

# Rights of Refugees

23 - 26 November 2002

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## INTRODUCTION

1 The plight of refugees worldwide, a matter of grave concern, was brought to the attention of the  
2 United Nations Commission on Human Rights from 23 - 26 November 2002. The Commission  
3 set out to consider the current human rights situation for refugees and build upon the 1951  
4 Convention Relating to the Status of Refugees and the 1967 Optional Protocol as well as the  
5 Universal Declaration on Human Rights. The purpose of this report is to outline the necessary  
6 steps the international community must take to ensure that the fundamental rights of refugees are  
7 respected. The report makes systematic recommendations to states, regional organizations,  
8 inter-governmental organizations (IGOs), and non-governmental organizations (NGOs) to foster  
9 increased cooperation and efficiency in protecting refugees' rights.

10  
11 This report attempts to reconcile the legitimate sovereignty and security concerns of states with  
12 the fundamental human rights accorded to refugees.

13  
14 Appropriate and feasible solutions will take into consideration the following issues -

- 15 \* An expansion of the definition of refugees,
- 16 \* An elaboration of the reporting system,
- 17 \* An examination of repatriation/reintegration measures,
- 18 \* An evaluation of security concerns.

19  
20 The Commission sets out to accomplish these goals with the understanding that a comprehensive  
21 solution to the global refugee problem is necessary for the promotion of world peace and  
22 stability. While this report does focus on the issue of refugees, the Commission believes that  
23 there is a connection between the rights of refugees and other human rights: any violation of one  
24 human right has ramifications for the protection of all human rights.

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## DEFINITIONS/ACRONYMS

25  
26  
27  
28  
29  
30 Host Nations: This term refers specifically to countries that are hosting refugees. This does not  
31 include internally displaced persons or PIED

32  
33 Persons Internally and Externally Displaced (PIED): This term is used when speaking about  
34 both internally displaced persons and refugees. It is an all-inclusive term that extends the rights  
35 guaranteed to refugees to IDPs

36  
37 Internally Displaced Person (IDP): Defined by the United Nations High Commissioner for  
38 Refugees as people who have fled their homes, generally during a civil war, but have stayed  
39 within their home countries rather than seeking refuge abroad.

40  
41 Refugee: Defined by the United Nations High Commissioner for Refugees as people who are

42 outside their countries because of a well-founded fear of persecution based on their race,  
43 religion, nationality, political opinion, gender or membership in a particular social group, and  
44 who cannot or do not want to return home. This term can only be applied to those seeking  
45 sanctuary in another country.

46  
47 Universal Refugee Registration System (URRS): Identification system put forth in CHR/I/1:  
48 Security Concerns

49  
50 Global Network of NGO's for Refugee Rights (GNNGORR): Will be a foundation for  
51 cooperation between NGOs before reporting to the United Nations Commission for Human  
52 Rights. Established in CHR/I/3:Reporting

53  
54 Conference on Refugee Cooperation (CORECO-OP): An annual conference where the  
55 GNNGORR will meet to come up with how the reports are going to be structured and make sure  
56 everyone is still using the same process for reporting. Established in CHR/I/3: Reporting

57  
58 Repatriation: Voluntary return of refugees to their country of origin

59  
60 Reintegration: The process used to re-unite people with their culture after a time of being either a  
61 refugee or IDP. The reintegration process can be psychological, monetary, or physical.

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62  
63  
64  
65 **SUMMARY OF RESOLUTIONS**

66  
67 Resolution CHR/I/1: Security Concerns

68  
69 Resolution CHR/I/1, which addresses Security Concerns, was strongly supported within the  
70 Commission as it benefits both refugees and host nations. Nations, such as Iran, Pakistan and  
71 the United States, supported the resolution since it addressed the issue of security. With the  
72 implementation of a Universal Refugee Registration System (URRS), host nations would be able  
73 to identify those refugees within their borders. Those host nations in support of refugee rights  
74 believe that the creation of a registration system would provide the United Nations High  
75 Commission for Refugees (UNHCR) with an accurate number of displaced people within a given  
76 country.

