay together as a family, access to health care, and education services. The mechanism illustrates how quick and easy it is for states to install protection systems that are coordinated and effective if its traditional asylum processes are overwhelmed by sudden mass displacement.

4. **The European Union — EU-Türkiye Statement (2016)**

The European Union and Türkiye signed a deal in 2016 to cut down on irregular migration in the Aegean. These agreements involved the repatriation of some migrants illegally crossing Greece back to Türkiye, as well as increased financial support being provided by the EU for refugees in Türkiye, and commitments on legal resettlement. A controversial and much-

discussed agreement, both in terms of its humanitarian and legal aspects, it is emblematic of how states have tried to tackle migration pressures through financial aid, migration management and diplomatic deals. It also exemplifies a topic for discussion at the delegates' meeting on the dangers of refugee protection being outsourced to transit countries.

5. **The Kampala Convention of the African Union (2009) is the latest.The latest is the Kampala Convention of the African Union (2009).**

In 2012 the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also called the Kampala Convention) took effect. It developed a binding regional instrument on IDP issues and duties regarding IDP prevention, protection and durable solutions, and it tasked the states with responsibility to prevent IDP situations, IDP protection and action for durable solutions. Importantly, the Convention acknowledges that conflict, violation of human rights, and other circumstances that cause instability can lead to displacement. The focus on prevention and state responsibility offers a good example of how it could work in the region to solve displacement problems and prevent larger humanitarian crises.

6. **Copyright assignment for SoundCloud (2011)**

IOM developed its Migration Crisis Operational Framework to enhance international migration responses to a migration caused by exploring sudden crises. The framework puts in place coordinated action between humanitarian assistance, protection, shelter, health, transportation and recovery. It is especially important in cases where there is an untimely influx of people because of political unrest or conflict. The framework does not confine the focus of migration to the border security context, but rather asks that it considers the humanitarian impacts of migration and coordinate the recovery and stabilisation process in a longer-term context.

Possible Solutions

- **Form a monitoring body to track the international process of instrumentalization.**

The UN High Commissioner for Refugees (UNHCR), with support from the International Organization for Migration (IOM) will have a system to find and record instances where a country or Non-Governmental Organization (NGO) utilizes movement of refugees and/or migrants as an instrument of politics. The system can collect reported instances of rapid increases at borders, transportation systems organized to move people across borders, threats to help facilitate movement across borders, and limits placed on humanitarian organizations' ability to provide services. To assess these findings, there should be clear criteria used to judge evidence so that there is a distinction made between what constitutes a deliberate attempt to use people as a political tool versus what constitutes normal displacement. This would enable quicker international response, opportunities for diplomatic negotiations among affected states and/or humanitarian agencies, and coordinated efforts without assuming that those who are moving are either guilty of violating laws or seeking asylum.

- **Set up a fund to respond to emergency relief needs.**

Donor countries and international financial institutions should be advocated to support a special emergency response fund for states receiving sudden and large influxes of refugees. The funds could be utilized for providing immediate shelter, medical care, food, registration beds, sanitation facilities and protection services. Funding triggers established prior to an event as well as swift disbursements would assist in making politically charged border crises less politically controversial. Funding must be based upon humanitarian needs rather than political considerations; additionally, funding should not only be directed towards refugees but also towards the affected host population. By doing so, there is less opportunity for external actors to

disrupt the stability of the recipient country due to the excessive use of already limited public services.

- **Promote international accountability via independent investigations.**

The UNHCR should work towards promoting an organized system for documenting alleged cases of migration instrumentalization by working together with other UN bodies and independent investigative mechanisms when needed, within the Executive Committee. If there is sufficient reason to believe that a case of migration instrumentalization has occurred, then further investigation may be referred to an appropriate international or regional body. It would also be advisable to take action to encourage those states that have violated international law, to do so through proper legal process. All operations must adhere to the principles of due process, state sovereignty, and any additional rules required of organizations involved in carrying out the operations. Additionally, the responsibility for accountable actions should lie with the individuals responsible for making the decision(s) that resulted in the violation, and not be directed at the entire community/population as a whole for their misconduct.

- **Recommend and implement Humanitarian Border Protection Protocols**

The United Nations High Commissioner for Refugees (UNHCR) should create templates of documents regarding possible actions taken in response to state border crossings when there is a rapid and highly politically charged migration flow. These templates should allow for the processing of individual asylum requests; avoid mass deportation; adhere to the principle of non-refoulement; and develop strategies/protocols to identify children, victims of human trafficking, and other vulnerable persons. Governments may receive technical support in the area of registration, screening, and border enforcement. The protocols would assist governments in addressing their legitimate security needs, while avoiding using indiscriminate methods of

deterrence that may cause refugees to experience harm such as violence, exploitation, or death.

- **Prepare a capacity development plan for regional burden sharing arrangements.**

The UNHCR can help establish regional arrangements that provide for sharing of responsibility for refugee protection based upon each state's ability and available resources. These arrangements can include, but are not limited to, commitment to voluntary resettlement of refugees; financial assistance; emergency reception facilities; and technical assistance provided to those states receiving the most refugees. Regional arrangements should be developed through consultations agreed to by all participating states, and developed in relation to current international obligations. Regional arrangements can result in a more equitable sharing of the humanitarian, administrative and financial burdens associated with refugee protection, thereby reducing pressure on states on the front lines, and minimizing the impacts of policies established to exploit inequalities in the hosting of refugees.

- **Establish an internal and international support/assistance system.**
8. Promote the use of internal and international support/assistance.

UNHCR needs to develop a process for developing early warnings and engaging in diplomatic consultations with regional organizations, the UN Department of Political and Peacebuilding Affairs and the relevant governments when there are signs that a displacement event is developing. A confidential consultation process may activate this mechanism. It could also involve developing a humanitarian contingency plan, if necessary; mediating disputes, if applicable; and coordinating public communication about credible evidence of potential population manipulation during a political conflict. Preventive diplomacy will allow us to prevent escalation of conflicts before more people become displaced, and will allow us to deliver humanitarian assistance in an impartial and politically neutral manner.

Therefore, this approach is not only a means of dealing with the results of instrumentalization but also addresses the root causes of instrumentalization.

Bibliography

https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention

https://www.unhcr.org/news/press-releases/unhcr-urges-states-protect-refugees-rights-not-instrumentalize-their-plight

https://www.unhcr.org/about-unhcr/overview/global-compact-refugees

https://www.unhcr.org/uk/news/press-releases/unhcr-and-iom-call-immediate-de-escalation-belarus-poland-border

https://www.un.org/en/migration2022/global-compact-for-migration

https://www.iom.int

https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa

https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection

https://www.unhcr.org/refugee-statistics

https://refugeesmigrants.un.org/declaration

https://worldmigrationreport.iom.int

BACKGROUND *Guide*

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES