



MUNQSMUN '17

“Rise above the Rest”

**United Nations General Assembly
Background Guide**

Letter from the Executive Board

Greetings Ambassadors,

We welcome you to the United Nations General Assembly Plenary session. We hope that the two days of the conference will be full of intense discussion and deliberation.

We expect every ambassador to represent their country to the best of their abilities, and contribute fruitfully to debate. From each one of you, we expect impeccable diplomatic conduct- which includes diplomatic courtesy, effective lobbying and above all compromising on negotiable grounds.

The following document gives a background on the agenda. The document should not be taken at its face value, and should only be used for giving direction to your research.

Moreover, links have been provided to help you during the course of your research.

As ambassadors, you will be expected to be thorough with your research and base your analysis and conclusions on the same during debate. Please remember, a Council is only as strong as its individual ambassadors, and that the Executive Board is here merely to guide debate, not to take part in it.

We expect the two days to be an immense learning experience. Please feel free to revert to the Executive Board, for any queries you may have.

***Study Guides, contrary to popular belief, are not supposed to contain all the information on a certain topic. A good study guide consists of information that an ambassador can use to gain basic information on the issue at hand and the links for further research that they must use to prepare for the final conference.**

Chairperson : Rudraksh Lakra

**AGENDA:
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SMUGGLING**

PROOF/EVIDENCE IN COUNCIL

Evidence or proof is acceptable from sources:

1. News Sources:

a. **REUTERS** – Any Reuters article which clearly makes mention of the fact or is in contradiction of the fact being stated by an ambassador in council.

([http:// www.reuters.com/](http://www.reuters.com/))

b. **State operated News Agencies** – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any Country as such but in that situation, they can be denied by any other country in the council. Some examples are,

i. RIA Novosti (Russia) <http://en.rian.ru/>

ii. IRNA (Iran) <http://www.irna.ir/ENIndex.htm>

iii. BBC (United Kingdom) <http://www.bbc.co.uk/>

iv. Xinhua News Agency and CCTV (P.R. China) <http://cctvnews.cntv.cn/>

2. **Government Reports:** These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. **However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information.**

Examples are,

a. **Government Websites** like the State Department of the United States of America <http://www.state.gov/index.htm> or the Ministry of Defence of the Russian Federation <http://www.eng.mil.ru/en/index.htm>

b. **Ministry of Foreign Affairs** of various nations like India(<http://www.mea.gov.in/>), People's Republic of China(<http://www.fmprc.gov.cn/eng/>), France(<http://www.diplomatie.gouv.fr/en/>), Russian Federation(http://www.mid.ru/brp_4.nsf/main_eng) c. **Permanent Ambassadors** to the

c. United Nations Reports

<http://www.un.org/en/members/>(Click on any country to get the website of the Office of its Permanent Ambassador.

d. **Multilateral Organizations** like the NATO (<http://www.nato.int/cps/en/natolive/index.htm>), ASEAN (<http://www.aseansec.org/>), OPEC (http://www.opec.org/opec_web/en/), etc.

3. **UN Reports:** All UN Reports are considered credible information or evidence for the Executive Board of the Security Council.

a. **UN Bodies:** Like the SC(<http://www.un.org/Docs/sc/>), GA(<http://www.un.org/en/ga/>), HRC(<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>) etc.

b. **UN Affiliated bodies** like the International Atomic Energy Agency (<http://www.iaea.org/>), World Bank (<http://www.worldbank.org/>), International Monetary Fund (<http://www.imf.org/external/index.htm>), International Committee of the Red Cross (<http://www.icrc.org/eng/index.jsp>), etc.

c. **Treaty Based Bodies** like the Antarctic Treaty System (<http://www.ats.aq/e/ats.htm>), the International Criminal Court (<http://www.icc-cpi.int/Menus/ICC>)

*Under no circumstances will sources like Wikipedia (<http://www.wikipedia.org/>), Amnesty International (<http://www.amnesty.org/>), Human Rights Watch (<http://www.hrw.org/>) or newspapers like the Guardian (<http://www.guardian.co.uk/>), Times of India (<http://timesofindia.indiatimes.com/>), etc. be accepted.