77  
78 A few countries, such as Russia and Jordan, believed that the resolution was weakened by the  
79 fact that it allows individual nations to apply their own screening processes to the registration  
80 process as they see fit. Furthermore, host nations under URRS would not be held accountable  
81 for non-compliance.

82  
83 The resolution was passed, based on the fact that the security and rights of both the refugee and  
84 the host nation were provided for; also, with a correct refugee count, resources can be allocated  
85 accurately for the number of refugees.

87 Resolution CHR/I/2: Overview and Definition

88  
89 Resolution CHR/I/2: Overview and Definition had very strong support in the Commission for  
90 Human Rights. When voted upon, only two countries were against adopting this resolution. It  
91 was supported by France, South Africa, Ethiopia, and Guinea, specifically. These countries  
92 believed it was important to establish a definition that included both refugees and internally  
93 displaced persons (IDPs). This new system was called Persons Internally and Externally  
94 Displaced (PIED) and extended the rights previously reserved only for refugees to internally  
95 displaced persons as well.

96  
97 While there was no large group of opposition, there were concerns addressed by the general  
98 body as to the vagueness in the remainder of the resolution. While most countries were in  
99 agreement with the general ideas and the new definition - especially since it would not eliminate  
100 previous definitions - they believed the remaining clauses lacked substantive reform. Another  
101 issue in question was the financial demand on host nations directly resulting from those now  
102 included under PIED.

103  
104 The Commission agreed that it was necessary to adopt this resolution, as it laid the framework  
105 for subsequent resolutions. Specifically, the new definition allowed other resolutions to be more  
106 inclusive in their reformative measures.

107  
108 CHR/I/3: Reporting

109  
110 This resolution received very strong support from the Commission. When initially introduced to  
111 the floor, there was near consensus. However, before entering voting procedures the body was  
112 addressed by Rudd Lubbers, High Commissioner for Refugees, through an e-mail communiqué.  
113 This stated that certain words and clauses held a different connotation than their intention and  
114 had to be changed so as not to supersede jurisdiction. These clauses were quickly amended and  
115 the resolution passed, but lacked support to adopt by consensus.

116  
117 The opposition to this resolution arose with the communiqué from Rudd Lubbers, as nations  
118 were unsettled by the presented information. However, once the recommended changes were  
119 made, the resolution passed with 25 nations in favor, 2 in opposition, and 11 abstentions.

120  
121 This resolution passed because nations believed it contained significant substance. The creation  
122 of the Global Network of NGO's for Refugee Rights (GNNGORR) addressed a specific need for  
123 reform in the reporting system that would facilitate more cooperation. This would occur at an  
124 annual Conference on Refugee Cooperation (CORECO-OP), the first of which would be held in  
125 Accra, Ghana.

126  
127 CHR/I/4: Repatriation

128  
129 This resolution addressed the issue of repatriation and reintegration. Operative clauses 1 through  
130 4 succeeded in gaining an astounding amount of support. These four clauses were met with very

131 little opposition as they re-affirmed PIED rights. The only clause that had significant debate  
132 within these 4 was operative clause 3: an explanation of what this right to land and property  
133 would specifically include. Once it was decided upon that the United Nations High Commission  
134 for Refugees would not be giving subsidies or trying to re-distribute land, countries who had  
135 previously been opposed to this clause were much more supportive.  
136

137 The main opposition for this resolution was directed toward operative clause 5. This clause  
138 called for the enforcement of Security Council Resolutions 242 and 338, which pertained to  
139 Israel and the Occupied Territories. While most nations believe these obligations should be met,  
140 they considered operative clause 5 to be irrelevant to the previous 4 operative clauses.  
141

142 Due to this opposition, a motion to divide operative clause 5 from the resolution was made. The  
143 motion carried and both sections passed, keeping the resolution intact. Despite the initial  
144 controversy over clause 5, the resolution passed with 20 in favor, 8 opposed, and 7 abstentions.  
145

