

Forum: General Assembly 6

Issue: Addressing the Challenges in the Implementation and Enforcement of International Refugee Law

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Introduction:

International refugee law (IRL) is a legal branch of international law that provides legal protection and rights to individuals who are forced to flee their country due to fear for their safety. The IRL was established in 1951, in the aftermath of World War II. It is governed by the 1951 Refugee Convention and is the legal framework for refugees. The fundamental principle of the 1951 Convention is non-refoulement, which illustrates that a refugee cannot be returned to a country where they face serious threats to their life. The document outlines the basic minimum standards in the treatment of refugees; the document includes housing, work and education rights.

Over time, international refugee law has expanded in both relevance and complexity. However, despite an almost universal recognition, the refugee system faces an increasing strain. As of mid 2024, the United Nations High Commissioner for Refugees (UNHCR) estimates that roughly 120 million people around the world are forcibly displaced. This marks the highest ever level recorded, highlighting the need for change.

This raises a few questions: if these legal frameworks exist, why are they still being broken? Do countries actually comply with their legal duties? And importantly, how can the enforcement and cooperation be improved without threatening state sovereignty?

While the law creates legal frameworks, countries ultimately remain in control over their systems. Hence, the gap between legal commitments and implementations continues to widen. This report aims to gather a comprehensive understanding of a convoluted topic. It aims to examine key challenges which hinder the enforcement of refugee law. Through a detailed understanding, delegates will be able to explore potential solutions diplomatically.

Definition of key terms:

Refugee: A person “forced to flee their own country and seek safety in another country. They are unable to return to their own country because of feared persecution as a result of who they are, what they believe in or say, or because of armed conflict, violence or serious public disorder.” (UNHCR)

Asylum-seeker: An asylum-seeker is someone who is seeking international protection. However, their request for refugee status is still to be fulfilled, or they have not requested asylum, but intend to do so.

Non-refoulement: A refugee should not be returned to a country where they face serious threats to their life or freedom.

Burden sharing: The principle through which the costs of granting asylum, assumed by the host state, are equitably distributed among a greater number of states.

IDPs: Internationally Displaced People have been forced to flee their homes by conflict, violence, persecution or disasters. Although unlike refugees, they remain in their own country. There are 67.8 million internally displaced persons at the end of June 2025, according to the UNHCR.

Pushbacks: A variety of state measures aimed at forcing refugees and migrants out of their territory while blocking access to the applicable legal and procedural frameworks. Pushbacks are often deemed illegal and violent.

Climate refugees: Individuals displaced due to climate change. Including but not limited to rising sea levels and natural disasters. Important to consider, but not formally recognised under current refugee law.

Background:

Historical Development of International Refugee Law:

International refugee law emerged as a response to the huge displacement following the end of World War II. The international community recognised that the existing legal systems in place

were not sufficient to protect those who were forcibly displaced from their original countries. As a result, the 1951 Refugee Convention was established in an attempt to address these gaps.

Initially, the Convention only applied to people displaced within Europe before 1951. However, the adoption of the 1967 Protocol extended the scope internationally, removing its temporal and geographical limitations.

To aid the implementation of these legal frameworks, the UNHCR, the UN Refugee Agency, was created. To date, they are a global organisation dedicated to protecting people forced to flee. According to the UNHCR, they lead international action to protect refugees, deliver life-saving assistance, help ensure fundamental human rights, and develop solutions that ensure people have a safe place to call home where they can build a better future. Their mandate within the UN was made permanent in 2003 by the General Assembly due to the increasing number of new refugee crises. Currently, the UNHCR has 14,600 personnel working in 128 countries. Statistically, they have helped more than 50 million refugees to successfully restart their lives and continue to protect and support the 177.3 million people who are currently displaced.

Over time, the international refugee law has been reinforced by additional agreements, particularly the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. However, despite these expansions, the definition of a refugee has remained largely unchanged, creating tensions between the original legal framework and modern forms of displacement.

Evolution of Global Displacement:

Global displacement has evolved significantly since the establishment of international refugee law in 1951. This evolution reflects broader changes in political, economic and climatic aspects.

In the decades following WWII, displacements were largely in Europe. Hence, the system established in 1951 was designed to address relatively short-term, state-based crises.

Before the 20th century era, displacement was typically driven by religion, expansion and war, but it remained relatively limited in scale and largely unregulated. For example, in the seventeenth century, Huguenots left France because religious beliefs led to persecution, and colonial conflicts in the 19th century displaced populations across Africa and Asia. Overall,

these movements were not supported or governed by any legal frameworks. This made the response to refugees dependent on the state in which they were located.