SOME IMPORTANT LINKS <http://www.reuters.com/>

- Reuters news agency. <http://en.rian.ru/> - Russia official news agency. <http://www.irna.ir/ENIndex.htm> – Iran official news agency. <http://www.bbc.co.uk/> - UK national news agency.

<http://cctvnews.cntv.cn/> People's Republic of China national news agency. <http://www.state.gov/index.htm> US Department of State.

<http://www.mea.gov.in/> Ministry of external Affairs India.

<http://www.fmprc.gov.cn/eng/>Ministry of foreign affairs of the People's Republic of China.

<http://www.diplomatie.gouv.fr/en/> - Foreign Ministry France.

http://www.mid.ru/brp_4.nsf/main_eng- The Ministry of Foreign Affairs Russian Federation.

<http://www.un.org/en/members/> (Click on any country to get the website of the Office of its Permanent Ambassador.)

<http://www.aseansec.org/> -The Association of Southeast Asian Nations.

<http://www.un.org/Docs/sc/> -United Nation Security Council.

<http://www.un.org/en/ga/> -United Nation General Assembly.
<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>– Human Rights Council.
<http://www.icrc.org/en/g/index.jsp>- The International Committee of the Red Cross. <http://www.icc-cpi.int/Menus/ICC> - International Criminal Court.
<http://www.un.org/en/peacekeeping/about/dpko/> -Department of Peacekeeping Operations
http://europa.eu/index_en.htm - The European Union

About the United Nations General Assembly

Established in 1945 under the Charter of the United Nations, the General Assembly occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Comprising all 193 Members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter.

It also plays a significant role in the process of standard-setting and the codification of international law. The Assembly meets in regular session intensively from September to December each year, and thereafter as required.

According to the Charter of the United Nations, the General Assembly may:

1. Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament;
2. Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it;
3. Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations;
4. Initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields;
5. Make recommendations for the peaceful settlement of any situation that might impair friendly relations among nations;
6. Receive and consider reports from the Security Council and other United Nations organs;

7. Consider and approve the United Nations budget and establish the financial assessments of Member States;
8. Elect the non-permanent members of the Security Council and the members of other United Nations councils and organs and, on the recommendation of the Security Council, appoint the Secretary-General.

While the Assembly is empowered to make only non-binding recommendations to States on international issues within its competence, it has, nonetheless, initiated actions—political, economic, humanitarian, social and legal—which have affected the lives of millions of people throughout the world.

Migrant Smuggling

Smuggling of Migrants is a crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident. Migrant smuggling affects almost every country in the world. It undermines the integrity of countries and communities, and costs thousands of people their lives every year. UNODC, as the guardian the United Nations Convention against Transnational Organized Crime (Organized Crime Convention) and the Protocols thereto, assists States in their efforts to implement the [Protocol against the Smuggling of Migrants by Land, Sea and Air](#) (Smuggling of Migrants Protocol).

What is Migrant Smuggling?

The [Smuggling of Migrants Protocol](#) supplementing the United Nations Convention against Transnational Organized Crime defines the smuggling of migrants as the

"procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident." (Article 3, [Smuggling of Migrants Protocol](#)).

In order to comply with the [Smuggling of Migrants Protocol](#), Article 6 requires states to criminalize both smuggling of migrants and enabling of a person to

remain in a country illegally, as well as aggravating circumstances that endanger lives or safety, or entail inhuman or degrading treatment of migrants.

Virtually every country in the world is affected by this crime, whether as an origin, transit or destination country for smuggled migrants by profit-seeking criminals. Smuggled migrants are vulnerable to life-threatening risks and exploitation; thousands of people have suffocated in containers, perished in deserts or dehydrated at sea. Generating huge profits for the criminals involved, migrant smuggling fuels corruption and empowers organized crime.

