zamun 2016

MODEL UNITED NATIONS CONFERENCE

Asylum policy, social and cultural integration of refugees during The European migrant crisis

Social, Humanitarian and Cultural Committee

(SOCHUM)

Study Guide

SOCHUM

Lucia Posluchová

Table of contents

1. Letter from chair

Honourable delegates,

I am honestly very pleased to welcome you in Social, Humanitarian and Cultural committee, part of ZAMUN 2016! I hope you are looking forward to your participation at least that much as whole organization and heading team does.

This year in our committee, we are going to deal with an extremely present and actual issue – the problematic concerning alien people coming to Europe for searching better life. We are going to discuss consequences of this phenomenon and looking for reasonable solutions, which could ensure and protect human rights of all main players and defeat values we are obliged to being members of United Nations. I hope your fight for what is right will be very successful, and pleasant.

I strongly encourage you to read attentively a whole document for attending the conference sufficiently prepared. You will find there some essential information concerning our topic and hopefully fine basis for your further additional research. Remember that only you are the person, who decides how fruitful your time at the conference will be. Once you underestimate the preparation, your chances to reach your state´s goals during negotiations are lower.

At the other hand, well prepared delegate can very positively influence the flow of discussions or the form of final resolution. If you are familiar with your country´s position, you will meet the most essential requirement for become the best delegate.

Apart from studying politics, I suggest you to read rules of procedure on our ZAMUN webpage, http://www.zamun.sk/rules-of-procedure/. Formal procedure should not slow down or restrict discussions, contrarily, well known by delegates it can make negotiations clearer and more relevant.

As soon as possible you will obtain an invitation to join the committee group on Facebook, where you can easily contact each-other in the case of any kind of problems. Moreover, all other useful information about the conference, links for the research and your position paper as well will be published there.

I wish you now a lot of successes, new knowledge, productively spend time with preparation and pleasant journey to Žilina. I am very excited to meet you all!

Best regards,

SOCHUM Chair, Lucia Posluchová

2. The history of migration and refugees

a. Providing aid for refugees at its beginning

Human beings have been moving from place to place in identifiable groups since about 3000 BC. Those movements have significantly influenced entire history. Reasons for migration used to be very various; natural conditions, wars or different know or unknown factors have influenced the resulting arrangement of the world as we know nowadays. Most of ethnically united groups had settled down and they created recognizable nations. Nevertheless, our planet and its demography have been permanently modified by individual migration currents.

Seeking sanctuary was well the conception for numerous ancient cultures and civilisations. For instance, historically people in need used to flee from dangers to divinity. Later, recognition of nations and rising ideas of Nationalism on its own provoked certain need for identification while crossing borders. Since that moment, we can objectively distinguish people, who appertain to the country and those who are coming from somewhere else. That means the very beginning of the migration conception.

Such a geographically and politically extensive topic as refugees' protection could be managed uniquely by supranational institution, therefore the responsibility for people fleeing homeland was assumed by the League of Nations under the leadership of Fridtjof Nansen, who initiated in 1921 the creation of the High Commissioner for refugees. [1] The very first international refugee assistance was provided. The commission had to deal with numerous serious cases and refugees from Communist Russia after 1917, consequences of the Armenian genocide or population exchange between Greece and Turkey.

A continuation for the High Comissioner for refugees was established in 1930. The existence of Nansen international office for refugees was marked by many functional struggles and in 1938, the League of Nations had founded a successor for both pervious institutions called Office for High Comissioner for refugees. Further, The World War II caused a new wave of massive mobility and in 1943 establishing the United Nations Relief and Rehabilitation Administration. Newly created United Nations in 1945 also claimed responsibility for people fleeing homes for existential reasons and on 20 of April 1946

---

[1] Gilbert Jaeger (2001) On the history of the international protection of refugees

formed the International Refugee Organization (IRO) which resettled about 1 million refugees.