#### 146 CHR/I/5: Asylum-Seekers 147

148 This resolution received support from an array of nations, including the United States of  
149 America, The Netherlands, Oman, and Ethiopia. This resolution was particularly attractive  
150 because of its focus on asylum seekers and specific emphasis on eliminating racial  
151 discrimination and xenophobia. It addressed an optional education protocol that would give  
152 countries the ability to familiarize asylum-seekers on the history, culture, language, and tradition  
153 of their 'new' society while encouraging them to maintain their cultural heritage.  
154

155 The latter reasons are the same reasons there was opposition. There was discussion as to  
156 whether the familiarization process was culturally sensitive. In the end, 8 nations decided it was  
157 not culturally sensitive and voted against the resolution. Eighteen nations voted in favor and 12  
158 abstained.  
159

160 After much debate, it was decided that the benefits in this resolution outweighed the doubts.  
161 Because the resolution only applied to countries with asylum-seeker status, many of the nations  
162 who were concerned with the cultural sensitivity issue were able to abstain or overlook this  
163 issue. Once it was clarified that the programs are to be implemented according to individual  
164 countries, opposition to the resolution was decreased.  
165

#### 166 Draft CHR/I/6: not passed 167

168 Draft Resolution CHR/I/6 was not passed. After initial debate it was understood by the  
169 sponsoring countries that instead of working on multiple amendments it would be easier to create  
170 a new draft resolution addressing the same issues with the amendments added.  
171

172 This new Draft Resolution became CHR/I/7.  
173

#### 174 CHR/I/7: Aid Allocation

175 CHR/I/7 was introduced to the floor after having been discussed as Draft Resolution CHR/I/6.  
176 Since it had been addressed in previous debate, there was significantly less opposition. Bahrain,  
177 Brazil, and Turkmenistan worked together with the body in an attempt to build consensus.  
178 Member states were encouraged by the funding clauses addressed in the resolution and the  
179 over-view responsibilities of the working group.  
180

181 Opposition occurred over a few issues. A few countries believed that this working group was  
182 being mandated to take away the job of the United Nations High Commissioner in assessing and  
183 allocating funds. Other countries believed that operative clause 2 was asking countries already  
184 meeting their obligations to give more. After considerable debate, the resolution was adopted  
185 with a vote of 20 in favor, 3 opposed, and 7 abstaining.  
186

187 This resolution was passed in an effort to create a working group that could review the collection  
188 and allocation of funds. Operative clause 2, addressing the ability of countries to set individual  
189 contribution goals, was deemed very effective in addressing the needs for both developed and  
190 developing countries.  
191

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## 192 **FACTS AND FIGURES**

193

194  
195  
196 Currently, there are 50 million refugees and 20-25 million IDPs (Internally Displaced Persons)  
197 worldwide. The majority of nations are signatories to the 1951 Convention Relating to the  
198 Status of Refugees and the 1967 Protocol; however, as of 2001, 45 countries remain  
199 non-signatories to the Convention and Protocol. The year 2001 alone saw an additional  
200 14,900,000 refugees and asylum seekers. Principal sources of refugees in 2001 were  
201 Afghanistan and Palestine, with 4,500,000 and 4,123,000 refugees, respectively. Sudan had  
202 4,000,000 IDPs, the largest number worldwide. The countries with the largest number of  
203 citizens voluntarily repatriating were Afghanistan (208,600), Sierra Leone (80,000), and  
204 Macedonia (71,000). Asylum applicants for 2001 totaled 486,293.  
205

206 In 2001, the United States and the European Commission were the leading contributors to  
207 refugee aid agencies, donating \$392.5 and \$122.3 in millions of U.S. dollars, respectively. In  
208 terms of U.S. \$ per capita, Norway contributed \$12.03 million and Denmark donated \$8.87  
209 million.  
210

## 211 **AFRICA**

212  
213 \*\*Total Refugees: 3,002,000  
214 Tanzania: 498,000  
215 Sudan: 307,000  
216 Congo-Kinshasa: 305,000  
217

218 Central Africa: Tanzania has the largest refugee population in Africa, mainly hosting refugees  
219 from Burundi. Tanzania, Burundi, and the United Nations High Commissioner for Refugees