What is human smuggling?

International law defines smuggling of persons as procuring “the illegal entry of a person” into a country “in order to obtain, directly or indirectly, a financial or other material benefit.” In other words, smugglers help people cross borders undetected in exchange for payment. The main legal instrument governing smuggling is the *Protocol against the Smuggling of Migrants by Land, Sea and Air* adopted in 2000.

And what is human trafficking?

International law defines trafficking of persons as “the recruitment, transportation, transfer, harbouring or receipt of persons,” by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, or abuse of power “for the purpose of exploitation” with exploitation referring, “at a minimum” to “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs .” In other words, traffickers move people from one place to another without their informed consent and exploit them along the way or at their final destination. The main legal instrument governing trafficking is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* also adopted in 2000.

What are the key differences between smuggling and trafficking people?

There are three fundamental differences: consent, exploitation, transnationality

Consent. The smuggled person agrees to being moved from one place to another. Trafficking victims, on the other hand, have either not agreed to be moved or, if they have, have been deceived into agreeing by false promises, only to then face exploitation.

Exploitation. Smuggling ends at the chosen destination where the smuggler and the smuggled person part ways. In contrast, traffickers exploit their victim at the final destination and/or during the journey.

Transnationality. Smuggling always involves crossing international borders whereas trafficking occurs regardless of whether victims are taken to another country or moved within a country's borders.

But don't smugglers and traffickers profit from unlawfully transporting people?

Yes, in both trafficking and smuggling, criminal networks stand to profit from a business involving the transportation of human beings. However in the case of smugglers, their clients agree to pay and understand what the risks are, while in the case of trafficking, traffickers make their money from exploiting people who have not consented.

Can migrants be both smuggled and trafficked in the same journey?

Yes, some trafficked people might start their journey by agreeing to be smuggled into a country, only to then be deceived, coerced, or forced into an exploitative situation (for instance, being forced to work for very low wages or in debt bondage to pay for their transportation). Human Rights Watch has documented cases in which migrants paid smugglers to transport them, but were then transferred to traffickers, who detained and tortured them for ransom in exchange for release and for allowing them to continue their journey.

So when smugglers abuse people they are transporting, is that not trafficking?

It can happen that the abuse some smugglers inflict on their clients is to exploit them in a way defined in international law, and then the smuggler effectively

becomes a trafficker. But in most cases such abuse, including arbitrary violence for no particular reason, does not amount to “exploitation.” If the abuse is not for the purpose of exploitation and the victims then willingly continue their journey together with the smugglers, they should not be described as trafficking victims. In particular, although smugglers may expose their clients to grave danger and put their lives at risk by using unseaworthy or overcrowded boats, if asylum seekers and migrants are willing to take such risks such abuse does not constitute exploitation.

So if migrants consent to smuggling why should they receive help?

Most of those who resort to the services of smugglers despite all the risks are entitled to protection, not because of their mode of transport or the perils of their journey, but because of the factors that caused them to flee and their status as asylum seekers or refugees. Tens of thousands of asylum seekers fleeing persecution and other harm in their home countries use smugglers to reach countries of asylum by boat. Describing the criminals who move them as traffickers implies they are arriving against their will and avoids openly discussing why so many are fleeing their countries.

So who benefits from calling smugglers “traffickers?”

Incorrectly labelling “smugglers” as “traffickers” conveniently ignores reasons why asylum seekers and migrants chose to leave home—such as conflict, widespread human rights abuses, famine and economic destitution. It allows governments of countries they are trying to reach to imply that law enforcement is more important than ensuring asylum seekers can get protection and exercise their right to seek asylum and that actions such as destroying boats is a humanitarian act aimed at saving lives when in reality the objective of such policies is to prevent people from migrating irregularly across these countries’ borders.

