

**Forum:** Legal Committee

**Issue:** Achieving humanitarian standards in refugee camps across North Africa

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**Position:** Deputy Chair

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## Introduction

As a disproportionately legal crisis rather than a solely humanitarian one, achieving humanitarian standards in refugee camps throughout North Africa is bogged down by legal complexities surrounding refugees themselves. Yet millions of refugees and asylum seekers in the region remain in a limbo of legal uncertainty, without formal recognition, access to due process or basic rights, despite the existence of international treaties, regional agreements and national legal frameworks. For years, North Africa has been a major transit and destination region for banner-displaced populations fleeing conflict, political persecution and economic instability. Instead of being afforded the protections provided for by the 1951 Refugee Convention, the 1969 OAU Refugee Convention, and international human rights law, however, many refugees instead face detention, forced expulsions, and total denial of access to asylum procedures. How refugee camps in the region — designed as short-term humanitarian responses — have turned into permanent residences, and where legal rights are systematically denied — has created a pressing need for legal reforms, stronger enforcement mechanisms, and greater judicial oversight. The inconsistencies in national policies, lack of adherence to international law, and lack of legal accountability for human rights abuses create a challenge for the institution of refugee protection in North Africa. Tunisia and Libya have never ratified the 1951 Refugee Convention, and countries like Egypt, Algeria, Chad and Sudan — all signatories — regularly fall short in implementing its provisions in practice. In the region, many who seek asylum are never afforded a fair chance at their carving out their case — instead, they are often held indefinitely, or deported outright, without proper legal proceedings. Additionally, the non-refoulement principle, central to international refugee law, is often not respected, as refugees are returned to countries where they face persecution or serious harm. The brutally coercive detention of refugees in overcrowded, unsanitary, and dangerous conditions—where many of those doing the detention are state and non-state actors in Libya—is widely condemned but continues with little by way of legal oversight. To make matters worse, the EU's (European Union) externalization of migration policies that include bilateral agreements with North African states focusing more on ensuring border security and less on upholding legal protections, lays bare the complicity of international actors in legal violations. The absence of a comprehensive legal architecture for asylum processing, refugee status determination, and access to justice has left refugees in a situation akin to statelessness, with no enforceable rights. This is clearly an issue of admissibility, which is entirely squarely within the mandate of the Legal Committee, because it directly relates to the interpretation,

implementation and enforcement of international refugee law. The denial of refugees' legal protections in North Africa is a foundational violation of international obligations and a repudiation of the integrity of the global legal order. The best solutions involve strengthening legal frameworks, state accountability, and judicial oversight and enforcement mechanisms to address these concerns. The international community should not only respond to the urgent humanitarian needs of refugees living in host countries, but should also search for sustainable legal, systemic, and political solutions that ensure refugees are afforded their rights under international law.

## Definition of Key Terms

**Complementary Protection:** *“Mechanisms used by states to regularize the stay of persons found to fall outside the scope of the Refugee Convention but who are nevertheless in need of international protection.”* (International Rescue Committee)

**Complementary Pathways:** *“These may include family reunification, scholarship, education, and private or community sponsorship programs, as well as labor mobility schemes.”* (International Rescue Committee)

**Environmental Migrant:** *“Persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.”* (International Organization for Migration)

**First Country of Asylum:** *“A procedure wherein a state determines that an asylum seeker should be denied access to its refugee status determination procedures on the basis that they have already found protection in another country, can return there, and can avail themselves of such protection, including benefiting from the principle of non-refoulement.”* (International Rescue Committee) <sup>[60]</sup>

**Safe Country of Origin:** *“A concept applied in refugee status determination procedures whereby an asylum seeker’s application may be determined under accelerated procedures on the basis that they come from a country where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in the EU Qualifications Directive, no torture or inhuman or degrading treatment or punishment, and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.”* (International Rescue Committee) <sup>[61]</sup>

**Safe Third Country:** *“A third country that treats a person seeking international protection in accordance with key principles: life and liberty are not threatened on account of a protected ground, there is no risk of serious harm, the principle of non-refoulement is respected, and the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the 1951 Convention and 1967 Protocol.”* (International Rescue Committee)

**Statelessness:** *“Refers to when a person is not considered as a national by any state under operation of its law.”* (International Rescue Committee)

**Subsidiary Protection:** *“A form of international protection granted in some countries to persons found not to meet the Refugee Convention definition of a refugee but who face a real risk of serious harm in their country of origin or country of former habitual residence.”* (International Rescue Committee)

**Trafficking in Persons:** *“The recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, for the purpose of exploitation.”* (International Organization for Migration)

**Unaccompanied Children:** *“Children, as defined in article 1 of the Convention on the Rights of the Child as people under the age of 18, who are outside their country of origin and have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.”* (International Rescue Committee)