Nowadays the mission of protecting refugees and providing them assistance is fulfilled by the United Nations High Comissioner for Refugees, established on 19 of December 1950.

b. Motivations determining terminology of migration

Motivations for long-term mobility in 21st century are assorted and depend above all on life conditions which home country offers to its citizens. In majority of cases, its capability of providing certain living standard is the first and key factor who decides about permanent change of the place for life. We use term "migrants" for people who undergo certain way in order to find more satisfactory locality to settle down. Hosting country where they finally arrive recognizes them under the term "immigrants". In their home country where they are coming from, they are perceived as "emigrants". [2]

However, using word "migration" and its collocations to name every kind of human mobility, we do not take into consideration the importance of diversity of motivations for such an activity. A necessity to draw a line between people who simply prefer to move with a view to improve the future prospects of themselves and their families and those who have practically no other option than moving if they are to maintain their basic human rights or even save their life gave birth to new word in migration terminology, word "refugee" for people moving for existential reasons. On the contrary, individuals seeking more comfortable life conditions, we classify as economic migrants.

Therefore the crucial UN document dealing the topic of migration, The UN Refugee convention from 1951 defines the word "refugee". Principally, this convention sees a refugee as someone who *"owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country."* [3]

c. Further necessary key terms of the topic

Asylum seeker

---

[2] The Economist (2015) Migrant, refugee, asylum-seeker…,:
http://www.economist.com/blogs/prospero/2015/09/johnson-political-language
[3] UNHCR (1951) Convention and Protocol Relating to the Status of Refugees:
http://www.unhcr.org/3b66c2aa10.html

Apart from terms already mentioned, we recognize also the status of "asylum seeker". According to UNESCO, asylum seekers are *"people who move across borders in search of protection, but who may not fulfil the strict criteria laid down by the 1951 Convention. Asylum seeker describes someone who has applied for protection as a refugee and is awaiting the determination of his or her status. Refugee is the term used to describe a person who has already been granted protection. Asylum seekers can become refugees if the local immigration or refugee authority deems them as fitting the international definition of refugee.*

The definition of asylum seeker may vary from country to country, depending on the laws of each country. However, in most countries, the terms asylum seeker/asylee and refugee differ only in regard to the place where an individual asks for protection. Whereas an asylum seeker asks for protection after arriving in the host country, a refugee asks for protection and is granted this protected status outside of the host country." [4]

Stateless person

The 1954 Convention explains this term as *"a person who is not considered as a national by any State under the operation of its law".* [5]

Therefore stateless person does now appertain to any country and does not possess any nationality.

Internally displaced people

IDPs (for short) have been obliged to flee their homes and to find sanctuary for similar causes as refugees (and they are often referred to as refugees, regarding they are fleeing because of armed conflicts, violence or violations of their human rights) but legislatively they stay under their own state, even if it might be the main reason of their departure, because they haven´t managed to cross the border of their home country, thus they remain within. As their citizenship also remains, they retain all of their rights and protection under both human rights and international humanitarian law. [6]

The right of non-refoulement

The term non-refoulement derives from the French verb "refouler", which means to return back or to repel. The principle of non-refoulement undertakes the international community to provide the protection for every refugee, whose basic human rights might be threatened by returning to its state of origin. Forbidding the expulsion, deportation, return or extradition of an alien to his homeland or another state or territory, where there exists a certain hazard that his life or freedom would be endangered because of their religion, race,

---

[4] UNESCO UIS glossary (2015) http://glossary.uis.unesco.org/glossary/en/home
[5] UNHCR (1954) The 1954 Convention relating to the Status of Stateless Persons
[6] UNHR Office of the High commissioner (2015) Questions and answers about IDPs:
http://www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx

nationality, ethnic identity, membership of a particular social group or a political opinion. The right of non-refoulement is generally considered as one of the most essential principles of refugee and immigration law and it is regarded as the cornerstone of asylum and international refugee policy. [7]

Non refoulement principle has been mentioned, defined and embodied in numerous international or local documents and conventions. The most important reference at the international level is contained once again in the 1951 Convention, in its Article 33 (1), which states following:

"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."[8]

Another document mentioning the principle of non-refoulement at universal level is The 1967 Protocol Relating to the status of Refugees, proclaiming the same idea by different words:

"No person referred to in Article 1, paragraph 1, shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to persecution."[9]

The 1951 Convention and its 1967 Protocol represent the base of international refugee and asylum law; they are the only universal treaties that define a specific legal regime for those in need of international protection.

