



UWO MODEL UNITED NATIONS CONFERENCE 2022

BACKGROUND GUIDE

*UNITED NATIONS: SOCIAL, HUMANITARIAN
AND CULTURAL COMMITTEE*

**MIGRATION IN THE MEDITERRANEAN
SEA**



UWO MODEL UNITED NATIONS CONFERENCE

2022

Table of Contents

Glossary/Definitions of Key Terms.....	3
Introduction to the United Nations Social, Humanitarian, and Cultural Committee (SOCHUM)	4
Background to the Topic:.....	5
Key Issues.....	8
Relevant Treaties and Events.....	8
References.....	9



UWO MODEL UNITED NATIONS CONFERENCE

2022

Glossary/Definitions of Key Terms

Frontex: The border agency of the European Union. It plays a significant role in implementing the EU's border regulations. It oversees border patrol activities in the Balkan and Mediterranean region, plans joint deportation flights from EU nations, organizes deportations, helps with "voluntary" returns, and puts pressure on non-EU nations to accept deported migrants. Additionally, it offers (human and material) assistance to other nations, for instance Niger, Senegal, Turkey, and Ukraine, which desire to strengthen their border security procedures. With the agency's new ability to purchase its own equipment, including drones, ships, and helicopters, the armaments, security, and surveillance industries will gain from their significant lobbying influence on the EU's border and defense policy.

Pushback: the practice of relocating refugees and asylum seekers to a foreign nation before allowing them to enter EU territory, presumably one that is different from the one they are fleeing. This approach is becoming more and more popular, especially in the waters of the Mediterranean and Aegean. Through externalization agreements, EU Member States benefit from the participation of the Turkish, Moroccan, and Libyan governments in these operations. They include a multitude of state initiatives aimed at pushing refugees and migrants out of their nation, in addition to blocking access to pertinent legal and procedural frameworks. States circumvent limits on the use of force, imprisonment or custody, eviction, and international protection (notably of children) by doing this.

Refoulement: This is the deportation of persons with refugee status. The name is derived from the French verb *refouler*, which meaning "to push back." While there are restrictions prohibiting the return of refugees, they do not apply to asylum applicants. This indicates that governments may deport asylum seekers back to the miserable circumstances they fled from in their native country.

Refugee: Refugees are those who are "fleeing armed conflict or persecution," according to the UNHCR (UN Refugee Agency). International law recognizes and protects refugees since going back to their native nations would directly put their lives in risk.



UWO MODEL UNITED NATIONS CONFERENCE

2022

Refugee Camp: Refugee camps are impermanent housing structures constructed to accommodate migrants, refugees, and asylum seekers. Even though in theory they are just temporary, several have been in existence for so long that they have developed into totally autonomous cities.

Tolerated Zone: Unofficial refugee camps are permitted to establish in tolerated zones. Tolerant zones exist in a hazy, gray region of the law, whereas formal refugee camps are constructed and managed by governments, the UN, the International Committee of the Red Cross, or other organizations. This essentially leaves residents of permitted zones to fend for themselves due to a lack of formal recognition.

Introduction to the United Nations Social, Humanitarian, and Cultural Committee (SOCHUM)

The Third Committee, also known as SOCHUM, deals with a variety of issues that pertain to social, humanitarian, and human rights, such as questions about women's advancement, children's safety, how to treat refugees while eradicating racism and discrimination, the promotion of fundamental freedoms and the right to self-determination, indigenous issues, and a variety of social issues like those involving youth, families, and similar issues.

Scope and organization of work

The most significant of the twelve agenda topics assigned to SOCHUM is "Promotion and protection of human rights," which accounts for nearly half of the Committee's activities. The Human Rights Council Report is a joint agenda item that is given to both SOCHUM and the Plenary. The General Committee's proposals outline the separation of responsibilities.

Bodies and mechanisms reporting to the Third Committee

There are no subsidiary organizations that report to SOCHUM. However, the Geneva-based Human Rights Council's Special Procedures (i.e., special rapporteurs, independent experts, or heads of working groups) submit reports



UWO MODEL UNITED NATIONS CONFERENCE

2022

to the Third Committee and participate in dialogues with the members that make up the Committee.