## General Overview

### Legal Frameworks Governing Refugee Protections in North Africa

While the legal foundation for bolstering refugee protections in North Africa has evolved over decades and in direct response to global and regional development, the implementation of these frameworks remains highly variable. Refugee protections date back to the early humanitarian needs in the wake of the end of World War II and the establishment of the 1951 Refugee Convention, which assigned this task to the United Nations High Commissioner for Refugees (UNHCR), the first office responsible for refugee rights. The convention framed refugees as people seeking to escape persecution based on race, religion, nationality, political opinion or membership in a particular social group and laid down in essential terms the necessary legal protections, such as the principle of non-refoulement, which forbids returning refugees to countries where they risk such persecution. But the framework initially covered only Europeans when seeking refugees in Europe and was subsequently extended to the rest of the world with the 1967 Protocol, which North African states were urged to ratify. However, enforcement remains patchy across the region. Libya and Tunisia have never signed the convention and largely fail to abide by it, as do states such as Egypt, Algeria, Chad and Sudan that are signing parties but often don't have the economic wherewithal, political stability or judicial oversight to respect their legal obligations. And as increasing displacement across Africa was fuelled by post-colonial conflicts and political instability, regional leaders were quick to see that the global 1951 Refugee Convention did not meet the continent's specific challenges and needs. In reaction, the OAU passed the 1969 OAU Refugee Convention, a revolutionizing document that expanded the term of refugee

from simply those suffering persecution to additionally include individuals fleeing through generalized violence, external aggression, and disturbances in public order. This broadened definition would prove especially consequential for North Africa — a part of the world that, over the following decades, would become a site of mass displacement spurred by struggles over decolonization, civil wars and military coups. During the 1970s and 1980s, conflicts like the Western Sahara dispute between Morocco and the Polisario Front, the Chadian Civil War, and chronic instability in Sudan generated massive refugee flows that exerted growing pressures on national governments. Although the OAU Convention had wider guarantees, it had more teeth, and many states in North Africa implemented ambiguous asylum policies that didn't protect displaced persons. By the 1990s and 2000s, North Africa had become a key transit area for refugees and migrants — especially from Sub-Saharan Africa and the Middle East — fleeing economic crises and regional conflicts as well as a collapse of good governance in neighboring countries. The conflict in Darfur, Sudan (2003–present) and the Tuareg rebellions in Mali and Niger displaced hundreds of thousands of refugees into Chad, Libya and Algeria, exposing massive gaps in legal protections. While UNHCR and humanitarian organizations worked to introduce legal safeguards, national governments in many cases viewed international interference in migration policy with skepticism, arguing that national sovereignty and national security interests trumped international legal interventions. The 2000s also witnessed the emergence of tighter migration policies in North Africa — especially as states in Europe coaxed governments in the region to stem the tide of refugees heading for European Mediterranean borders. Refugees from North Africa — resulting from the Arab Spring uprisings of 2011 — exacerbated the situation further. The toppling of Muammar Gaddafi's regime in Libya left behind a power vacuum that turned the country into a lawless migration corridor, where refugees and migrants became victims of human traffickers, forced labor and arbitrary detention. Amidst increasing rates of displacement from Libya, Syria and Yemen, the African Union tried to put in place stronger legal protections by signing the 2009 Kampala Convention on Internally Displaced Persons (IDPs), which sought to formalize a regional legal framework on IDP rights and state obligations. Its impact in North Africa has been limited, as governments generally show little political will or ability to implement its provisions. Recent legal updates on refugee protection are influenced by the Sudanese Civil War (2023–present) and the rising flow of arrivals from Tunisia and Algeria. They explain the impact on human beings: The current war in Sudan has resulted in more than 7 million displaced persons; more than 1.5 million refugees have fled to neighboring Chad, Egypt and Libya, where increasingly restrictive policies and declining humanitarian conditions make access to services for displaced communities more difficult. Tunisia in particular has toughened its position on migration, expelling refugees to the desert and declining to process asylum claims, even as international criticism has built. Libya, meanwhile, has created detention centers for refugees to which they are dispatched upon interception by the EU that have been condemned internationally for rights violations, with significant implications regarding the EU's degree of complicity in violating the non-refoulement principle. However, the implementation of international refugee law in North Africa is limited by weak enforcement mechanisms in many countries, as well as by political instability and competing national interests that have undermined this goal, according to UNHCR and IOM as well as the African Union itself. The asylum system in North

Africa reflects the gap between international legal obligations and national policy. Although such legal tools — such as the 1951 Refugee Convention, the 1969 OAU Convention and the Geneva Conventions — exist on paper, the reality of their application is severely weak, especially where it matters most. Refugees across the region now find themselves trapped in legal limbo, denied asylum and legal representation, and official recognition, which makes them vulnerable to deportation, detention, and exploitation. The neglect of international refugee law is not merely a humanitarian crisis; it is also a crisis of law, threatening to undermine the rule of law, state accountability, and regional cooperation. Tackling these issues calls for more robust enforcement mechanisms, independent judicial oversight, and consistent international pressure on states failing to comply with their obligations, thus ensuring that refugees in North Africa are granted the protection to which they are entitled under international and regional law.