However, the principle of non-refoulement is not an unqualified principle. There may be certain legitimate exceptions. First of all, this principle is not applicable to anyone who might pose a security thread for the destination country. Secondly, the asylum benefit may not be claimed by any refugee who has been convicted by legitimate judgement of a particularly serious crime and thus he may endanger community of hosting country. After all, according to the 1951 Convention, Article 1 (F), its provisions *"shall not apply to any person with respect to whom there are serious reasons for considering that: (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the United Nations."* [10].

---

[7] UN High Commissioner for Refugees (1997) UNHCR Note on the Principle of Non-Refoulement:
http://www.refworld.org/docid/438c6d972.html
[8] UNHCR (2010) UNHCR - Convention and Protocol Relating to the Status of Refugees:
http://www.unhcr.org/3b66c2aa10.htm
[9] Refworld (2015) Protocol Relating to the Status of Refugees:
http://www.refworld.org/docid/3ae6b3ae4.html
[10] UNHCR (2010)UNHCR - Convention and Protocol Relating to the Status of Refugees:
http://www.unhcr.org/3b66c2aa10.html

Also the Article 33, (3) says that „*The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.*"[11]

3. Current situation – the European migration crisis

a. The origin of migrants

The Europe is facing the worst migrant crisis since the Second World War since wars in Iraq and Syria, unrest in the African continent and chaos in Libya have spurred an exodus of refugees. According to the UN High Commissioner for Refugees, António Guerres, 90% of migrants come from Syria, Afghanistan and Eritrea. Civil wars or human right abuses of undemocratic regime have plagued mentioned areas; therefore there is a strong assumption that those largest migrant groups could be recognized under the status of refugee.

Top 10 Nationalities of Migrants Arriving in Italy January to October 2014

- Bangladesh: 4,362
- Egypt: 3,860
- Senegal: 3,594
- Somalia: 4,965
- Palestine: 5,044
- Gambia: 6,787
- Nigeria: 8,031
- Mali: 8,899
- Eritrea: 33,872
- Syria: 36,351