Background to the Topic:

The United Nations Convention Relating to the Status of Refugees of July 28, 1951 is the most extensive and legally binding international document outlining criteria for the treatment of refugees on a global scale. This Convention was enacted in the early aftermath of World War II, when the majority of the world's refugee issues stemmed from people fleeing their own Europe. This is why the Convention included a deadline that restricted its applicability to the categories of refugees that were then recognized, i.e., people who had become refugees as a consequence of circumstances that existed before 1 January 1951. However, it was already understood at that time that the criteria set out in the Convention were applicable globally, and as a result, the Conference that approved the Convention included Recommendation E in its Final Act. "Expressed the hope that the Convention would have value as an example exceeding its contractual scope that all nations would be guided by it in granting as far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention the treatment for which it provides."

Following the passage of the 1951 Convention, refugee situations started to emerge in many parts of the world that had nothing to do with the pre-1951 events. Based on the understanding that the 1951 Convention ought to serve as the primary international mechanism for the protection of refugees, efforts were made to make the Convention fully applicable in all new refugee situations. As a result, the 1951 dateline in the Convention was lifted, and on January 31, 1967, the door to membership was opened. This led to the creation of the United Nations Refugee Protocol. 114 States from every continent have joined the 1951 Convention and/or the 1967 Protocol as of this writing.

The European Union (EU) views migration as a security risk on par with crimes like drug trafficking or smuggling, according to an analysis of the founding regulations and mandate of the European Border and Coast Guard Agency



UWO MODEL UNITED NATIONS CONFERENCE

2022

(Frontex), opening the door for the approval of exceptional measures to address it. The first of these actions was the erecting of the first border barriers built on the borders of African continent's Spanish outposts of Melilla and Ceuta (1996 and 1993, respectively) to keep out migrants. The European Union established the European Border and Coast Guard Agency (Frontex) in 2004 to oversee its borders and cross-border movements in light of the expansion of security measures and significant global migration patterns. Frontex was one of several security tools used to construct what is now known as Fortress Europe. The 2016 Regulation on Frontex granted it additional authority and authorized the use of force while doing its tasks, transforming it into a tool of confinement and coercion when it comes to how to handle migrant flows. Additionally, it gave it permission to interfere in Member States' borders without getting their permission, violating their sovereign prerogative to handle immigration in another, less-securitized way. As seen by the expanding resources allocated to such operations, Frontex's role has changed since 2016 from assisting to coordinating efforts to return migrants to their place of origin. No one is specifically mandated to rescue individuals or enlist civilian shipping fleets in any of Frontex's 19 key joint operations. They all focus primarily—if not exclusively—on preventing and deterring various cross-border crimes, many of which are connected to migration movements. In addition to the idea that there is a safe "internal space" and a dangerous "external space," which the EU must protect itself from by fortifying its borders with security personnel whose use of force is accepted as legal, these securitization practices implemented by an EU agency serve to reinforce the widespread belief that migrants are criminals. Additionally, they enhance the territorial power dynamics in which a person's nation of origin influences their freedom of mobility. This supports how different people are treated when they traverse borders.

By way of the European Border and Coast Guard Agency Frontex, the European Union and its "associated States" assist the Libyan Coast Guard Forces (LYCG) to intercept vessels in both Libyan coastal waters and international waterways, including by using aircraft surveillance. Frontex officers consistently violate international maritime law by notifying only the "competent" Rescue Coordination Center of the discovery of a migrant boat. This means that when boats are intercepted in the contentious Libyan Search and Rescue region, they will not notify any other ships, including those of NGOs, that might have



UWO MODEL UNITED NATIONS CONFERENCE

2022

provided assistance more quickly. The appropriation of fuel and destruction of engines, firing shots into the water next to boats, and vessels circling migrant boats to create hazardous waves are additional combative policing techniques used in Greek waters to push back boats. Reports attribute the perpetrators to the Greek Coast Guard.