### **Violations of Refugee Rights and Legal Barriers in North Africa**

Yes, there are legal frameworks at international and regional levels designed to protect the rights of refugees. As such, the provisions of the 1951 Refugee Convention and the 1969 OAU Refugee Convention are not implemented in many states where mass expulsions, indefinite detentions, and denial of basic rights, are rampant. But perhaps the most serious violation is the principle of non-refoulement, which prohibits returning refugees to places where they could be in danger. But Tunisia routinely expels refugees into desert areas and offers no legal hearings, and Libya locks migrant refugees into facilities known for torture and forced labor. Such practices contravene multiple international treaties, including the Geneva Conventions and the Convention Against Torture, yet legal accountability is all but absent. Disfunctional asylum systems are another legal roadblock in the region. The implementation of national asylum procedures is a significant challenge for UNHCR at a time when many North African states do not have formal national refugee laws. Maayeh says countries like Libya and Algeria do not acknowledge refugee status, and view those seeking asylum as illegal migrants — resulting in mass arrests, deportations and indefinite detentions. Even in Egypt, which hosts an UNHCR office that is among the organization's most important, bureaucratic holdups and strict work-permit rules mean refugees have no obvious legal path to protection. The plight of refugees in North Africa—who live in cramped and unsanitary conditions, without trial and legal representation—has not disappeared even as most media outlets close the book on a decade-long migration cycle: one of the most blatant human rights violations such as detention in Libya persists. UNHCR, Amnesty International and Human Rights Watch have denounced systematic abuses in Libyan detention centers — the majority controlled by militias — including torture, sexual violence and extrajudicial killings, but efforts to prosecute those crimes have been largely ineffective. As well as detention, refugees face dire legal barriers to education, healthcare and work, leaving them open to exploitation and even human trafficking. Many countries hosting refugees prevent them from legally working, in breach of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Many refugee children, for example, have no access to school, an outright breach of the Convention on the Rights of the Child (CRC). Despite efforts by UNHCR and UNICEF to introduce education programs targeting refugees, these are poorly funded and national governments are unwilling to

include refugees in their education systems. Maybe the most troubling is lack of legal accountability. Cases based on refugee rights are rarely recognized in the courts of Egypt, Libya and Algeria, leaving asylum seekers without legal recourse when they are detained or deported. The African Court on Human and Peoples' Rights has proved ineffectual against governments ignoring legal safeguards, and, while the International Criminal Court (ICC) has jurisdiction over crimes against humanity, which include abuses of refugees, very few cases have been prosecuted. There have been occasional rulings by European courts over non-refoulement violations, but the EU's migration deals with North African states have insulated governments from accountability. These violations have their origins in decades of inhuman migration policies, political instability and EU external pressure to combat migration flows. This worsening geometric tragedy is consistent with a world trend, especially after the crucial events of the 2011 Arab Spring, the 2015 European migration crisis, and the 2023 Sudanese Civil War, in which governments seem to be risking their dignity to be more concerned with the surveillance and security of their borders, than with the rights of refugees. In the absence of legal reforms, stronger enforcement mechanisms, and independent judicial oversight, refugees in North Africa will continue to suffer systematic legal exclusion, human rights abuses and indefinite displacement with no access to protection or justice.

### **Host Countries' Legal Responsibilities and Policy Challenges**

North African host countries have rights and responsibilities toward refugees under long-standing international and regional treaties, yet uneven policies, lack of enforcement and political expediencies erode their commitments. Most states have ratified the 1951 Refugee Convention (Libya and Tunisia are exceptions) as well as the 1969 OAU Refugee Convention, but few have functional national asylum systems; UNHCR remains in charge of registering refugees, with limited authority to adjudicate asylum requests. Consequently, refugees have no formal status or legal protection and no access to basic rights, making them vulnerable to arbitrary detention, deportation, and exploitation. Expulsions, detaining migrants and border policies remain central legal issues. Tunisia and Algeria have forcibly deported refugees into the desert, without legal proceedings, while Libya detains refugees it intercepts in militia-run facilities that are well-documented for human rights abuses. Egypt, which hosts a large refugee population, imposes strict residency and employment restrictions, forcing many to take informal and exploitative jobs. Instead of ensuring legal protection, these states criminalize migration and violate the principle of non-refoulement and several international human rights treaties. Governments often justify these restrictive policies by reference to economic strain and a burden on already affected or under-resourced economies and infrastructure. Instead, nations such as Algeria systematically refuse to offer refugees work permits and force their people into informal, unregulated work, in violation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Meanwhile, Libya, Tunisia and Algeria continue to base their response to irregular migration primarily on detention, relative to which abuses, forced labor and the lack of due process guarantees have been documented. Despite regional and international initiatives, existing legal safeguards are largely ineffectual. The African Union's legal instruments, including the Kampala Convention, do not have enforcement power, while the African Court on Human and Peoples' Rights

has been unable to hold states accountable. Bilateral pacts between the EU and North African countries have emphasized border security over fair processes for asylum seekers, creating a system that rewards containment rather than protection. The transition from protection to deterrence of refugees has only accelerated, and especially since the Arab Spring of 2011 and the European migration crisis of 2015. Now, millions are displaced by the 2023 Sudanese Civil War, and urban refugees are greeted with no structured asylum procedures, while humanitarian conditions are deteriorating. Without legal reform, rigorous oversight, and international accountability, refugees in North Africa will continue to face systematic exclusion, detention, and human rights violations, and to be denied any route to protection or justice.