Legend: Syria, Eritrea, Mali, Nigeria, Gambia, Palestine, Somalia, Bangladesh, Egypt, Senegal
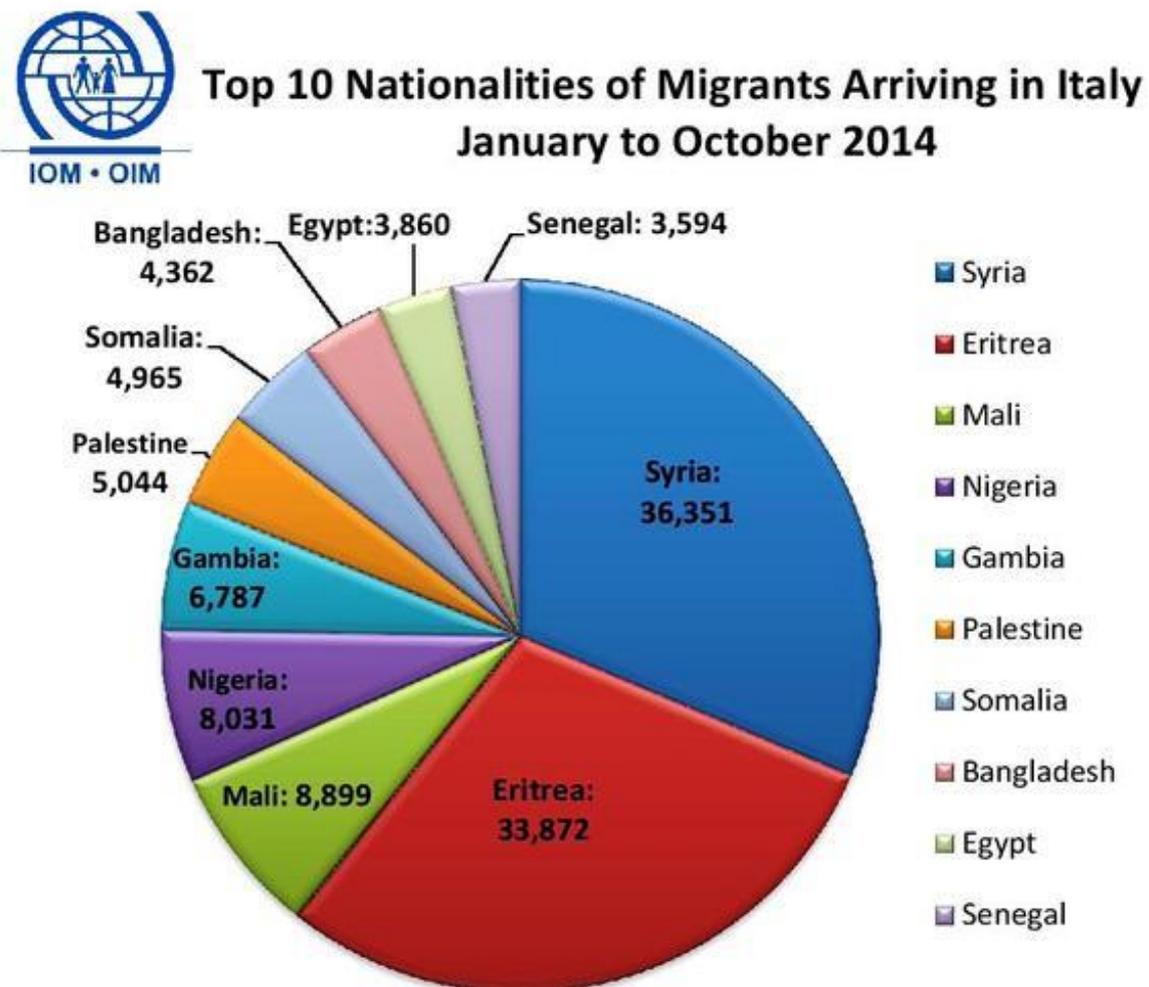
*Data source Italian Government, compiled by IOM

IOM • OIM

http://www.unhcr.org/3b66c2aa10.htm

b. When Triton replaced Mare Nostrum

Since the Arabian spring is considered as one of the main starters of migration wave to Europe we observe nowadays, people have been fleeing from Arabian and African countries since 2010. However, the European continent has started to feel its direct consequences 5 years later, when even if the amount of migrants remained stable since the beginning of Arabian spring, number of victims dramatically grew because of political changes in Mediterranean area. During this period, we are witnesses of the biggest migration and refugee movement since the 2nd World War.

Operation Mare nostrum (OMN for short) was founded by the Italian government in 2013 in order to fight against the dramatic increase of migratory flows and tragedies connected with ship wreckage.[12] The main impulse came with the tragic shipwreck on 3 October 2013, in the waters off near an Italian island Lampedusa, when 368 migrant people died. [13] OMN was supposed to fulfil a dual goal: identify the boats at risk of capsizing, rescue migrants and bring them to Sicily and bring the human traffickers to justice. The mission which had been assigned to OMN was successful; supported by budget 9, 5 million € per month, it was estimated to have saved more than 140 000 people. [14]

Italy was asking European Union for participation in dealing with marine migration safety issue. The reaction to Italian appeal came in October 2014, when OMN ended up for its short-term emergency character and was replaced by a new European Union project called Triton. With third the size of original budget, it was a decidedly modest programme. Comparing with OMN, Triton had its ships only 50 kilometres from European shores and it was not able to protect such an area as OMN who approached African shores sooner. 7 ships and 4 airplanes considerably limited chances for saving refugees´ lives.

Consequences of such restrictions were tragic. Last two years are clearly dominating in the list of most tragic Mediterranean accidents in past 20 years.

