ISMUNHK 2018
NATO CHAIR REPORT

TOPIC: Proper Relocation of Refugees

By Hei Kiu Au

Contents

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

UN Report on the "Situations of migrants in transit" (2016):
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
A greater NATO role in Syria: https://intpolicydigest.org/2017/05/05/a-greater-nato-role-in-syria/

Bibliography

Ammirati, Annapaola. "What Is the Dublin Regulation∕Open Migration." *Open Migration*, Open Society Foundation, 18 Feb. 2016, openmigration.org/en/analyses/what-is-the-dublin-regulation∕.

Carrera, Sergio, and Daniel Gros. "The New EU Approach to Relocation of Refugees: Can It Work, Is It Just?" *Council on Foreign Relations*, Council on Foreign Relations, 6 Oct. 2015, www.cfr.org/councilofcouncils/global_memos/p37092.

"European Border and Coast Guard Agency (Frontex) - European Union - European Commission." *European Union*, European Union, 24 Oct. 2017, europa.eu/european-union/about-eu/agencies/frontex_en.

Gale, Sadie Levy. "Refugee Crisis: Nearly 90,000 Unaccompanied Children Sought Asylum in Europe in 2015." *The Independent*, Independent Digital News and Media, 3 May 2016, www.independent.co.uk/news/world/nearly-90000-unaccompanied-minors-sought-asylum-in-eu-in-2015-a7010976.html.

"Italy's Migrant Crisis Saw a Huge Turning Point in 2017." *Public Radio International*, PRI, 30 Dec. 2017, www.pri.org/stories/2017-12-30/italys-migrant-crisis-saw-huge-turning-point-2017.

Malmström, Cecilia. "A Common European Asylum System Is Here." *Blog of Cecilia Malmström*, Rssing, 6 Dec. 2013, cecilia196.rssing.com/chan-12001148/all_p1.html.

"No Regrets: Merkel Defends Open-Door Policy as Election Draws Near." *RT International*, RT, 27 Aug. 2017, www.rt.com/news/401102-merkel-refugee-policy-no-regrets/.

"Schengen Area Countries List - Schengen Zone." *Schengen VISA Information*, SchengenVisaInfo.com, 2018, www.schengenvisainfo.com/schengen-visa-countries-list/.

Senge, Katharina. "Co-Responsibility between Countries of Origin, Transit and Destination: Lessons from Spain's Experience with Migration." *Philosophy of the Social Sciences*, SAGE Publications Ltd., 18 Mar. 2018, journals.sagepub.com/doi/full/10.1177/1781685818762061.

"What Is a Refugee? Definition and Meaning | USA for UNHCR." *Refugee Crisis in Yemen: Aid, Statistics and News | USA for UNHCR*, USA for UNHCR, www.unrefugees.org/refugee-facts/what-is-a-refugee/.

"What Is NATO?" *NATO*, NATO, www.nato.int/nato-welcome/index.html.