### **The Role of International and Regional Legal Mechanisms**

This responsibility to protect refugees does not lie only with North African states—international and regional legal frameworks are essential for monitoring, enforcement, and for holding governments to account for their obligations under refugee law. Yet those mechanisms have weak enforcement, while overcoming political resistance and conflicting national interests are difficult. Though accountability institutions like UNHCR and the African Union (AU), the African Court on Human and Peoples' Rights and the International Criminal Court (ICC) have the legal authority to monitor the protection of refugees, host states that are uncooperative can undermine their efficacy. Meanwhile, EU migration deals with North African states have prioritized border security over the rights of refugees, which are in serious breach of international law. As the international body charged with protecting refugees, UNHCR operates throughout North Africa with limited powers and resources. While the agency handles the registration of asylum seekers, resettlement and monitoring conditions for refugees, many governments unduly limit its work, place bounds on its access to detention centers or challenge its decisions on refugee status. In countries like Libya and Algeria, where there is no official asylum system, UNHCR has little authority to enforce refugee rights, and many asylum seekers are therefore left stuck in legal limbo without recognition or protection. In Egypt, where refugee status determination is the responsibility of UNHCR, excessive bureaucratic delays and government-placed constraints have limited its effectiveness. In response to these challenges the Organization of African Unity (OAU) initiated the 1969 OAU Refugee Convention, and the AU established the 2009 Kampala Convention for the needs of Internally Displaced Persons (IDPs). While these frameworks give advocates a legal basis for holding states accountable, these documents afford far fewer protections than the 1951 Refugee Convention, are non-binding and lack enforcement mechanisms — meaning that refugees whose rights are violated have few legal options. Another potentially useful avenue for legal redress is the African Court on Human and Peoples' Rights, which was created by the African Charter on Human and Peoples' Rights. But few such cases are ever heard, and even fewer yield enforceable judgments because of procedural hurdles, political interference and the court's lack of enforcement powers. Internationally, there is a framework at the International Criminal Court (ICC) to prosecute crimes against humanity which encompasses genocidal persecution against refugees as well as forcible displacement. Prosecutions of refugee mistreatment in North Africa have been virtually

nonexistent, though there has been extensive documentation of widespread abuse, forced labor and extrajudicial killings in Libyan detention centers. This willingness to even consider the idea of entering into the jurisdiction of the ICC to investigate crimes against refugees is symptomatic of a much broader moral failure of international law to enable accountability for human rights abuses: facile jurisdictional limitations, sectoral international instruments, ambiguous and conflicted definitions and the placing of profits over people. At the same time, the European Union (EU) has been one of the major blocks influencing refugee policies in North Africa, through bilateral agreements on the management of migration. Programs like the EU-Libya migration pact have faced criticism for indirectly financing detention facilities in which abuse of refugees is rampant. The EU has so far consolidated its policies that contravene international refugee law by offering legal immunity to North African states and by facilitating border control measures and closures of departure routes to Europe. Even if some European courts have ruled against practices of refoulement, EU agreements with North African governments make containment more important than protection, preventing lawyers to hot-spots from doing their job and effectively serving refugees. The failure of international and regional legal mechanisms to restore refugee rights in North Africa is symptomatic of a larger dysfunction in global refugee governance. Even with international treaties, monitoring bodies and judicial institutions, there are no enforcement mechanisms, host states focus on political viability over legal compliance (no country has ratified the protocol that would create legal status and the right to exit for refugees) and, with some exceptions, political pressure means legal breaches are permitted and go without sanction. Without stronger legal oversight, effective international accountability measures, and political will to uphold refugee protections, North Africa risked becoming a region where legal frameworks exist only on paper but do not translate into justice on the ground. The EU, specifically, must fill these legal gaps by not only strengthening and expanding enforcement mechanisms, but also enabling judicial bodies to prosecute breaches in refugees rights, and ensuring refugee rights prevail over migration control policies.

### **The Impact of Legal Failures on Refugees and Broader Regional Stability**

This systemic failure is mutually beneficial both for state and non-state actors, yet it exacerbates instability across the North African region. Backlogged asylum systems, migration criminalisation and a chronic lack of legal accountability create a prolonged state of legal limbo for refugees, with grave consequences for both refugees and host states. As governing authorities hold national security and migration deterrence over legal and moral obligations, the secular humanitarian crisis in refugee camps and detention facilities poses a growing risk to regional security, breeding human trafficking networks and exacerbating socio-economic tensions between refugees and host communities alike. They are often pushed into informal economies lacking legal recognition and protections from exploitation, child labor, and trafficking. Without the ability to work legally or go to school, refugees often find themselves trapped in cycles of poverty and reliance on humanitarian aid, straining host countries that do not have the resources to support them. Not only does this informal exclusion deprive refugees of the opportunity to contribute to local economies, it also