So what about victims of actual trafficking?

International legal provisions encourage countries to assist and protect trafficking victims under the Protocol on Trafficking. This requires countries to provide for victims’ physical, psychological, and social needs and to consider allowing them to

remain on their territory. Making clear distinctions between smuggling and trafficking in persons prevents undermining of these obligations.

Smuggled migrants are vulnerable to abuse and exploitation. Their safety and even their lives are often put at risk: they may suffocate in containers, perish in deserts or drown at sea while being smuggled by profit-seeking criminals who treat them as goods. As the crime is a clandestine one, accurate global figures are difficult to come by. Nevertheless, it is estimated that two of the principal smuggling routes - leading from East, North and West Africa to Europe and from South America to North America - generate about \$6.75 billion a year for criminals. [1] The global figure is likely to be much higher.

Moving people for profit

The smuggling of migrants is the facilitation of crossing borders illegally or residing illegally in another country with the aim of making a financial or other material profit. This crime is often perpetrated by organized criminal networks, which seize the opportunity to make large profits from an illicit activity involving little risk of detection.

The profiles of the smugglers vary widely. Full-time professional criminals are involved in smuggling migrants around the world; some of those criminals are specialized in smuggling people, and some are not. There is evidence of both smaller and larger, more organized groups and networks operating as smugglers in all areas, although this varies by region and route. There are also many smugglers who run legitimate businesses and are involved in the smuggling of migrants as opportunistic carriers or hospitality providers who choose to look the other way in order to make some extra money. Corrupt officials and other individuals may also be involved in the process.

Smugglers of migrants are becoming more and more organized, establishing professional networks that transcend borders and encompass all regions. As with other forms of organized crime, the groups concerned have increased their operations by shifting routes in a bid to expand into other markets and circumvent the responses of States. Criminal groups have merged or formed cooperative relationships, expanding their geographical reach and the range of their criminal activities. Some criminal groups view migrants as simply one of many

commodities to be smuggled, alongside drugs and firearms. Since the smuggling of migrants is a highly profitable illicit activity with a relatively low risk of detection, it is attractive to criminals.

Migrant Smuggling - A Deadly Business

Currently, data is too scattered and incomplete to paint an accurate picture of numbers of people who are smuggled each year and the routes and methods used by those who smuggle them. Still, available evidence reveals the following trends and patterns:

Criminals are increasingly providing smuggling services to irregular migrants to evade national border controls, migration regulations and visa requirements. Most irregular migrants resort to the assistance of profit-seeking smugglers. As border controls have improved, migrants are deterred from attempting to illegally cross them themselves and are diverted into the hands of smugglers.

Migrant smuggling is a highly profitable business in which criminals enjoy low risk of detection and punishment. As a result, the crime is becoming increasingly attractive to criminals. Migrant smugglers are becoming more and more organized, establishing professional networks that transcend borders and regions.

The modus operandi of migrant smugglers is diverse. Highly sophisticated and expensive services rely on document fraud or 'visa-smuggling'. Contrasted with these are low cost methods which often pose high risks for migrants, and have led to a dramatic increase in loss of life in recent years.

Migrant smugglers constantly change routes and modus operandi in response to changed circumstances often at the expense of the safety of the smuggled migrants.

Thousands of people have lost their lives as a result of the indifferent or even deliberate actions of migrant smugglers.

The harsh search for a better life

People move to other countries for many reasons, but for undocumented migrants it is nearly always for a better life. This may be for themselves or for their families, and it may involve searching for work or escaping from poverty, natural disasters, violence, armed conflict or persecution.

Profit-seeking criminals exploit the lack of legal opportunities available to migrants and take advantage of their situation by offering services at great cost. While these may include services such as transport, they may also consist of document fraud. This can include the lending of stolen passports with photos that resemble the migrants, the falsification of travel or identity documents or the obtaining of genuine passports or visas on the basis of fraudulent supporting documents.

