ISMUNHK 2018
NATO CHAIR REPORT

TOPIC: Proper Relocation of Refugees

By Hei Kiu Au

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Introduction

The North-Atlantic Treaty Organisation (NATO) is fundamentally a political and military alliance formed on April 4, 1949. Under the collective defense clause in Article 5 of the Washington treaty, NATO's founding treaty, or under a United Nations mandate, NATO has the right to use military power to undertake crisis-management operations in case of a conflict, after diplomatic efforts fail.

NATO's involvement in Europe's growing refugee crisis started on February 11, 2016, following Greece, Germany and Turkey's request to provide assistance. The main objectives of NATO's involvement is to conduct surveillance, monitoring and information sharing with Frontex, Turkish and Greece authorities, especially in the Aegean Sea. NATO has also played a crucial role in saving people in distress at sea, in accordance with the international maritime laws.

The current refugee and migrant crisis is complicated by smugglers and human traffickers taking advantage of the situation. According to Eurostat, nearly 90,000 unaccompanied children applied for asylum in the EU in 2015, but 10,000 have gone missing, at risk of being victims of exploitation by criminal gangs and human traffickers. Therefore, NATO's secondary objective is to target smugglers and traffickers and relay the information for nations to take action.

However, this is not the only problem refugees face. With EU countries operating under the "Dublin system", which mandates frontier countries such as Greece and Italy to bear all the responsibility for asylum seekers (such as processing applications and providing support), overwhelming these destination countries and contribute to the anti-refugee sentiment in Europe. Hence, moving forward, NATO looks to establish new frameworks regarding the proper relocation of refugees, so that the countries involved will move towards a fairer allocation of refugees.

Key Terms

Frontex
- An abbreviation for the European Border and Coast Guard Agency
- Aims to "help EU countries and Schengen associated countries manage external borders" and "harmonize border controls across the EU".

Refugee
- Under the 1951 Refugee Convention, a refugee is defined as "someone who has been forced to flee his or her country because of persecution, war, or violence" that "has a well-founded fear

of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group."

Asylum Seeker
- Asylum seekers are people who "flee their own country and seek sanctuary in another country", and demonstrates that "his or her fear of persecution in his or her home country is well-founded."

The Dublin system
- Officially known as the Dublin III Regulation, it defines which state has the responsibility to evaluate the asylum request by migrants arriving in Europe

Schengen Area
- Signifies a zone made up of 26 different European countries that abolished their internal borders with other member nations and outside
- Free, unrestricted movement of people, goods, services and capital

EURODAC
- A database with fingerprints of all people above the age of 14 that have applied for asylum in one of the EU Member States

The Qualifications Directive
- Specifies the grounds for granting a person international protection and refugee status, along with the 1951 UN Refugee Convention

The Asylum Procedure Directive
- Provides common rules for the EU regarding the asylum seeking process
- E.g. setting time limits on the handling of asylum applications that the Member States' authorities must adhere to

The Reception Conditions Directive
- Sets a minimum standard on the reception of the asylum seeker,
- Specifies rules on dignified material living conditions and early evaluation of the asylum seeker's physical and mental health.

Background Information and Key Areas to Consider

According to UNHCR, an estimated number of 362,000 refugees have risked their lives crossing the Mediterranean Sea in 2016, with 181,400 and 173,450 people arriving in Italy and Greece respectively. Since the beginning of 2017, it is believed that over 2,700 have died or gone missing from their treacherous journey across the sea to Europe. In response, NATO has focused on rescue-at-sea and information gathering operations.

Currently, the Standing NATO Maritime Group 2 (SNMG2) is conducting surveillance and monitoring operations in the territorial waters of Greece and Turkey, along with international waterways. In cooperation and coordination with the Hellenic Navy, Turkish Navy, Hellenic Coast Guard, Turkish Coast Guard and Frontex, the operation also focuses on targeting smugglers who attempt to reap benefits from the refugee crisis.