compounds social tensions in the host countries, especially in Egypt, Algeria and Tunisia, where economic conditions are fragile. Marco Pavan, an international development expert who works with refugees in these countries, says it's likely conditions will worsen in other parts of Africa, as displaced populations pour into impoverished countries with few resources, raising the potential for violent clashes between refugees and host communities. The legal vacuum on the refugee protections has also enabled the proliferation of human smuggling and trafficking networks. And the most vulnerable have been left to the mercy of traffickers; Lebanon is a key transit country for East European and South American migrants trying to reach Europe. Unable to obtain legal status, refugees often fall prey to smugglers promising safe passage across the Mediterranean, only to be driven into forced labor, sexual exploitation or punishment. Legal migration pathways have failed to create safe routes, leaving refugees at the mercy of smugglers, contributing to rising deaths on perilous migration routes, and consolidating networks for organised crime. And the lack of a coherent legal regime for refugees has also played a role in political instability throughout North Africa, beyond its humanitarian and economic implications. Interior ministries have weaponised refugee movements and humanitarian crises as bargaining chips for the EU funding, or scapegoats for internal discontent. Crackdowns on refugees in Tunisia and Libya have been used to pander to nationalist sentiments, while in Sudan and Chad, armed groups have penetrated refugee camps for recruitment, leading to more violence in ongoing conflicts. It has left more than a few refugees suffering worse than they need to and, worst of all, open to being used as pawns on the geopolitical chessboard. Through a post-colonial displacement and contemporary migration crisis lens, North African refugee policies history shows the same underlined pattern of failure, malfunctioning, neglect, and political exploitation. If legal frameworks are not amended and enforcement mechanisms not reinforced, then the ongoing disregard for refugee rights will only serve to increase regional destabilization, empower illegal networks and extend the humanitarian calamity. Filling these legal lacuna is not just a moral or humanitarian duty, but a critical factor to North Africa's future long term stability, economic resilience, and security itself.

## **Major Parties Involved and Their Views**

### **Egypt**

Egypt is one of North Africa's biggest refugee-hosting countries, with displaced communities from Sudan, Syria and Eritrea. While Egypt ratified the 1951 Refugee Convention, refugees are subject to severe restrictions on employment, education and residency. UNHCR is tasked with refugee status determination, though bureaucratic delays and security risks have limited asylum access.

### **Libya**

Libya does not have an official asylum system and is not a party to the 1951 Refugee Convention. In militia-controlled detention centers in Libya, refugees are subject to grave abuses, including forced

labor, torture and sexual violence. The Libyan Coast Guard, trained and equipped with EU funding, intercepts migrants at sea and returns them to these centers -- a practice that has drawn international condemnation.

### **Tunisia**

Tunisia has not signed the 1951 Refugee Convention and does not have a formal asylum process. In the past few years, Tunisia has forcibly pushed refugees into the desert, where they have gone without food or shelter. While the country is receiving EU funding to bolster its border security, it has been accused of putting the goal of mitigating migration above protections for would-be refugees.

### **Algeria**

Algeria has long welcomed Saharan and sub-Saharan refugees, but does not have an official asylum system. The government has been accused of expelling block refugees to and from the desert, including refugees from Mali and Niger. These policies however do not prevent Algeria from becoming an important transit country for refugees hoping to cross into Libya and Tunisia.

### **Chad**

Chad is among the continent's biggest refugee-hosting countries and has taken in many fleeing both Sudan and the Central African Republic. Although Chad is permissive to UNHCR, it suffers from acute resource shortages and poor infrastructure. Chad has overcrowded and underfunded refugee camps, so displaced persons face difficult conditions.

### **Sudan**

The ongoing Sudanese Civil War (2023–present) has displaced millions within the country, which is both a refugee-hosting and a refugee-producing country. Thousands of Sudanese refugees escape to Egypt, Chad, and South Sudan where they encounter more legal and humanitarian hurdles. Sudan is a signatory of both international refugee instruments, but its capacity to manage displacement remains weak because of political volatility.

## **Timeline of Events**

<b>28 July 1951</b>	Adoption of the 1951 Refugee Convention, establishing the legal definition of a refugee.
<b>10 September 1969</b>	OAU Refugee Convention broadens the

	refugee definition to include those fleeing violence and unrest.
<b>17 December 2010</b>	Arab Spring protests begin in Tunisia, leading to regional instability and increased displacement.
<b>18 March 2016</b>	EU-Türkiye migration deal is signed, leading to stricter border controls and externalized migration policies.
<b>2 February 2017</b>	Italy signs a migration deal with Libya, funding the Libyan Coast Guard to intercept migrant crossings.
<b>15 April 2023</b>	Sudanese Civil War begins, displacing over 7 million people and worsening the refugee crisis in North Africa.

## UN Involvement

Key components of the UN in North Africa include a range of agency networks such as those that promote legal and policy frameworks, humanitarian assistance systems, and monitoring mechanisms that protect refugees and manage migration. But state resistance, political instability and a lack of enforcement mechanisms have greatly depleted the capacity of the U.N. to effectively carry out its protections. UNHCR, the UN's refugee agency, is the agency primarily responsible for the protection of refugees and the continuation of the asylum process, performing functions such as advocating for non-refoulement and the provision of life-saving assistance. UNHCR is involved in registering asylum seekers, providing refugees with legal aid, and in voluntary repatriation and resettlement. But it operates under strict limitations in Libya, Tunisia, and Algeria, where the governments do not recognize its refugee status determinations, leaving thousands of asylum seekers in legal limbo. Secondly, UNHCR has not been able to properly investigate or address any potential human rights abuses because it has limited access to detention centers inside Libya, while a lack of funding has also caused the agency to fall short of delivering adequate humanitarian support to the increasing number of refugees. The International Organization for Migration (IOM) also works with UNHCR to assist migrants and refugees, monitor migration patterns, and help combat human trafficking. It is integral to voluntary return programs for migrants stranded in Libya, supports border management policies and provides emergency assistance to displaced populations in Chad and Sudan. But it has faced criticism over its voluntary return programs, which often put migrants in a position where they have to choose between potentially decades of detention in Libya or being sent back to dangerous