---

[12] Marina Militare (2014) Mare Nostrum Operation:
http://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx
[13]UNHCR (2014) On a high seas rescue mission with the Italian Navy:
http://www.unhcr.org/532c4cbb6.html#_ga=1.216101590.1993380992.1412002836
[14] ECRE Weekly Bulletin (2014) Mare Nostrum to end: http://ecre.org/component/content/article/70-weekly-bulletin-articles/855-operation-mare-nostrum-to-end-frontex-triton-operation-will-not-ensure-rescue-at-sea-of-migrants-in-international-waters.html

List of the most tragic accidents in Mediterranean Sea in past 20 years

Date	Victims (approximately)	Area
18 April 2015	700	Libya
17 September 2014	500	Malta
15 April 2015	400	Libya
3 October 2013	360	Italy
The beginning of February 2015	300	
25 December 1996	283	Malta
1 June 2011	270	Tunisia
20 June 2003	200	Tunisia

c. The luxury journey full of suffering

Migrants pay people traffickers between 2,000 pounds to 3000 for passage to Europe. Gangs treat them as virtual slaves, making them work for months to earn enough money to cross to the Europe. They transport migrants on cheap, often disposable ships in order to make their business as economically profitable as possible. They do not hesitate to fill up only half of the tank and rely that European coastguard will find and save their passengers. It is not rare that gangs leave ships and they only let some compass to migrants. Since 2013, hundreds have died from perilous sea voyages to places such as Sicily, Lamnedusa and Greece. Three quarters of all victims had dead on the threshold of the Europe.

Alarming evidence of victims of illegal smugglers forced the EU to get involved into the problematic more actively. Southern countries started to participate to a greater extend and they have tried to save as many lives as possible until waiting for European further collective strategy.

In 2014 more than 280 000 people arrived on European coasts by boats fleeing violence persecution and poverty. During first 8 months of 2015, approximately 350 000 migrants have been trying to find a better life in Europe. Statistics indicate us immense numbers; however, counts are still not final. Bearing in difficulties with recognizing numerous illegal migrant groups, those numbers should be seen more likely as rough estimate than relevant evidence.

Migrants are also entering the Europe by road and rail. In August 2015, Austrian police found 71 migrants dead from suffocation inside an abandoned lorry. Hungary has built a fence along its Serbian border to curtail the thousands of migrants entering. Britain and France have increased security measures around the Channel Tunnel in response to migrants

attempting to smuggle themselves to the United Kingdom hidden in lorries. But as desperate refugees search for new routes into Europe, the death toll continues to rise.

d. Reaching destination brings new struggles

Every day, thousands and thousands of people who had already successfully reached Europe either try to continue until their preferred destination country or wait for some brighter future in various refugees camps pending their request for asylum. They might be already relatively safe and sound; however, conditions for confortable life in camps are not always sufficient. A lack of space, homesickness and different culture do not represent the most efficient way to get recover after traumatic journey. Institutions and states have to deal with special needs of thousand refugees such as emergency shelter, food, legal aid or recuperation from psychical trauma. Nevertheless, the greatest challenge will take place afterwards – a challenge called permanent settlement.

4. Chances of real life

When once Europe recognizes objective reasons of people who fled their home country and accept their status of refugee, it will be obligated to assure them all rights and services declared in international official documents. The 1951 Convention lists a range of socioeconomic and legal rights for refugees, closely associated with successful integration:

- *The right not to be expelled, except under certain, strictly defined conditions (Article 32);*
- *The right of non-refoulment: which prohibits the enforced return of the refugees back to territories where their life and freedom are threatened (Article 33);*
- *The right not to be punished for illegal entry into the territory of a contracting State (Article31);*
- *The right to work (Articles 17 to 19);*
- *The right to housing (Article 21);*
- *The right to education (Article 22);*
- *The right to public relief and assistance (Article 23);*
- *The right to freedom of religion (Article 4);*
- *The right to access the courts (Article 16);*
- *The right to freedom of movement within the territory (Article 26);*
- *The right to be issued identity and travel documents (Articles 27 and 28)*

When a migrant enters a receiver population, implications for all parties are highly involved. Many refugees have a little hope of returning home and only solution for their future is in building a new life and integrate into local community. Integration measures depend from hosting country, but in every case, it requires to eliminate worries at both sides – newcomers and host community.