The early 20th century marked a turning point in the development of modern displacement. Between 1914 and 1923, a series of major events occurred, including World War I, the Russian Revolution and the forced population exchanges between Greece and Turkey. Additionally, the mass killing of Armenians in 1915 led to widespread forced migration. These case studies illustrate how ethnic and religious violence generate large numbers of refugees. In combination with WWII, the events contributed to the concept of a “refugee” on an international scale.

Following WWII, approximately 40 million people were displaced. This unpredicted humanitarian crisis exposed a major gap in existing international law, leading to the modern refugee protection program. At the same time, many countries introduced stricter border controls. For example, the United States significantly limited refugee admissions during and after WWII through restrictive quotas that prevented many Jewish refugees from entering the country.

During the Cold War, displacement became more recognised and politically complicated. The conflicts in Vietnam, Afghanistan, and Latin America produced a large number of refugees, while tensions continued to be reflected in changes to policies. The 1990s introduced a new pattern of intra-state conflicts, which included the Rwandan Genocide in 1994 and the Balkan wars, leading to longer periods of displacement.

In 2015, the European migration crisis marked another turning point as over 1 million refugees flocked to Europe, clearly highlighting the divisions between the beliefs of the European Union (EU) and leading to stricter asylum policies.

In recent years, displacement has been driven through a combination of conflict, climate change and economic instability. Climate change has emerged as a significant factor due to global warming, producing a plethora of natural disasters. These “new” kinds of displacements do not cleanly fit into legal definitions of persecution. There is no legal definition for a “climate refugee” as mentioned earlier. However, it remains a crisis nonetheless. One example is in Myanmar in 2015, when nearly a million people fled their homes due to monsoon flooding.

In a modern world, refugees today use digital tools to navigate crossings and borders, and to maintain contact with loved ones. While advancements are being made to ensure safer refugee

travel and asylum passage, there is a surge in modern conflicts and situations which put countries in awkward positions. Often, the 1951 Convention does not have the flexibility to adapt to current circumstances, as refugees are displaced without aid or asylum passage, causing ethical concerns to arise.

Scale of Current Crisis:

At the end of 2024, according to the UNHCR, an estimated 123.2 million people worldwide were forcibly displaced. This is an increase of 7 million people, or 6%, compared to the previous statistic recorded in 2023. Hence, over the last decade, displacement has almost doubled. The following data is accurate as of the end of 2024:

- 67% of all refugees originated from Venezuela, Syrian Arab Republic, Ukraine, Afghanistan and Sudan.
- 34% of all refugees are hosted in Colombia, Germany, Türkiye, the Islamic Republic of Iran and Uganda.
- 49 million (40%) of all refugees are children or below 18 years of age.
- 2.3 million children were born as refugees. From 2018–2024, an average of 337,800 children were born as refugees per year.
- 71% of refugees are hosted in low and middle-income countries. Surprisingly, the least developed countries (LEDCs) provided asylum to 25% of the total.
- It is reported that 4.4 million people are deemed stateless. However, the true global figure is estimated to be far higher.
- 66% of refugees are hosted in neighbouring countries.

Core Challenges in Implementation and Enforcement:

1. **Weak enforcement:** There is no central, globally recognised “police” or court in place to enforce refugee law. This results in international law being dependent on state consent and cooperation. However, this often leads to exploitation of legal systems or blatant illegal activities. The UNHCR has the ability to monitor and support refugees in countries across the world. However, they do not have the ability to punish violations. Examples of weak

enforcement include pushbacks at borders or illegal deportations. This results in states interpreting rules differently and in inconsistent ways of dealing with refugees globally.

2. Sovereignty vs Obligations: Each state legally controls borders, immigration laws and asylum systems. Therefore, each state has the necessary procedures in place to grant or deny asylum. This creates a conflict between national security and humanitarian concerns. This is seen in the European Union 2015 crisis, or the numerous border closures. Overall, governments are significantly affected by elections, public opinion, and economic concerns, which results in the key issue that international law cannot override sovereignty.

3. Unequal Burden Sharing: Statistically, 75% of refugees are hosted by developing countries (UNHCR). Major host countries include Colombia, Germany, Türkiye, the Islamic Republic of Iran and Uganda. Therefore, more economically developed nations take fewer refugees and instead provide financial aid. The problems arise when camps become overcrowded, and pressure is imposed to meet healthcare and education standards.