On April 29, 2022, the head of the EU border agency resigned after the early findings of a protracted investigation into corruption at the agency were made public. Fabrice Leggeri resigned moments before Frontex's management board was set to determine whether to discipline him after receiving criticism from the European Parliament for failing to defend the human rights of asylum seekers in the EU. Frontex has been under intense criticism for its suspected involvement in the practice of "pushbacks," or forcible repulsion of migrants at EU borders. Additionally, Frontex has been accused of wrongdoing and harassment within the organization.

On June 24, 2022, a brutal slaughter of at least 37 African refugees occurred between Morocco and the Spanish exclave of Melilla, when the Spanish Civil Guard and Moroccan gendarmerie collaborated as 'security' troops to open fire on them. This event occurred just days before the NATO summit in Madrid, which took place from June 28 to June 30. This savage and demeaning treatment of African migrants exemplifies the European Union's present border policies' brutality and disrespect for basic democratic rights.

With regards to non-governmental organizations, Human Rights Watch (HRW) is an NGO, which was created in 1978 and has grown to about 400 members all around the world excelling in various professions. HRW publishes reports based on research on human rights conditions around the globe. Moreover, after publishing the reports, this NGO cooperates with other organizations, institutions, and governments to promote human rights and implement much-needed changes in legal systems to provide justice to the people. In its annual report on Libya, it noted that the European Union continued to provide training, equipment, and funds to Libyan coast guard forces to intercept boats both in Libyan coastal waters and international waters, and to return migrants and asylum seekers to Libyan territory where they are detained in inhuman and degrading conditions. The EU's aiding and abetting of Libyan coast guard forces



UWO MODEL UNITED NATIONS CONFERENCE

2022

appears motivated, in part, to reduce arrivals in Europe and to avoid triggering EU nonrefoulement obligations by outsourcing interdiction to Libyan coast guard forces.

Key Issues

- Do the European Union's policies represent a violation of the principle of non-refoulement and a breach of the prohibition on collective expulsions?
- Do the current border control authorities of the European Union possess sufficient oversight in order to ensure that the human rights of refugees and asylum seekers are being protected?

Relevant Treaties and Events

- United Nations Convention relating to the Status of Refugees, 28th July 1951: the United Governments global convention that specifies what qualifies someone as a refugee and establishes the rights and duties of nations that provide asylum.
- The Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195), 10 December 2018: an intergovernmentally negotiated agreement aimed at reaching symbolic agreement among UN member nations on future international cooperation on migration concerns before codifying those arrangements into national and international law



UWO MODEL UNITED NATIONS CONFERENCE

2022

REFERENCES

“Convention Relating to the Status of Refugees Protocol Relating to the ...” United Nations Audiovisual Library of International Law, United Nations, https://legal.un.org/avl/pdf/ha/prsr/prsr_e.pdf. “Frontex: Beyond EU Borders.” Frontex :Documents and Publications, European Union, 2 Feb. 2022, <https://frontex.europa.eu/>. Accessed 25 July 2022.

“Global Compact for Safe, Orderly and Regular Migration (GCM).” OHCHR, Office of the United Nations High Commissioner for Human Rights , 10 Dec. 2018, <https://www.ohchr.org/en/migration/global-compact-safe-orderly-and-regular-migration-gcm>.

Liberum, Mare. “Indictment Regarding the Violations by EU Politicians, Its Security Forces and FRONTEX to the 1951 Refugee Convention .” Mare Liberum | Mare Liberum Monitors Human Rights in the Aegean., Mare Liberum, 26 Aug. 2021, <https://mare-liberum.org/en/indictment/>.

“New Pact on Migration and Asylum.” European Commission - European Commission, 20 May 2022, https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pactmigration- and-asylum_en.

“Improving Human Rights-Based Governance of International Migration Network on Migration.” United Nations, Office of the United Nations High Commissioner for Human Rights , 1 Jan. 2014, <https://migrationnetwork.un.org/resources/improving-human-rights-based-governance-internationalmigration>.