The major advantage for NATO operating in the Aegean Sea is that it can operate in Turkish waters, which is something Frontex cannot do. NATO has access to a comprehensive database on smugglers, and keeps in touch with Turkish authorities, Frontex and so on. As NATO has the military capabilities that other intergovernmental organizations might not have, it provides a valuable source of military strength, and having a presence in the sea already provides a disincentive for smugglers.

But this has not been enough to prevent the vulnerability of these refugees. Refugees are particularly susceptible to human trafficking, especially minorities such as children and women. There is a shared responsibility between the countries of origin, transit and destination to prevent violations of human rights. The current EU law on determining the EU member state responsible for the asylum seekers, the Dublin Regulation, has faced criticism in its effectiveness and fairness in the relocation of refugees. Facing one of the biggest migration crises of all time, the Syrian refugee crisis, NATO must come together and establish new laws, frameworks and military action, if necessary, to ensure the proper relocation of refugees.

Co-responsibility between countries of origin, transit and destination

While the definition of countries or origin and destination are clear, "transit" countries are often ambiguous and are also countries of destination for migrants. The Council of Europe defines it as "countries that migrants cross on their way to their country of destination", but many refugees do not have a clear destination when they start fleeing their country. The significance of this ambiguity, however, is clear - countries of destination often shift the blame or responsibility of the influx of refugees on these countries of transit. This puts heavy socio-economic pressure on countries of transit, such as Greece, affecting their citizens and relations with other countries of destination.

The externalization of European Union border control has severe impact on the refugees. Many find themselves stranded or blocked on their way to their country of destination, leaving them vulnerable, without legal protection and hence at a great risk to trafficking and exploitation. This is especially the case when countries of transit are overwhelmed with the number of refugees and do not have the sufficient economic, social and legal safeguards to uphold international standards, such as to that of the 1951 UNHCR Convention on Refugees.

Therefore, there should be a stronger and more effective communication platform for countries of origin, transit and destination to understand that the situation will not be solved unless with plurilateral, transparent discussions on new frameworks, and take mutual responsibility for the crisis.

Problems with the Dublin Regulation

The creation of the Schengen Zone brought the need to regulate the asylum policies in the European Union, leading to the emergence of the Dublin Regulation (1990), Dublin II Regulation (2003), and most recently, Dublin III Regulation (2013). The basis of the Dublin Regulation is not to fairly distribute the refugees according to the country of destination's GDP per capita or population, but seeks to establish the state responsible for processing the asylum applications as quickly as possible. The main purpose of this is to stop refugees from "asylum shopping", choosing to seek asylum at the country of choice. The Dublin system has three principles:

1) Asylum seekers only have one opportunity to seek asylum: if their application is rejected, this will be recognised by all member states;
2) The member state responsible for processing the application is decided by pre-established criteria in the Dublin Regulation, not by asylum seekers themselves;
3) Asylum seekers can "transfer" to the member state they have been assigned to after processing their application.

One of the main criticisms is that the system is unfair. The most-commonly used criterion for determining the member state responsible for the asylum application is the first country of arrival, hence the obligation to support the refugees lies disproportionately on border countries such as Greece and Italy. This increases the chance of refugees being returned to their country of origin, as the first countries they arrive in are usually overwhelmed in numbers. In 2013, Italy received almost a third of the asylum seekers arriving in Italy.

Another criticism is that it does not work efficiently. Although refugees are supposed to seek asylum in the first country they arrive in, most applicants seek asylum in a different country they first arrived in, making that their country of destination. Also, despite the Dublin system's first principle, more than a third of the asylum claims made in 2013 were made by those who has previously applied to other member states.

Last but not least, although these refugees are fleeing their countries, their preferences are not taken into account in refugee distributions at all. According to the European Commissioner for Home Affairs in 2012, Cecilia Malmströhm justifies the system by saying that "it should not matter which

country to flee to", to avoid "asylum shopping". However, asylum seekers' preferences are often based on practical reasons, such as the ability to communicate, the presence of friends or relatives in their preferred countries, and their ability to find jobs. Critics claim that the Dublin system jeopardizes the refugees' rights, and is inflexible to humanitarian concerns in the allocation of refugees.