Their migration experience brings outcomes observables from a social perspective - the most serious fears of hosting community usually concern security risks, possible lack of jobs and social benefits, education of immigrants or cultural harms. Citizens often suffer the idea that by acceptance of refugees, their state will not provide to them as high standard of services as before. Policymakers often take those popular fears into account while taking important decisions.

In general, we know two different strategies in integration measures. The way of multiculturalism means retaining own cultural identity of minorities, while the way of assimilation signify absorption of minority cultures into the majority culture. Integration is measured along with civil, social and political fundamental rights of newcomers.

According to UNAOC, *"poorly integrated migrant communities can give way to feelings of alienation, resentment, and a tendency toward extremism. But well-integrated migrant communities have a unique insight into cultural diversity and are very qualified to help improve inter-cultural understanding and cooperation across diverse populations."*[15]

In further years, the question of integration will be one of the most crucial for whole Europe. It´s time to looking for the most convenient answer; the answer for those, whose life have been threatened for a long time and the answer for those, who are afraid that their life will be affected by new cultures in negative way. International organisation such as United Nations should be helping and supervising Europe with this serious research, involving and uniting whole world under its values, respecting fundamental human rights and freedoms.

---

[15] UNAOC (2015) Migration & Integration : http://www.unaoc.org/what-we-do/online-platforms/migration-integration/

5. Executive summaries of past relevant resolutions

- The 1951 United Nations Convention Relating to the Status of Refugees, also referred to as the Geneva Convention;[16]
  - the essential UN document defining position of refugees in our society as well as defining some basic principles of refugees´ aid
  - The Convention is based on Article 14 of the 1948 Universal Declaration of Human Rights

- The 1967 Protocol relating to the Status of Refugees; [17]
  - key agreement in international refugee law
  - removes both the temporal and geographic restrictions of refugee status set by The 1951 UN Convention

- The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; [18]
  - document focused on the issue situated in determined geographical area what brings certain specifics
  - an example how localisation can influence the matter of refugees

- The 1974 United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict.[19]
  - treats on the grounds that women and children are often the victims of wars, civil unrest, and other emergency situations that cause them to suffer "inhuman acts and consequently suffer serious harm"
  - in many cases this declaration may be applied for refugees, since they are in the same situation of emergency or armed conflict
  - therefore it is useful to see how UN protects such persons

---

[16] UN General Assembly (1951) Convention Relating to the Status of Refugees:
http://www.refworld.org/docid/3be01b964.html
[17] UN General Assembly (1967) United Nations Protocol Relating to the Status of Refugees:
http://www.refworld.org/docid/3ae6b3ae4.html
[18] Organization of African Unity (OAU) (1969) Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"): http://www.refworld.org/docid/3ae6b36018.html
[19] UN General Assembly (1974) Declaration on the Protection of Women and Children in Emergency and Armed Conflict: http://www.refworld.org/docid/3ae6b38a14.html

6. Sources, questions and useful links for further research

http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3dd8cf374

https://www.icrc.org/eng/assets/files/other/727_738_jaeger.pdf

http://www.bbc.com/news/world-europe-34190359

http://data.unhcr.org/dataviz/

http://www.unhcr.org/55e9459f6.html

https://www.youtube.com/watch?v=oUk4ImHfn2Y&feature=player_embedded

http://www.unhcr.org/4a2cfe336.html

http://www.elaw.cz/clanek/the-principle-of-nonrefoulement-what-is-its-standing-in-international-law

http://www.unhcr.org/419c75ce4.html

http://www.forbes.com/sites/jplehmann/2015/09/02/refugees-migrants-europes-past-history-and-future-challenge/

http://www.unaoc.org/what-we-do/online-platforms/migration-integration/

http://www.un.org/en/development/desa/population/publications/policy/international-migration-policies-report-2013.shtml

http://www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/Report%20PDFs/i_Ch_3.pdf#zoom=100