home countries. And IOM's partnership with European Union-funded border control initiatives has been criticized for putting deterrence over the protection of refugees. Another crucial UN body, the United Nations Office on Drugs and Crime (UNODC) combats human trafficking and dismantles smuggling networks that exploit refugees and asylum seekers. It works with North African governments to bolster anti-trafficking legislation, train enforcement personnel and crack down on organized smuggling operations. But corruption, shoddy judicial enforcement, and the profitability of human trafficking undercut progress. And in Libya, where traffickers act with impunity, UNODC's approach has had little effect, with so few traffickers ever arrested or prosecuted. These needs are met through programs by the United Nations Development Programme (UNDP) and its partners working on the ground to provide livelihood projects, jobs training and economic development programs for refugees and host communities in order to address the root causes of forced displacement. These efforts seek to limit the need for humanitarian assistance and incorporate refugees into local economies. But for many North African governments, border security takes priority over long-term development, reducing UNDP's capacity to drive significant reforms. Political instability in Libya and Sudan also destroys the viability of sustainable economic projects, limiting the opportunities for refugees to gain legitimate work. The UNHRC monitors abuses against refugees and migrants, produces reports on detention center abuses, forced deportations, and violations of international refugee law. UNHRC collaborates with UNHCR to successfully push governments to honor their legal obligations under the 1951 Refugee Convention, the findings of UNHRC on North African governments are often disregarded, and such governments routinely deny committing any human rights violations. However, UNHRC does not have legal enforcement mechanisms, thus limiting its effectiveness to documentation and advocacy rather than legal accountability. Peak UNSC and the globalization of F-class through sanctions and conflict interventions Further Up and at the Peak UN Globalization of F-class: UNSC and Migration Crisis of North Africa It has sanctioned Libyan militias that participate in human trafficking, declared Sudan's displacement crisis to be a security threat, and approved peacekeeping missions to different conflict zones. But sanctions on traffickers and armed groups have had little practical impact, with criminal networks continuing to cash in on smuggling and exploitation. Whatlement working through national security concerns, political fault lines among UNSC member states further hamper meaningful engagement on refugee crises. Where UN peacekeeping forces operate in areas affected by mass movements of people, those missions do not have specific mandates to address migration, which limits their ability to prevent or protect against displacement. North Africa may seem like an extreme microcosm of the United Nations' strengths and weaknesses when it comes to matters involving the protection of refugees, but its experience encapsulates the systemic challenges faced by a body that depends on the sovereign model. Critics say UNHCR and IOM have yet to make a dent in the human rights abuses rampant in detention centers in Libya and accuse the UN itself of enabling restrictive European Union migration policies that favor containment over protection. In addition to this legal strength, while binding commitments by host states with enforceable legal enforcement mechanisms and consequences are critical, many of the UN-led initiatives are completely unfunded, unenforceable, or have been largely ignored. Moving forward, enhancing the collaboration of UN agencies, host governments, and international

stakeholders will be necessary to tackle the refugee crisis in North Africa, in addition to the need for more accountable mechanisms to ensure enforcement of existing legal protections.

## **Relevant UN Documents**

United Nations General Assembly Resolution 302 (IV), December 8, 1949 (A/RES/302(IV))

United Nations General Assembly Resolution 194 (III), December 11, 1948 (A/RES/194(III))

United Nations Security Council Resolution 1208, November 19, 1998 (S/RES/1208(1998))

United Nations Human Rights Council Resolution 17/22, July 14, 2011 (A/HRC/RES/17/22)

United Nations General Assembly Resolution on Assistance to Refugees, Returnees, and Displaced Persons in Africa, December 15, 2022 (A/RES/77/178)

United Nations Security Council Resolution 2165, July 14, 2014 (S/RES/2165(2014))

African Commission on Human and Peoples' Rights Resolution 486, May 2021

African Commission on Human and Peoples' Rights Resolution 565, May 2022

United Nations General Assembly Resolution on the Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, December 15, 2022 (A/RES/77/178)

United Nations General Assembly Resolution on the Office of the United Nations High Commissioner for Refugees, December 16, 2021 (A/RES/76/137)

## **Treaties and Events**

International agreements and treaties have evolved significantly over the years, adapting to address not only the North African refugee crisis but also any war crimes that may be perpetrated in the region. The key pillar of international refugee law is the 1951 Refugee Convention, which defined for the first time a refugee under international law and enshrined the principle of non-refoulement.