4. Legal Gaps: The 1951 Convention remains largely focused on persecution. Due to modernised problems, the Convention lacks key details relating to climate refugees, economic collapse and generalised violence. As a result, many people fall outside the legal boundaries for protection.

5. Political Pressures: Migration is a political issue as governments respond to public fear, media and elections, which have historically swayed legal action. Examples include the United States asylum restrictions or the European anti-immigration policies. Political pressures result in a reduced number of refugee intakes and stricter border policies. The overall problem arises when politics overrides law.

Timeline of Key Events

Year / Period	Event & Significance
1918	World War I caused large scale displacement across Europe, marking the emergence of modern refugee crises.
1945	World War II led to approximately 40 million displaced persons.

1950	Establishment of the United Nations High Commissioner for Refugees (UNHCR).
1951	Adoption of the 1951 Refugee Convention.
1967	Adoption of the 1967 Protocol expanding refugee protection globally.
1994	The Rwandan Genocide resulted in a mass displacement of approximately 2 million people.
2001	Post 9/11 policies led to stricter security at migration and stricter border controls.
2011	The Syrian Civil War begins, becoming one of the largest sources of refugees globally.
2015	European Migration Crisis exposes major gaps in asylum systems.
2022	Russian invasion of Ukraine creates one of the fastest displacement crises in history.
2024	Global displacement reaches approximately 120 million people.

Major parties involved:

United Nations High Commissioner for Refugees (UNHCR): Established in 1950, UNHCR serves as the main UN body responsible for refugee protection. Its mandate is to provide humanitarian assistance, including food, shelter and healthcare, supporting resettlement and monitoring refugee situations on a global scale. The UNHCR are also vital in publishing key refugee-related data. They aim to ensure the protection of refugee rights and promote international cooperation. The UNHCR has a strong influence in global discussions, but they lack the ability to enforce international law. In recent years, the funding provided to the UNHCR has reduced, making the UNHCR heavily reliant on state funding and cooperation.

European Union: The EU is very significant, with a major role in asylum policies, particularly due to its geographic location. The EU operates a Common European Asylum System (CEAS) with the goal of standardising asylum procedures across member states. The European Union’s interests are founded in migration flows, internal stability and borders. In 2015, the EU experienced a huge crisis as over 1 million refugees entered Europe. While countries such as

Germany accepted a large number of refugees, others imposed stricter border controls or refused the reallocation quotas. This exposed major weaknesses in burden-sharing and the disagreement between member states. The EU has also engaged in externalisation policies (e.g., the EU-Turkey agreement), including agreements with third-world countries to mitigate migration flows. Nonetheless, there is a clear lack of unity, which weakens the effectiveness of the EU.

Turkey: Turkey is currently the largest refugee-hosting country in the world. They host millions of Syrian refugees from the Syrian Civil War. Turkey aims to manage the refugee population, provide economic and social stability and use political leverage internationally. Turkey has made huge progress in providing necessities to refugees, including shelter, healthcare and education. They continue to cooperate with the EU to limit migration flows. While Turkey has a strategic geopolitical position, they take on an increased economic and political strain. Its capacity to host refugees is limited, further highlighting the broader issue of unequal burden sharing.

United States: The United States of America is a major global actor in refugee policy through asylum systems and its influence on international frameworks. Historically, the US has been a large resettlement country for refugees. The interest of the US is to ensure national security, migration control, and to retain its international influence. They have provided funding for numerous refugee programs and implemented asylum policies. However, in recent years, the US has imposed stricter border and migration measures. Hence, while the US has a strong economic and political position, they lack policy consistency due to political changes.

Amnesty International & Human Rights Watch: Non-governmental organisations (NGOs) play an essential role in monitoring and advocating for the rights of refugees. These organisations focus on protecting refugee rights and holding governments accountable for their actions. NGOs are very active in publishing reports on violations. They are also critical in investigating pushbacks and influencing global opinion. Even though they have no legal enforcement power, NGOs have a strong advocacy and awareness impact in exposing gaps between legal commitments and real-world practices.

International Organisation for Migration (IOM): IOM is a UN agency focused on the migration of individuals across the globe. They serve to manage migration flows and support displaced populations. While IOM is not a specific refugee organisation, they do provide logistics and humanitarian assistance. Furthermore, they work cooperatively with governments and assist in

resettlement programs. The IOM has a strong operational role but lacks focus on legal enforcement and defining refugee law.

Relevant UN treaties, resolutions, and reports:

1948 Universal Declaration of Human Rights: Article 14 provides the right to seek asylum. The declaration is not legally binding but provides a moral and legal foundation for refugee protection.