Guiding Questions

1. Do refugees have the right to decide their country of destination?
    a. If yes, how can we strike a balance between the interests of the countries and refugees?
    b. If no, how can we guarantee a fairer distribution of refugees? What are the potential problems of allocating refugees according to a country's statistics such as GDP per capita and population?
2. Can resources be equitably allocated between the citizens and migrants of a country to ensure the proper relocation of refugees?
    a. Is it possible to guarantee the best interests of both of these stakeholders in the refugee crisis?
    b. To what extent can it reduce the increasing anti-immigration sentiment in member states?

Key Parties Involved

Turkey
- Currently hosting 3.9 million refugees, making Turkey the country with the largest refugee population, and has one of the highest refugee per capita in the World.
- About 94% of Syrian refugees in Turkey remain outside of camp settings with limited access to basic services.

Greece
- As a border country, it is often regarded as the country of transit and destination for many refugees from the Aegean Sea
- Just recovering from the Eurozone crisis, Greece does not necessarily have the financial capability and resources to accommodate and support the vast number of refugees

Italy
- Experienced a sudden increase in asylum applications in early 2017 as its EU neighbours - France, Switzerland and Austria - has closed their borders
- Also a border country, it is often a country of transit and destination for refugees crossing the Mediterranean Sea

Germany
- Famous for its open-door immigration policy in 2015, Germany has established itself as a popular country of destination for numerous refugees
- However, Angela Merkel, the architect of this policy, has faced mixed criticism regarding the security situation in Germany and how the policy was handled

Timeline

Date	Place	Event
July 28 1951	Geneva	The Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention) was signed.
June 15 1990	Dublin	The Dublin Convention was signed.
February 18 2003		The Dublin II Regulation was adopted, replacing the Dublin Convention in all EU member states except Denmark.
March 15 2011	Syria	The outbreak of the Syrian Civil War.
July 19 2013		The Dublin III Regulation comes into force, replacing the Dublin II Regulation in all EU member states except Denmark.
August 31 2015	Germany	Angela Merkel announces her open-door immigration policy.
November 2015		Many European countries, including Austria and Slovenia, started to build barriers on their borders to stop the influx of refugees.
January 1 2016	Cologne	New Year's Eve sexual assaults take place in multiple German cities, mainly in the Cologne city centre.
Late 2017 - Early 2018		Rise of far-right, anti-immigration groups such as the Alternative for Germany (AfD) and the Freedom Party of Austria (FPÖ).

Possible Solutions

Solution 1: Prevention of irregular migration

- The presence of illegal employment opportunities are a pull factor for human traffickers and smugglers
- More consistent implementation of rules and stringent controls are needed on the recruitment and employment of foreign workers, especially for workers
- Also improves the security of job prospects for recognised refugees in a member state

Solution 2: Management of regular migration

- There should be a legal and safe pathway to the EU for migrants, with clearly separated immigration channels with third countries such as with bilateral agreements
- Migrant groups should be tailored to fit with their own preferences, as well as to suit the needs of the country of destination, with proper vocational training programs

Solution 3: Cooperation and communication

- Both the responsibility of the safety of refugees and managing migration should be equally shared between the countries of origin, transit and destination
- Countries must recognise the mutual responsibility and establish dialogues to improve cooperation, in accordance with the international law and treaties

Further research suggestions

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http://www.ohchr.org/Documents/Issues/Migration/StudyMigrants/OHCHR_2016_Report-migrants-transit_EN.pdf
Countries of transit: meeting new migration and asylum challenges by the Council of Europe:
http://www.refworld.org/pdfid/5669613e4.pdf
More problems with the Dublin system:
https://www.cidob.org/en/publications/publication_series/notes_internacionals/n1_135_por_que_dublin_no_funciona/why_dublin_doesn_t_work
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TOPIC: PROMOTING TRANSPARENCY AND RISK REDUCTION

By Francisca Lam

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Introduction

Security is integral in ensuring well-being in our lives. The purpose of NATO is to foster well-being, freedom, and security of member nations within the alliance, politically and military wise. NATO is one of the key promoters of democracy when it comes to enabling members to consult, and cooperate while building a collective defensive security stance to solve some of the world's crises.