Because these services are illegal, the criminals have tremendous power, while the migrants are left vulnerable. Many migrants are abused or die on the way to their destination, and many are abandoned en route without resources. Refugees and asylum seekers, as well as vulnerable migrants such as unaccompanied minors and pregnant women, can be among those who pay a high price for smuggling services with no guarantee for their safety or the success of the venture.

In many cases, migrants are mistreated during the smuggling process and the conditions that they are made to endure are severe. When they realize the situation they are in, some migrants try and turn back, but they are inevitably forced to continue with the journey.

Routes and packages

There are many different ways of smuggling migrants; they range from simple to complex, from safe to dangerous and from cheap to very costly. The level of safety and ease of reaching the destination are dependent on the amount of money paid. Migrants with little financial means may opt for a "pay-as-you-go" package in which they pay bit by bit for different parts of the journey to smugglers who may not be linked with one another. These migrants are more likely to become stranded and be exposed to abuse. The more comprehensive "package deals" may be quicker, safer and have a higher guarantee of success, but they can also be considerably more expensive.

Smuggling routes can be affected by long detours and last-minute changes in the itinerary to take advantage of certain border policies or weaknesses in border control. The routes may originate and end on the same continent, be transcontinental or involve transiting through a third continent. Two examples of routes commonly used for the smuggling of migrants are the route leading from South America and Central America (as well as Mexico) to North America and the route leading from Africa to Europe.

From South America and Central America to North America

It is estimated that just under one third of all immigrants in the United States of America are there illegally, with about 80 per cent of the illegal immigrant population in the country originating in South America (as well as Mexico). Of all illegal immigrants in the United States, an estimated 25-40 per cent entered the country on a legal visa and then overstayed, and the remainder entered the country clandestinely. Of the latter group, 97 per cent entered the United States clandestinely through that country's border with Mexico; coastal apprehensions comprised less than 1 per cent of the total. While not all illegal immigrants are smuggled, these figures do provide an indication of the extent of the situation.

Most migrants are smuggled across the border in trucks, although there have been cases in which the crossing is made on foot, by rail or even through special tunnels. The organized criminal groups involved in smuggling migrants across the border between Mexico and the United States appear to be based largely in Mexico and Central America. For the smugglers, there appears to be little risk of arrest, as they normally pretend to be irregular migrants themselves and are repatriated rather than apprehended.

While the percentage of migrants who have been smuggled is unknown, it is estimated that Latin Americans account for around 3 million illegal entries into the United States each year, generating an annual income of about \$6.6 billion for criminals. Incidents of hostage-taking and extortion have increasingly been noted, which highlights the diverse criminal elements involved in the smuggling of migrants.

Figures for 2008 show that 88 per cent of migrants apprehended at United States borders were Mexican nationals, 3 per cent were from Honduras, 3 per cent were from Guatemala, 2 per cent were from El Salvador and 4 per cent were from other countries. The fees charged for smuggling migrants differ substantially depending on the point of origin. Migrants smuggled across the border between Mexico and the United States pay about \$2,000, while migrants from beyond Mexico (and thus needing to cross multiple borders) could pay as much as \$10,000.

Recent figures indicate that too migrants use indirect routes leading from other continents. Migrants from East Africa are transported along land routes to South Africa and then smuggled by air into Brazil. Once in South America, they then travel by sea or land to Costa Rica or Panama, or by air directly from Brazil to Mexico. Chinese and Indian migrants are often transported to Guatemala and travel from there by land to Mexico.

From East, North and West Africa to Europe

Each year, some 55,000 migrants are thought to be smuggled from East, North and West Africa into Europe, generating about \$150 million in revenue for criminals. While the number of migrants smuggled from Africa into Europe is far lower than the number smuggled from South America and Central America into North America, the conditions are no better: long desert routes and treacherous sea crossings. While figures on fatalities can be difficult to ascertain, media reports indicate that between 1996 and 2011, at least 1,691 people died while attempting to cross the Sahara and that in 2008 alone, 1,000 deaths occurred during sea crossings.