220 (UNHCR) signed a tripartite agreement in May 2001 on the subject of voluntary repatriation of  
221 Burundi refugees; however, the situation continues to be problematic with repatriation to  
222 Burundi not being promoted. The Sudan is currently home to 4,000,000 IDPs, the largest  
223 population of IDPs in the world.  
224

225 West Africa: As of September 2000, parts of Guinea bordering Sierra Leone and Liberia were  
226 threatened with extreme violence, which prompted tens of thousands of Guineans to flee their  
227 homeland.  
228

229 Horn of Africa: Following the war between Ethiopia and Eritrea in 2000, many refugees were  
230 forced to flee to Sudan. In May 2001, in order to address this problem, the UNHCR  
231 helped 174,000 Eritrean refugees repatriate from the neighboring state of Sudan.  
232

233 South Africa: Angola, home to between 2,000,000 - 3,000,000 IDPs, is torn by civil war. The  
234 wars surrounding it also lead to a large refugee population.  
235

## 236 EAST ASIA & THE PACIFIC

237

238 Total Refugees: 815,700

239 China: 345,000

240 Thailand: 277,000

241 Indonesia: 81,300  
242

243 Timor: Following an August 1999 vote for independence from Indonesia, the country of Timor  
244 erupted in chaos. The September 2000 murder of three UNCHR aid workers in Atambu resulted  
245 in the withdrawal of aid agencies from West Timor. Currently, approximately 100,000 East  
246 Timorese refugees reside in Indonesia while 1,400,000 Indonesians are internally displaced.  
247

## 248 EUROPE

249

250 Total Refugees: 972,800

251 Yugoslavia: 400,000

252 Germany: 116,000

253 Bosnia and Hercegovia: 33,200  
254

255 Europe continues to experience large numbers of people attempting to seek asylum. Members of  
256 the European Union are currently working to synchronize their standards for admitting refugees  
257 and their policies for asylum seekers.  
258

259 Balkans: With the establishment of democratic governments in Yugoslavia and Croatia, about  
260 1.8 million civilians were able to return to their countries. However, with the unstable  
261 government in the former Yugoslavia Republic of Macedonia, another 1.3 million persons  
262 remain displaced.  
263

264 MIDDLE EAST

265  
266 Total Refugees: 6,830,200

267 Iran: 2,558,000

268 Jordan: 1,643,900

269 Gaza Strip: 852,600

270  
271 Palestine: Since Israel's creation in 1948, ensuing conflict between the two nations has resulted  
272 in large numbers of Palestinian refugees. In 2001, the number reached approximately 4.1million.  
273

274 NORTH AMERICA

275  
276 Total Refugees: 568,700

277 United States of America: 492,500

278 Canada: 70,000

279 Mexico: 6,200

280  
281 United States: In 2001, the United States had a 35% increase in the number of refugees seeking  
282 asylum, with approximately 28,000 persons granted asylum and 396,000 cases pending. The  
283 largest number of asylum seekers came from Mexico, while China followed at a close second.  
284 The United States continues their commitment to help asylum seekers integrate into a safe, civil  
285 society.  
286

287 SOUTH AMERICA

288 Total Refugees: 18,950

289 Brazil: 4,050

290 Costa Rica: 10,600

291 Ecuador: 4,300

292  
293 Colombia: Because of the current civil war, 2001 has been one of the most violent years in  
294 Colombia's history. The conflict has resulted in not only 3,700 dead, but also a mass amount of  
295 refugees and internally displaced persons. As a result, the UNHCR has implemented a program  
296 with aims to help Colombia's ability to deal with the consequences of this horrific conflict.  
297

298 SOUTH/CENTRAL ASIA

299  
300 Total Refugees: 2,702,800

301 Pakistan: 2,018,000

302 India: 345,800

303 Nepal: 131,000

304  
305 Afghanistan: As a result of two decades of conflict and natural disasters, there are currently 4  
306 million Afghans outside their homeland and 750,000 internally displaced persons. Afghanistan  
307 constitutes the largest single refugee population in the world of concern to the United Nations



308 High Commissioner for Refugees.

309  
310 \*\*These totals represent the number of refugees currently in these host countries.