But Libya and Tunisia never formally adopted the treaty, and its enforcement is weak across much of the region. Like the 1951 UN Refugee Convention, it defines as a refugee a person who cannot return to their home country (ie) if "his or her life is in danger" but to address the unique context of displacement in Africa, the 1969 OAU Refugee Convention broadens this definition to include people who fled (1) violence (2) foreign aggression (3) Severe public disorder. December 17, 2023 Yet there is limited adherence to this framework across parts of North Africa. The 2009 Kampala Convention designed to protect internally displaced persons (IDPs) has also been ratified by both Chad and Sudan yet remains devoid of implementation, with Egypt, Libya, and Tunisia completely declining to

sign or ratify it. In addition to these legal tools, a handful of big geopolitical breaks have transformed migrations and aggravated the crisis. The Arab Spring of 2011 saw the fall of the governments in Libya, Egypt and Tunisia and followed with instability, wars and the massive displacement of people. In Libya, where the overthrow of Muammar Gaddafi turned the country into a territory without the rule of law, trafficker and militia groups extort refugees, forcing them into slave labor and other abuses. As the European Union (EU) tried to reduce the migration flows into Europe, the 2016 EU–Turkey Migration Deal shifted the flow of refugees toward Northern African routes, resulting in an increased EU funding to border pro-grams in Libya and Tunisia. In 2017, with international criticism mounting over rising death rates for migrants crossing into the Mediterranean, Italy signed an highly controversial deal with Libya — backed by the EU — to finance the Libyan Coast Guard to intercept and return migrants to Libya. These are just a few of the people whom the security forces intercepted and sent to detention centers — notorious for human rights abuses, torture and forced labour. And, most recently, the outbreak of the Sudanese Civil War in 2023 has driven more than 7 million people from their homes, with Egypt, Chad, Libya and South Sudan unable to absorb refugees and cracking down on border access. State to international treaties aimed at protecting those who are displaced, and external political pressure, have left refugees in a legal limbo, making them vulnerable to exploitation or abuse and consigned them to indefinite displacement.

## Evaluation of Previous Attempts to Resolve the Issue

Despite international organizations, regional bodies, and national governments devoting significant efforts to the refugee crisis in North Africa, these have generally realised little more than empty rhetoric and good intentions that have failed to be realised in effective policies ultimately undermined by lack of enforcement, political will, and counterproductive external migration control stances. The United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) have tried to register asylum seekers and give them humanitarian assistance and help them repatriate voluntarily, but most North African governments do not recognize UNHCR's determinations of refugee status, leaving asylum seekers in legal limbo without rights or protection. Libya and Algeria do not have formal asylum systems and classify everyone seeking asylum as an illegal migrant, a category which is synonymous with arbitrary detention, forced deportation and gross human rights abuses. Moreover, IOM's voluntary return efforts have come under fire, as they tend to work under coercive conditions that leave migrants no choice — they can be repatriated to dangerous home countries or remain in indefinite detention in abusive camps in Libya, where forced labor, sexual violence and torture are common. This, in tandem with the European Union's externalization of its own border control policies — most notably with the 2017 Italy-Libya Migration Agreement and the 2016 EU-Turkey Migration Deal — has funneled EU funding into North African governments to manage migration flows, entrenching an EU order that favors border control over refugee protection. These agreements have not only failed to accomplish the goal of creating safer routes for migration, but have instead led to the violation of the human rights of migrants, as demonstrated by the case of Libya where EU-funded coast guards are intercepting and returning migrants and refugees to detention centers managed by militias, where they are subject to inhumane conditions and

exploitation. At the regional level, the African Union (AU) has attempted to ensure the rights of refugees by means of documents like the 1969 OAU Refugee Convention and the 2009 Kampala Convention on Internally Displaced Persons (IDP), but again these documents do not include enforcement mechanisms, making them rather ineffective. The Convention has thus far experienced a lukewarm reception in North Africa, with an outright rejection by Egypt, Libya and Tunisia of ratification and Chad and Sudan only registering ratification with no means to execute its provisions in practice. Efforts to prevent human trafficking through UN sanctions against Libyan militias and smuggling networks have also not stemmed the flow of illegal migration and exploitation, whereby trafficking networks act with impunity, boosted by weak legal frameworks and the direct engagement of armed groups in human smuggling activities. And while some recent U.N. Security Council resolutions have sought to target human traffickers, and those perpetrating abuses against migrants, corruption, militia control and Libya's fragmented political landscape have rendered enforcement nearly impossible. Even UNHCR-guided resettlement initiatives have failed to make an impact, as Western nations have taken in a minuscule portion of refugees, leaving the bulk of displaced individuals stuck in overpopulated refugee settlements or urban slums while lacking access to fundamental services, education, or job prospects. North African governments — which, amid existing economic challenges, frequently cite security and financial concerns to justify restrictive refugee policies — contend that they lack the human resources to absorb significant numbers of displaced people and that refugee groups are threats to national security. These states fall back on detention, deportation and draconian border controls instead of coming up with long-term policies for their integration, which makes the humanitarian crisis worse and not better. Humanitarian groups also continue to work in profoundly difficult conditions, but many aid programs remain severely underfunded, leaving them unable to meet the pressing needs of millions of exhibited people. The civil war in Sudan in 2023 has displaced more than 7 million people and further heightened immigration pressures in the region, causing Egypt, Chad, Libya and South Sudan to impose stricter border restrictions, leaving many refugees to rely on perilous smuggling networks or remain stuck in overcrowded camps without legal protections. As a consequence, hundreds of thousands of people have seen their rights violated, their lives endangered, their futures stolen — all while past attempts to address the North African refugee crisis have spectacularly failed. Insufficient legal frameworks in the host country, limited accountability measures for exploitative practices, and the lack of sustainable long-term resettlement policies contribute to the continued exposure of refugees to exploitation, abuse, and prolonged displacement. Any future reforms should not be confined to border control policies but to a more comprehensive vision that emphasizes humanitarian protections, safe migration routes and legally binding mechanisms for refugee recognition.