For African migrants travelling to Europe, the motivation for leaving their country of origin mirrors that of migrants from Central America and South America: a lack of economic opportunities and political instability are two of the leading reasons. It is believed that many migrants heading to Europe from Africa are either smuggled by air with the aid of fraudulent documents or initially enter Europe legally and then remain in the country of destination once their visa has expired. The rest are smuggled along a combination of land and sea routes, which can take considerably longer and be more dangerous.

The journey from West Africa to Europe is not always made all at once: the majority of migrants remain in North Africa for different periods of time, often to earn more money to pay for the rest of the journey. The fees paid to criminals vary, depending on the point of departure and the points of destination. For instance, Asian migrants who travel to Europe via Africa reportedly pay between €4,180 and €5,575 for the flight alone. A smuggling journey from Agadez, in the Niger, to Libya or to Europe itself would be priced at about \$2,000-\$3,000.

Travelling from inland areas to coastal ports is a gruelling journey. In West and East Africa, Gao, Mali; Agadez; Addis Ababa; and Cairo are hubs from which migrants head to the coasts of Algeria, Egypt, Libya, Morocco and Turkey. From there, migrants are smuggled by boat to various locations in Europe.

A far-reaching crime

Smuggled migrants are often subject to grave human rights abuses. While they might initially agree to be smuggled into another country, the journey can turn into anything but a consensual one. During the trip, people might be squeezed into exceptionally small spaces in trucks or onto unseaworthy boats in order for smugglers to maximize their "cargo". Migrants might be raped or beaten en route or left to die in the desert. Once they reach their destination, many find that they (or their families) are the victims of blackmail or debt bondage. The latter can involve migrants paying huge sums of money to criminals in order to settle near-impossible levels of debt out of fear of violence or fear of being deported by the authorities, which can result in them becoming victims of human trafficking.

The smuggling of migrants and the activities related to it cost many people their lives and generate billions of dollars in profit for criminals. They also fuel corruption - through the bribery of officials - and strengthen organized crime in the countries of origin, transit or destination. There is evidence suggesting that, with the ever-growing interdependence of the global economy, the involvement of criminal groups in the smuggling of migrants is on the rise.

The smuggling of migrants has an impact on the countries of origin, transit and destination. In countries of origin, families go into debt in order to pay the smuggling fee, with no guarantee for a return on their investment. Even worse, they may be left with no news from their relatives, not knowing whether they are

dead or alive, in prison or victims of trafficking. In transit countries, smuggled migrants may become stranded with limited means of continuing their journey, or be deceived by smugglers. This places a heavy burden on the transit countries, particularly since migrants are usually from a different cultural background and may not understand the local language. Smugglers may also recruit for their criminal activities among local or migrant communities; thus, their illicit activity may have an impact on the areas along the routes they use. Attempting to intercept smuggled migrants and combat the crime places a significant strain on the resources of countries of destination. If countries lack the resources and legal framework to respond appropriately to the smuggling of migrants, the crime may continue unchecked.

What can be done?

The absence or inadequacy of national legislation to address the smuggling of migrants in many parts of the world often means that smugglers of migrants can continue to commit the crime with little fear of being brought to justice. Responses by States often target migrants, leaving smugglers, and especially organized criminal groups, which are more difficult to apprehend, at large. Only a limited number of States have specific policies and mechanisms in place aimed at countering the smuggling of migrants, and a lack of capacity to investigate and prosecute the crime means that criminal justice systems are often unable to meet the challenge of combating it. Beyond this, failure to secure smuggled migrants as witnesses means that prosecutions are often difficult and opportunities to convict are missed. Moreover, the smuggling of migrants is not always considered a serious crime for which a heavy penalty could be imposed. Ensuring that priority is given to investigating higher-level smugglers and taking due account of aggravating circumstances in the prosecution of cases involving the smuggling of migrants could have a deterrent effect on organized criminal groups.