Similarly, NATO is also committed to solving global crises and disputes in a peaceful manner. Although NATO has often sought out peaceful preventative, and diplomatic measures, NATO has the right to carry out military action based on their crisis-management operations. These measures are usually discussed and carried out on a case by case basis and mandated under the collective defense clause under Article 5 of the Washington Treaty, or under a United Nations mandate. Although NATO is an intergovernmental alliance, operations can be carried out by single parties, in cooperation with other states, or with NGO's transnationally.

The idea that transparency is a factor for peace, and as a security building measure. The UN previously stated that 'transparency in armaments can help determine if excessive or destabilising accumulations of arms is taking place". However, there are inherent limitations in regards to disclosure that don't allow the potential of attaining full transparency in regards to the military area. Many member states, especially those who are non-democratic, lack proper mechanisms for declaration of military data to achieve universal participation in this regard.

Previously in 2014, NATO took a large step in disclosing interagency budgets, such as individual audit reports of NATO entities and related statements. Since the 2014 NATO Wales Summit Declaration, the alliance committed to publicise a number of additional documents that show it's internal financial regulations and accounting principles within the alliance. However, states previously found that NATO did not have a basic information disclosure policy that lead to the Netherlands' national audit office to create a website in order to promote the transparency, and accountability of NATO.

National militaries continue to receive a substantial amount of financial support from their government as geopolitical conflicts continue to arise. However, as international and domestic conflicts develop, countries, and alliances such as NATO continue to use private military contractors to remain a low profile while fighting battles in conflict zones. The rise of non-state militants within blurred legal statues poses a threat to civilians.

Key Terms

Accountability
- Answerability, blameworthiness, liability; an expectation of account-giving. In governance, the term is central in discussions that pertain to problems that occur in the public, nonprofit, private (corporate), and state contexts.

Transparency
- The characteristic of being able to see through, or past. A quality of being able achieving items without secrets.

Private Military Company (PMC)
- A company that is unrelated to any governmental agency and is private that provides similar services as to those of governmental military, security, and police forces.

Private Military Contractors
- The phrase interchangeable with 'Private military company'. These individuals are staff who work within the agencies.

Civilian
- An individual who is not associated with any armed service of it's nation.

Geneva Conventions
- The Conventions are comprised by 4 treaties that encapsulate the fundamental standards of humanitarian treatment in war, while simultaneously defining the basic rights of prisoners of war and protection that civilians should have in a war-zone.

War Crimes
- A term that indicates the acts performed during war that violates common, and international regulations and conducts of war.

Background Information and Key Areas to Consider

Freedom of information, and NATO's budget

As of current, the countries with freedom of information laws or similar information laws stands at about 93. WIthin intergovernmental institutions, there are extremely little cases despite some institutions having a decent form of an administrative framework. This framework looks at facilitating public information

requests, such as ones from the European Union, the Council of Europe, the World Bank, and many more. As NATO is an alliance of a larger scale, the importance of security demands for NATO to be subject to scrutiny and inspection. However, the public (mainly auditors), cannot do so without an annual budget, making it hard to grasp the proposals that seek to be implemented within the Alliance.

The costs of NATO, in terms of implementing its policies, and activities are met by receiving funds from a common funding pool and participation in NATO led operations. Member states can make direct contributions to the pool as regulated by the internal budgetary process previously approved by a cost-sharing formula based on the state's gross national income. Within the common funding pool, there are 3 budgets- a civil, military, and Security Investment. The latter is dedicated to fund all NATO installations and facilities.