311  
312 **QUESTION AND ANSWER**

313  
314 CHR/I/1: Security Concerns

315  
316 Q: Why is the Universal Refugee Registration System (URRS) needed?

317  
318 A: First, there is the issue of protection. The body needs to be able to ensure the protection of  
319 refugees and the protection of the host country. This identification system would help with  
320 determining 'legitimate refugees.' Also, URRS would create a way for the entire world to use the  
321 same type of system.

322  
323 Q: With URRS, what would happen to specific regional programs?

324  
325 A: This system will not eliminate currently functioning systems. It is merely intended to work in  
326 conjunction with the systems already created. There will then be a method of global  
327 identification that will also be regionally applicable. URRS encourages regional blocks to work  
328 specifically within the system for their region.

329  
330 Q: Who does this program assist?

331  
332 A: The transition agency will create a safety feature for host countries to filter out possible  
333 terrorist and criminal threats. In the long run, this will better serve refugees who are determined  
334 to be in need of assistance. Once these refugees go through the transition program they are then  
335 in the 'system' and will have more access to permanent programs already in place in the host  
336 country.

337  
338 Q: How do we ensure discrimination will not occur?

339  
340 A: To ensure that host countries do not abuse the privilege to deny refugee status, the High  
341 Commissioner for Refugees has been designated as a monitor for host countries. This is stated in  
342 operative clause 8.

343  
344 Q: What if a country cannot afford this program?

345  
346 A: The purpose of this resolution is not to force countries into compliance but merely to set an  
347 international standard. It is understood that many countries do not have the human or financial  
348 resources to adopt these programs immediately; the Commission recommends adopting these  
349 programs when feasible.

350  
351 CHR/I/2: Overview and Definition

352 Q: Why is this resolution so broad?  
353

354 A: This resolution is intended to be a unifying and opening resolution. It provides an outline for  
355 the following resolutions and aims to combine everything into a cohesive text.  
356  
357

358 Q: Why do we need this new definition of refugees?  
359

360 A: This definition allows Internally Displaced Persons (IDPs) to be included in the category of  
361 refugees, and therefore guarantees them the same rights. The Commission aims to clarify the  
362 definition so that there is an easy term to use when referring to both refugees and IDPs. Persons  
363 Internally and Externally Displaced (PIED) does not replace the former terms but is an  
364 all-inclusive term to refer to both groups.  
365

366 Q: Why is there a need for one term?  
367

368 A: Previously, both of these terms were included as one term, resulting in a discriminatory  
369 categorization of IDPs. IDPs were not guaranteed the same rights as refugees. By including  
370 these two terms together they are given the same rights.  
371

372 Q: Didn't the High Commissioner for Refugees recently address its policy in relation to IDPs?  
373

374 A: Yes. In 2000 there was a review and the High Commissioner refined some of the policies,  
375 but the reality is that there are still large numbers of IDPs that remain without protection or  
376 humanitarian assistance - this is noted not only by individual countries but also by the Executive  
377 Committee of the High Commissioner's Programme.  
378

379 Q: Why do IDPs deserve the same rights?  
380

381 A: IDPs and refugees are often displaced for the same reasons and suffer from the same  
382 hardships. Internally displaced persons often face a more insecure future than refugees. In the  
383 situation of IDPs there is the possible on going internal conflict and the fact that many  
384 governments view uprooted people as 'enemies of the state.' Another big problem for their rights  
385 thus far is that there are no international instruments to cover internally displaced persons -  
386 besides a few manifestos.  
387

388 CHR/I/3: Reporting  
389

390 Q: Why do we need to improve the reporting system?  
391

392 A: The most accurate figures are needed to determine human and financial resources; if NGOs  
393 work together before coming with their information to the High Commissioner for Refugees the  
394 data will provide a more accurate and efficient assessment. It will facilitate expeditious  
395 implementation of assistance programs.

