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HARARE INTERNATIONAL SCHOOL

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ZIMUN XI

The Cost of Innovation:

*Navigating the Ethical Responsibilities of Technological
Advancements and Societal Change for Inclusive, Sustainable
Development in a Globalised World*



*United Nations High Commissioner for Refugees
Modernising the 1951 Convention on Refugees to address
contemporary displacement challenges*

Committee: United Nations High Commissioner for Refugees

Issue: Modernising the 1951 Convention on Refugees to address contemporary displacement challenges

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Position: Chair

INTRODUCTION

The 1951 Convention on Refugees also referred to as the Geneva Convention of 28 July 1951 can be described as one of the most significant treaties established in the development of legal frameworks for the improvement of the state of refugees by the United Nations in its time. The Convention is acutely identified for its redefinition of the term “refugee” in such a way that its aim was to ensure that no refugees faced the risk of being deported to the country they would have originally fled from on grounds of discrimination or penalization.

However, though the United Nations’ creation of the 1951 Convention on Refugees ensured that its signed nations were legally bound to its expectations, definitions, and fundamentals, it does not fully adapt and in some cases no longer at all adapts to the current status quo as far as where refugees rights are in the 21st century. The Convention has been criticised for its focus and concern only on the increase of displaced people in Europe due to its adaptation of the World War II refugee crisis currently as of 2024, according to the United Nations High Commission of Refugees (UNHCR), 122.6 million people have been displaced worldwide with 65% of them stemming from places such as the Middle East (Syrian, Arab Republic), South America (Venezuela), Central Asia (Afghanistan) and Eastern Europe (Ukraine). The treaty also does not take into consideration displacements that are a product of climate change, non-state terrorism or internally displaced people which are of significance now more than ever.

DEFINITION OF KEY TERMS

- **Convention** - A legally binding document that outlines the legal protection, rights and assistance in which in this case a refugee is entitled to receive.
- **Refugee** - A person who has fled their country to escape conflict, violence or persecution and has sought safety in another country.
- **Discrimination** - The act of prejudice towards individuals that is based on their characteristics such as race, ethnicity, gender, religion, age, or sexual orientation.
- **Refoulement** - The act of sending an individual back to a country where they faced threat to their livelihood and freedom.
- **Displaced** - A term used to describe the situation or state in which people have been forcibly removed or are obligated to move from their original residence.
- **Internally Displaced People (IDPs)** - People who have been forcibly removed from their homes due to situations such as violence, natural disasters, conflict or persecution within the borders of their own country.
- **Non-State Terrorism** - Violent acts of terror orchestrated and committed by people that are not officially associated with the country or country's government.

BACKGROUND ON THE ISSUE

- The introduction of the 1951 Convention of Refugees came about due to the influx of forcibly displaced people influenced by the happenings of the Second World War (1939-1945), particularly in Europe. Though various international governments responded to this agreement, a notable number of countries particularly from the Middle East and South Asia refused to partake in its signatory.
- This was mainly due to its lack of universal inclusion in only addressing problems faced by refugees before January 1st 1951 as well as its presentation of solutions that were just not possible outside the European spec, especially in the context of some of the countries in these territories that had just gained independence and were still developing financially and administratively.

- This alone even then brought into question how best the convention would tackle contemporary displacement issues in a world outside Eurocentric colonialism.

Over time, more problems with the 1951 Convention of Refugees have come to the surface especially to do with how its definition of the term “refugee” no longer caters for upcoming issues such as the surge in populations around the world that then result in a new wave of internally displaced individuals due to overpopulation issues i.e housing shortages within a nation exposing them to increased vulnerability without them even crossing any borders. In 2005 Zimbabwe, a Southern African nation, alone recorded a grand total of 570 000 internally displaced people to which arose from the government’s destruction of illegal housing which had sprouted in various areas of the country which is a problem the 1951 Convention had evidently not considered in its definitions and solutions.

CURRENT CONTEXT

In the last recent years, more modern problems that have caused a surge in displacements have come up more frequently rendering the application of 1951’s Convention On Refugees to the 21st Century next to useless. This is due to newer pressing issues such as alarming climate change crises and the wake of life-threatening global pandemics and epidemics.