Although the NATO website discloses some of the actual budget amounts and the processes that lead to it, there are no specifics in regards to member state contributions. This proves to be an issue considering that contributing to NATO-led operations is where the money gets spent if assuming that member states incur independent deployment costs when funding for forces for operations. As an example, the NATO mission in Kosovo had military forces and assets that were procured independently by each state. According to the US congressional Research Service, the US contributed about 25% to the NATO budget, allowing for experts to assume the annual NATO expenditure to be around 2.5 billion Euros.

With the impact of Russian policy, this has finally awaken long asleep European members of NATO to halt the decline of military spending that has lasted for decades. Experts estimate that 16 of the 28 member states will increase military spending in order to combat the rising Russian military doctrine that includes the use of the usages of nuclear weapons at the beginning of a war.

Human rights violations as a result of the usage of PMCs

PMCs carry little to no political baggage when looking at casualties and fatalities, which are inevitable consequences of war. PMC fatalities are inconsequential from governments; however, military fatalities can pose as future liabilities for the state. Military fatalities have a rising trend to dissipate in regards to public support for military campaigns as the public begins to become aware of the apparent problem of human costs in conflicts. An example of such would be in 2008 when there were over 4000 military fatalities in Iraq caused by the US military.

To contrast that, contractor fatalities often go unknown to the public and do not pose the same risks in comparison to those suffered by the military. Little to no states publicise contractor statistics, and all information usually remains confidential and internal to PMCs and is rarely to never publicised. Thus, the deployment of contractors in replacement of the military is often favourited by governments in order to prevent a calamity caused by public uproar in regards to mission related fatalities.

As listed out by previous reports from NGOs such as Amnesty International, Iraq and Afghanistan have PMCs that outnumber those of military personnel. The US has outsourced its military through the use of PMCs, consequently resulting in PMCs committing numerous human rights violations. According to those reports from Amnesty International, these violations include the inhumane torture, firing, killing, sexual

abuse, rape, human trafficking of civilians and the mass accumulation of weapons as a result of participation in these rendezvous.

Despite numerous reports, governments and the alliance have failed to fully tackle the issue and have only addressed these allegations in speeches and official reports. Presidencies, such as ones from the US have failed to instigate siginificant change in legislations and policies regarding the regulation of PMC's. In the context of Afghanistan, as a result of the lack of US and NATO forces, Afghanistan's domestic security apparatus and militant extremism serves as an invitation for PMCs to join. Historically, PMCs trace and join operations in which they focus their resources and expertise to combat anti-government, and factions of insurgency only at the behest of states that lack the proper resources to control and manage the situation.

Crisis Management

As one of NATO's fundamental tasks, it involves military and non-military measures in order to fully tackle the entire spectrum of crises. This is traditionally one of NATO's strengths based on previous history, and has proven to have management procedures and a strong military command structure.

Since the creation of NATO, it's largest responsibility has been to prepare for any invocations of Article 5- this was done so following the Al-Qaeda terrorist attack on the US on September 11, 2001. After the alliance proved that the attack came from abroad, the council considered such an act that was covered by Article 5. Member nations contributed into measures that were put into place after such to prevent attacks, which includes Operation Active Endeavour in the Mediterranean. Some of the non-Article 5 crisis management responses have included the involvement in the former Yugoslavia in 1992 after the Cold War.

There is some legal basis in the acceptance for NATO to use force. France has been insistent on giving the UNSC the primary role to authorise any action of force, while the US stated that NATO should be allowed to impose its forces at any time. Because of Kosovo, the alliance remains divided on future precedents.

Guiding Questions

1. Should countries, coalitions, and alliances be legally able to source and use PMCs?
    a. If so, how should countries determine the appropriate amount? Based on the fatality? On a case-by-case basis?
2. Should the alliance be held liable if not disclosing all of its financial budget?
    a. If so, would member states be allowed to withhold the information from the public?

3. With threats such as nuclear weapons from Russia, how should member states deem appropriateness on increasing transparency in regards to military spending and the use of PMCs to fight off the rising threat?