396 Q: Why should NGOs be involved?  
397

398 A: NGOs were chosen as the medium for this program because they tend to be fair and impartial  
399 bodies, especially when part of the Global Network of NGOs for Refugee Rights (GNNGORR).  
400 NGOs within the GNNGOR largely include multilateral NGOs that are not accountable to any  
401 single national or interest group. NGOs were also chosen because the United Nations High  
402 Commissioner for Refugees is promotional and not operational. The mandate calls for  
403 coordination of international action for refugees, establishing liaisons with governments, UN  
404 specialized agencies, IGOs, and NGOs.  
405

406 Q: Why is the agenda so specific?  
407

408 A: The Commission believes that there should be an exact list of items that the reports should  
409 cover in order to increase efficiency. A part of the report will specifically look at refugee camps  
410 and another section of the report will examine the safety level of both the home and host  
411 countries, enabling the Commission to determine when it is safe for PIED to return home. Also,  
412 there is a specific section that discusses which countries are in need of assistance.  
413

414 Q: Will the initial agenda ever be modified?  
415

416 A: Yes, the set agenda is just what the commission wants to see in the report - more sections are  
417 greatly encouraged. The one outcome of the first annual Conference on Refugee Cooperation  
418 (CORECO-OP) that the Commission would like to see is precisely what the NGOs have set forth  
419 as their goals in the reports, provided it includes the agenda has been set.  
420

421 Q: What will happen after the first CORECO-OP?  
422

423 A: There will be a formal presentation to the United Nations Commission on Human Rights.  
424 This presentation will include a sample report that will illustrate the future possibilities to  
425 member states and the Commission. At this presentation there will be an outline of the reporting  
426 procedures, including a brief discussion by the NGOs (or their nominated reporter) of how a  
427 final consensus will be reached. Finally, the minutes from the first annual CORECO-OP will  
428 also be presented.  
429

430 CHR/I/4: Repatriation  
431

432 Q: What does "immediate" mean in operative clause 2 line 8?  
433

434 A: The term "immediate" implies that as soon as a country requests an investigation, the steps to  
435 implementation are initiated.  
436

437 Q: How does operative clause 3 apply when land and property have been destroyed?  
438

439 A: This resolution does not imply the rebuilding of homes or the return of destroyed property.

440 The primary focus of this clause is to allow the right to return to one's homeland.

441  
442 Q: Is the intent of operative clause 3 to provide subsidies to returnees?

443  
444 A: The issue of subsidies is not under consideration in this resolution. The objective is to  
445 reaffirm the right to return.

446  
447 Q: What type of re-integration programs are mentioned in the resolution?

448  
449 A: These programs would vary from country to country because of the focus on funding  
450 pre-established programs. This means that the type of re-integration is specific to the region and  
451 country. This does not, however, limit the implementation of new programs.

452  
453 CHR/I/5: Asylum Seekers

454  
455 Q: Who administers the programs referred to in operative clauses 1 and 2?

456  
457 A: These programs are administered nationally by the different state governments, and will  
458 therefore vary from country to country. The UN is only involved in funding these programs.

459  
460 Q: What is the meaning of "if applicable" in the operative clause 4?

461  
462 A: The term is meant to distinguish those situations in which local public and private companies  
463 have job-training programs available. This clause is meant to allow asylum-seekers the  
464 opportunity to access such programs.

465  
466 CHR/I/7: Aid Allocation

467  
468 Q: What is the meaning of an "open-ended working group" in operative clause 1?

469  
470 A: The working group is not intended to be a permanent body, but will have an indefinite period  
471 of existence in order to be able to accomplish its stated goals.

472  
473 Q: Will this increase the bureaucracy involved in aid allocation?

474  
475 A: This working group has the goal of reducing long-term bureaucracy and increasing efficiency  
476 in the process. It is a temporary group so that it can exist for as long as it needs to achieve its  
477 goals, thereby reducing the permanent bureaucracy.

478  
479 Q: Does this resolution take any responsibility for aid allocation away from the UNHCR?

480  
481 A: No, this working group is primarily a body responsible for oversight of the aid allocation  
482 process. It does not have the power to enforce changes but may make recommendations.