Moreover, organized criminal groups turn to smuggling of migrants only for the profit that it generates. Following the money trail by launching financial investigations and freezing, seizing and confiscating assets, as well as looking for examples of money-laundering, could have a direct impact on such profits. Making

the smuggling of migrants an unprofitable crime would discourage organized criminal groups from becoming involved in it.

The smuggling of migrants is by nature a transnational crime, and the smugglers involved work in networks. Key to combating the smuggling of migrants, therefore, is the need to increase international cooperation, reinforce national coordination and ensure that the laws in the countries involved are harmonized in order to close loopholes. Only by ensuring that actors within countries of origin, transit and destination work together can the smuggling of migrants be stopped. The United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention, are essential to addressing the crime.

The work of committee in countering the smuggling of migrants focuses on assisting States in implementing the Smuggling of Migrants Protocol and in enacting laws criminalizing involvement in the smuggling of migrants and on training law enforcement officers and prosecutors from around the world. Organizations such as the International Criminal Police Organization (INTERPOL) support the efforts of national police authorities in breaking up the criminal networks behind the smuggling of migrants.

The underlying social, economic and political pressures that fuel the crime cannot be ignored. Unemployment, war and persecution are but three of the many reasons people decide to leave their home country. Pull factors include demand for cheap, undocumented labor in countries of destination. To better understand these dynamics and fully address the root causes of migration in order to prevent organized criminal groups from profiting from vulnerable groups such as migrants, a comprehensive response is required - one that involves examining the issues of migration and development.

. It must be understood that law enforcement measures alone cannot prevent the smuggling of migrants. Increased border control measures may have the result of diverting routes elsewhere, thereby increasing the likelihood of smugglers of

migrants using more risky routes that may cause migrants to lose their lives. If migrants are simply returned to where they came from without consideration for the wider issues involved in their decision to migrate, they may simply attempt another journey. There are important push and pull factors that cause a person to become a smuggled migrant and all must be addressed in order for the smuggling of migrants to be prevented. By virtue of the Smuggling of Migrants Protocol, States parties are required:

- To strengthen border controls (article 11, paragraph 1)
- To adopt measures to require commercial transportation carriers to ascertain that all passengers have the required travel documents, and sanctions for failure to do so (article 11, paragraphs 3 and 4)
- To ensure that travel and identity documents are of such quality that they cannot be altered or misused (article 12, paragraph (a))
- To ensure the security of travel documents so that they are not unlawfully issued (article 12, paragraph (b))
- To provide or strengthen training to prevent the smuggling of migrants and ensure humane treatment of migrants who have been smuggled (article 14, paragraph 1)
- To provide or strengthen public information campaigns on the criminal nature and dangers of the smuggling of migrants (article 15, paragraphs 1 and 2)
- To promote or strengthen development programmes to combat the root causes of the smuggling of migrants (article 15, paragraph 3).

Addressing root causes of the smuggling of migrants

From a criminal justice perspective, the challenge is to dismantle networks involved in the smuggling of migrants and address the conditions in which they can flourish, while protecting the rights of smuggled migrants. Unless the organized criminal groups that smuggle migrants are dismantled, smugglers of migrants will continue to operate and will quickly adapt their methods and routes to changing circumstances such as improved border controls or changes in visa regimes. Similarly, efforts that are focused primarily on strengthening border