- *“Internal displacement at all-time high after an unprecedented year of crisis:*

The total number of people living in internal displacement reached a record 55 million by the end of 2020. During a year marked with intense storms and persistent conflict, 40.5 million new displacements were triggered across the world by disasters and violence, the highest annual figure recorded in a decade.” (Grid 2021, ‘Internal Displacement in a changing climate’, by INTERNAL DISPLACEMENT MONITORING CENTER IDM)

- *“Covid 19 can affect anyone. For internally displaced people (IDPs), who already have difficulty accessing housing essential services and a decent outcome, the impacts of the*

pandemic are likely to be significant. Although it is still too early to fully assess the effects of this unprecedented crisis ” (IMDC GENEVA)

However, with the significance of the gap in the 1951 Convention, there have been efforts that have been made concerning further actions that have been implemented to ensure that all displacement upcoming issues are considered and tended to though some may not be as legally binding as the convention itself.

- “The impact of the New York Declaration and the Global Compact on Refugees (GCR) on the 1951 Convention on the Status of Refugees (including the 1967 Protocol) is only just now beginning to become visible. From our perspective, the most important development the GCR constitutes is the alignment of refugee rights with human rights. The GCR commitments link together refugee protection and human rights in an UN instrument which, while not legally binding, sets out the common will of the international community.
- It is no secret that many states are failing to deliver to refugees the rights which are set out in the 1951 Convention. For example, the ongoing threat of pushback to Libya by the EU Member States constituting refoulement in breach of Article 32, the inadequacies of asylum procedures, and the detention of people seeking refugee status in contravention of Article 31.
- In addition, these same States are also failing to secure to refugees the human rights which they are obligated to uphold by their ratification of the UN Human Rights Convention. For example, the conditions within refugee camps are a breach of the prohibition on inhuman or degrading treatment, the freedom of movement, and on the treatment of children. This is the backdrop against which the GCR was developed, bringing together the rights protected under the 1951 Convention and the UN Human Rights Conventions.” (By Elspeth Guild and Kathryn Allinson, Queen Mary University of London July 20 2022)

MAJOR COUNTRIES AND ORGANIZATION INVOLVED

- **United Nations High Commissioner for Refugees (UNHCR)**

Established in 1950 by the General Assembly, the United Nations High Commissioner for Refugees is the organisation in charge of the protection and management of refugees worldwide under the UN banner. Their initial responsibility is to collect data, and protect and aid both refugees and displaced people overseeing the refugee convention.

- **Ukraine, Syria, Venezuela, Afghanistan**

These three countries have one thing in common having experienced or experienced conflict, civil unrest or war in total making up 65% of all recent refugee origins, each having over 6 million people in need of international protection under the UNHCR mandate.

TIMELINE OF KEY EVENTS

- **28 July 1951 - Introduction of the 1951 Convention on Refugees;** The Convention was a means of making sure that international countries took legal responsibility of European refugees in ensuring them equal rights to basic necessities in their countries of destination without facing discrimination or refoulement.
- **31 January 1967 - Introduction of the 1967 Protocol;** This protocol reiterated the 1951 Convention on Refugees but made note of removing the geographical limitations of the original convention. It also adjusted the definition of refugees to the status of those in that era.
- **16 September 2016 - The Establishment of The New York Declaration;** A meeting that was held by the General Assembly to address the surge in refugees and how best they would tackle and prevent their further vulnerability in foreign land after fleeing.
- **17 December 2018- The Global Compact on Refugees;** a framework that was established for more beneficial and meaningful responsibility of ensuring the rights of

refugees and sustainable solutions to their increase on a more inclusive international scale of operation.

RELEVANT UN RESOLUTIONS, TREATIES, & EVENTS

- **1951 - Refugee Convention**
- **1967 - Protocol Relating to the Status of Refugees**

PREVIOUS ATTEMPT TO SOLVE THE ISSUE

- This is to appraise the relevance of the 1951 refugee convention that is often distrusted due to several political views (*Madureira, 2018*).
- This convention is based on protecting refugees and is also specified as the effort of the UN Refugee Agency. It has basically defined the refugee as an individual who has escaped his or her nation because of a justifiable fear of oppression on the basis of 5 logical grounds called race, ethnicity, religion, membership of a specific political group or social assembly. Although, the need for assessing this convention was raised due to certain new guidelines released by UNHCR on Global defence.
- This has in turn modified the definition of a refugee and stated him or her to be someone who is also intending to flee widespread violence. Apart from this, there together exist some people who have been granted some type of security due to their attempt of fleeing equipped conflict. This raised a question on their identity as refugees(*Muller., 2018*).

POSSIBLE SOLUTIONS

- **Consideration of a new convention** that underlines the definitions of refugee and displacement in relation to what is happening currently.
- **Increased hands on international collaboration** on tackling the increase of the internally displaced.
- **Discussing more plausible solutions of handling disasters** incurred by climate change so that they have less of an impact in terms of displacement of people.

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