## Possible Solutions

Addressing the refugee crisis in North Africa requires a comprehensive, multi-faceted approach that prioritizes legal protections, stronger enforcement mechanisms, and sustainable humanitarian policies. A crucial step is the establishment of a legally binding regional asylum framework under the African Union (AU) to standardize asylum procedures, create independent oversight mechanisms,

and enforce compliance through diplomatic or financial incentives. Strengthening the role of regional and international courts is equally vital, as allowing refugees to file legal complaints against states violating their rights through the African Court on Human and Peoples' Rights or the International Criminal Court (ICC) would provide greater accountability for mass deportations, detentions, and abuses. Meanwhile, the European Union (EU) must overhaul its migration agreements with North African states, moving away from border militarization policies that fuel human rights abuses and detention center atrocities and instead investing in safe legal migration pathways and independent monitoring mechanisms. Within North African states, an urgent solution is to integrate refugees into formal economies through structured work and residency programs, granting them temporary work permits, access to education, and protection from labor exploitation, thus reducing reliance on humanitarian aid while benefiting local economies. Simultaneously, UNHCR resettlement programs must be expanded, with wealthier nations increasing refugee quotas and providing safe transit centers, ensuring that displaced individuals are not left in limbo. Additionally, stronger measures against human trafficking must be enforced, including sanctions on individuals and militias exploiting refugees, enhanced cooperation between states to dismantle smuggling networks, and stricter anti-trafficking laws in Libya and Sudan, where such crimes persist unchecked. The treatment of refugees in detention centers also demands urgent reform, requiring independent UN oversight, legal consequences for states permitting abuses, and a shift toward community-based alternatives to detention that respect human rights. Without a drastic policy shift from deterrence-based strategies to protection-based solutions, refugees in North Africa will continue to suffer from exploitation, abuse, and indefinite displacement. A combination of legal reforms, stronger accountability mechanisms, regional cooperation, and increased international support is essential to resolving the crisis in a way that upholds human dignity, security, and fundamental rights.

## Notes from the Chair

A crisis in North Africa will not only be a humanitarian crisis requiring a response, it will require a legal and policy response that has strong enforcement mechanisms, holds governments to account, and acknowledges that governments in Europe cannot do it without a global response. Though many treaties and conventions exist to protect refugees, they have been largely ineffective due to lack of enforcement and state resistance, as well as the prioritization of border security over human rights. Most delegates will agree that simply re-affirming these treaties is not enough, but they need to offer practical and enforceable solutions. These mechanisms can include regional courts or oversight bodies as well as international legal mechanisms to hold states accountable to international law, and the development of incentives for North African states to implement transition asylum laws rather than using state-of-the-art detention and deportation policies. Moreover, although the EU and other international actors have been major players in shaping migration policies in North Africa, delegates must critically consider the unintended consequences — the latest European Union (EU) migration control deals have often enabled human rights violations or encouraged restrictive policies toward refugees. Any solution put forward needs to be more than just policies designed to stem the flow at borders, a short-sighted approach which can lead to human trafficking and exploitation — it must be



aimed at creating the infrastructure that enables refugees and the countries that welcome them to thrive in the long-term. Now, human trafficking and organized smuggling networks are rampant, and continue to grow in presence where there are no legal protections or safe pathways for migrants and refugees, which opens the door for exploitation. Delegates should look at methods for successfully dismantling trafficking networks, what tools are available to provide better legal protections for refugees, and how to hold the various governments in the region accountable for their complicity in trafficking abuses. Perhaps the biggest challenge to addressing this crisis is the economic case which host nations make, and many: Their economies are already overstretched and they can no longer bear the cost of hosting large populations of refugees. Rather than seeing refugees solely as an economic drain, solutions should emphasize work programs, pathways to legal residency and systematic integration into labor markets so that refugees are not relegated to camps or informal economies but can help make a country productive and prosperous. Lastly, although this issue is clearly a matter of international law, it also possesses a significant political dimension, as it touches on state interests, territorial sovereignty, regional security and geopolitical wrangling over power and influence that drive refugee receptiveness in North Africa. International diplomacy, economic incentives and deterrents, and mechanisms of legal accountability must be weighed for their ability to engage state actors in upholding refugee protections, and align global imperatives for action with human dignity principles, delegates must consider. A more humane approach that aims for durable solutions should include a reconciliatory approach that considers refugees regional and global elements of displacement and develop enforceable, sustainable, and pragmatic solutions for working with host countries as partners for the stubborn attitude of many countries of the Global North towards refugees in North Africa.

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