Key Parties Involved

Russia

- Russia and NATO have long had conflicts of interests despite the halt after the Cold War to continue a push on the arms control treaty such as the Treaty on Conventional Armed Forces in Europe. In early 2014, tensions arose because of the Ukrainian crisis and Russia's decision to annex Crimea. As a result, co-operations have long halted.

United States

- The US has long been one of the largest contributors to NATO's budget despite Trump conceding out of major agreements since the end of the Obama administration. The US has also rejected the UN's classification of PMCs as mercenaries, and is not a signatory on the United Nations Mercenary Convention (UNMC). US is the biggest supplier of PMCs however is hard to be held accountable for its actions.

France

- Although France withdrew from the NATO integrated military command structures in 1966, France has continued to be one of the more committed members in NATO operations. France mostly withdrew from the Kosovo operation in 2014, but continues to stay active in the Afghanistan operation.

Iraq

- Previously, PMCs had immunity from Iraqi laws which allowed PMCs to escape prosecution, despite the law being turned over. In 2007, the Iraqi government prohibited Academi from operating in Iraq as a response to the Academi shootings that occured in that year.

Academi

- Academi was previously a PMC under the name of Blackwater that was founded in 1997, and mainly provides services to the US government on a contract basis and has been hired by the CIA since 2003.

Timeline

Date	Place	Event
1953		The first disaster assistance scheme was implemented as a result of the flooding in northern Europe.
1958		Established detailed procedures for member states to coordinate assistance. These procedures were later reviewed again in 1995.
1992		NATO offered assistance when conflict broke out in

	Yugoslavia.
1995	NATO members agreed to take military action as a result of the violation of exclusion zones in an attempt to end the war in Bosnia.
1999	NATO reiterates the alliances strategic concept released in 1991, and includes crisis management operations for non Article 5 operations
2001	NATO invokes Article 5 as a response to the al-Qaeda attack on the US.
2012	NATO releases a document on strengthening transparency, accountability ,and integrity in the security sector.
2014	NATO released its financial reports, including individual audit reports of NATO.

UN Involvement

NATO and the UN share a similar commitment in working towards world peace and security. In 2008, both bodies established a framework for consultation and co-operation between the two organisations that aimed to help address threats in a more effective manner. Close cooperation is important in regards to the development of an international "Comprehensive Approach" to crisis management.

UNSC has also previously mandated NATO operations in the Balkans and in Afghanistan. NATO also supports some of UN's sponsored operations such as African Union's peacekeeping operations in Darfur, Sudan, and Somalia. NATO has also continued to support UN relief operations. such as the one in Pakistan as a result of the earthquake of 2005.

Resolution A/RES/47/84 created in 1992, includes notable clauses 7 and 10 focusing on the humanitarian assistance that should be provided to the victims of assaults from PMCs. Regardless, it fails to address the necessity of a regulation and accountability system, with the resolution indicating that accountability remains a large issue with PMCs.

Clashes

Lack of governmental supervision with PMCs

A key complication in regards to regulation PMCs is the lack of governmental supervision. In global conflicts, such as the ones in Afghanistan and previously in Iraq, it leads to an increased number of crime and human rights abuses that arise from poor governmental control and legal regulations, and supervision. As the government continues to ignore this, PMCs are not controlled by any governing body or law, which allows contractors to freely rape, kill, torture, with no ramifications. As a result, systems should be created to

supervise the PMCs and contractors as even a basic framework to monitor the situation has yet to be created.

Similarly, PMCs also don't have an international classification other than the one defined by the UN. However, not all countries, such as the US, act as signatories to such, which allows the state to define the PMCs actions. With such, there is no clear label that is able to hold PMCs accountable for their treatment towards civilians.

Possible Solutions

Establish similar consensus in regards to transparency
- Member states should reach a consensus on what should be released and what should not, and should be evaluated on a case-by-case basis as civilians should understand some of the internal affairs of the operations, especially in regards to the use of PMCs.

Regulating the use of PMCs
- Member states should reach a consensus on defining PMCs on a legal basis to be able to hold their actions accountable if contractors of a PMC commits a war crime in a jurisdiction or legal body.

Further research suggestions

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