1950 UN General Assembly Resolution 428(V): Established the UNHCR and defined its mandate to protect refugees and coordinate international response.

1951 Refugee Convention: The core legal framework of international refugee law. Defines who qualifies as a refugee and establishes their key rights. Introduces the term non-refoulement.

1966 International Covenant on Civil and Political Rights: This covenant protects the right to life and the freedom from torture. It also makes it legally binding for signatory states.

1967 Protocol Relating to the Status of Refugees: Removes the geographic limitation and time limitation of the 1951 Refugee Convention. It makes refugee protection global and is still used as a foundation to date.

1984 Convention Against Torture: Prohibits returning individuals to countries where they risk torture, legally binding.

2016 New York Declaration for Refugees and Migrants: Recognised the need for a global response to displacement and paved the way for the creation of the Global Compact on Refugees.

2018 Global Compact on Refugees: Improves burden sharing and international cooperation.

2024 UNHCR Global Trends Report: The latest report from the UNHCR providing key statistics on global displacement, along with trends and analysis.

Previous attempts to solve the issue:

Previous Attempt 1: Global Compact on Refugees (2018): After 2 years of consultations with member states, international organisations, refugees, civil society, the private sector and experts, the Global Compact on Refugees in 2018 was adopted by the United Nations General Assembly. It is a significant recent effort to improve the international response to forced displacement. Coordinated by the UNHCR, the compact aims to strengthen international cooperation. It provides a blueprint for governments, international organisations and other stakeholders to ensure that host communities get the support they need and that the refugees can live fruitful, productive lives. The four key objectives of the compact are to ease the pressure on host countries, enhance refugee self-reliance, expand access to third-country solutions and support conditions in countries of origin for return in safety and dignity. The Global Compact had numerous limitations which reduced its effectiveness. Most importantly, the compact is non-binding, making states not legally required to comply. The whole compact also relies on voluntary contributions with no enforcement mechanisms, which leads to unequal participation from countries.

Previous Attempt 2: EU Relocation Schemes (2015): In a response to the 2015 European migration crisis, the European Union introduced relocation schemes aimed at distributing asylum seekers across countries in Europe. The plan intended to reduce the pressure on countries with a large number of refugees, like Greece or Italy, as they received a majority of arrivals. In this system, the refugees would be relocated to other EU countries based on quotas, creating balanced responsibility between countries. However, there was strong political resistance from member states as some countries refused to accept the quotas. The lack of enforcement created non-compliance. Even when refugees were being relocated, countries were not speedy and efficient in ensuring the functioning of the scheme, in particular in relation to systematic security checks and the quality of the information sent to member states of relocation.

Previous Attempt 3: EU-Turkey Deal (2016): The EU-Turkey Deal was established in 2016 between the EU and Turkey. It aimed to reduce the irregular migration into Europe by outsourcing the migration control. According to the EU-Turkey Statement, all new irregular migrants and asylum seekers arriving from Turkey to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey. This agreement

followed a series of meetings with Turkey since November 2015. In addition, there were numerous measures in the deal, including financial support, developing relations, and the fulfilment of the visa liberalisation roadmap. While this attempt seemed viable, it was criticised for outsourcing responsibility, raising human rights violations and critically, does not address the root causes of displacement by creating dependency on third-world countries.

Possible solutions:

Possible Solution 1: In order to address the legal challenges imposed by the modern refugee crisis, it is essential to implement real transparency between countries. One of the most effective ways to address the challenges associated with international refugee law is to strengthen the accountability and enforcement mechanisms. While organisations like the UNHCR play an important role in the monitoring of situations, they lack the funding and authority to ensure compliance. Delegates must consider the development of monitoring frameworks, how they are implemented and the measurable outcomes they produce. It is encouraged that delegates coincide with periodic review systems or reporting mechanisms that will aid transparency and accountability. Furthermore, introducing incentives for compliance or consequences for violation could potentially encourage states to adhere more closely to their obligations, but the sovereignty and independence of each state should still be respected.

Possible Solution 2: A key issue for delegates to consider is the unequal distribution of responsibility among states. Hence, delegates should explore ways to distribute burdens through more equitable frameworks. This could include financial compensation, expanding existing resettlement programs or enhancing global cooperation through agreements like the Global Compact on Refugees.

Possible Solution 3: Delegates must consider the modern aspect of displacement. The legal frameworks are recommended to be updated for the international refugee law. Delegates should consider expanding definitions to include instances like climate change, environmental disasters and generalised violence. However, there needs to be careful consideration for state capacity and the implications it would have for the asylum systems.

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