controls often lead to an increase in demand for assistance in entering countries illegally. This highlights a key need to complement border controls by increasing law enforcement efforts to dismantle networks involved in the smuggling of migrants in countries of origin and in transit countries and by enhancing international law enforcement cooperation between countries of destination, transit countries and countries of origin. Recognizing that a root cause of the smuggling of migrants is the desire of people to migrate away from conditions such as poverty or oppression in search of better lives, article 15, paragraph 3, of the Smuggling of Migrants Protocol requires the promotion or strengthening of development programmes and cooperation to address the socio-economic causes of the smuggling of migrants. Many people risk their lives to migrate when there are few opportunities in their homeland. This signals that development programmes to support countries of origin are a necessary part of a long-term approach to stopping the smuggling of migrants. In the short and medium term, migration should be managed in a way that supports this long-term goal. Effective and complementary approaches to migration and development can mean that migration policies have positive impacts on development, and vice versa. Significant gains in human development can be achieved by lowering barriers to movement and improving the treatment of those who move, to the benefit of migrants, communities and countries.

Migration policy reform may include opening up existing entry channels so that more people can emigrate; ensuring basic rights for migrants; lowering the cost of migration; finding solutions that benefit both destination communities and the migrants they receive; making it easier for people to move within their own countries; and including migration in national development strategies—all have important and complementary contributions to make to human development.

Reducing supply and demand There are many push and pull factors driving the smuggling of migrants. While these remain, so will the smuggling of migrants. Approaches are needed to reduce supply and demand for smuggling services. **Supply reduction: focusing on the smugglers** Some potential strategies to reduce the availability of services related to the smuggling of migrants include:

- **Maintenance of interdiction efforts:** these result in the prosecution and imprisonment of some smugglers of migrants, including high-level organizers.

Low development can mean that people are lured into criminal smuggling groups. Prosecuting the people at the lower levels of such groups is a start, but there are many more people who can step into their roles. Key to combating the smuggling of migrants is dismantling the smuggling networks and bringing their organizers to justice

- Harsher penalties for smugglers of migrants as a deterrent effect
- Disruption of onshore and offshore syndicates: this is best achieved by targeting the higher-level organizers of the syndicates, yet this is also the most difficult task for law enforcers. The increasing fluidity of networks means that the structure will not crumble just because law enforcers intercept a key player. Breaking the networks will remain an ongoing task
- Increasing international cooperation for successful action against offshore criminals
Demand reduction: focusing on the migrants in countries of origin and people in destination countries seeking cheap labour
Firstly, it is necessary to understand the many factors that drive people to seek to migrate:
 - Push factors include poverty, lack of opportunities, persecution or civil unrest, and ecological degradation in source countries
 - Pull factors include greater perceived economic opportunity, lifestyle, and political stability in countries of destination
If people cannot migrate legally, and if they are determined or desperate enough, they will pay a people smuggler. The above push and pull factors are strong motivators, and their endemic nature in certain countries and regions of the world means that they are difficult to combat. However, some initiatives have tried to redress these factors. For instance, there have been numerous programmes to provide aid to source countries to address some of the root causes of illegal migration. These have included aid to facilitate economic development and provision of training and education in local communities to reduce disadvantages.

Source: United Nations Development Programme. Human Development Report 2009. Overcoming barriers: Human mobility and Development. New York, 2009. Available from <http://hdr.undp.org/en/reports/global/hdr2009/>.

**Agenda: SECURITY AND
HUMANITARIAN ISSUES
IN AREA WITH FORCED
POLITICAL TRANSITIONS**

INTRODUCTION

MEANING OF POLITICAL TRANSITION The act and process of changing and evolving from one form of government to another form of Government or simply a change from one political regime to another through concerted political or military action.

FORCED POLITICAL TRANSITIONS OCCUR when the citizens of a country forcefully try to change the present form of Government to a liberal democratic form of Government or try to oust the present political regime and the de jure Government opposes this and takes certain measures to counter this uprising amongst the citizens of the country.

THE TRANSITIONAL PHASE

The time period during a political transition in a country is a period of time which leaves the country vulnerable. During this period of time the constitution of a country is being amended and the Government is not able to perform all its functions properly as the military might not be completely loyal to the new Government or the new Government might not have complete control over the country which results in an absence of a state authority exercising control over the national territory. Due to this, these countries are considered as easy targets by various terrorist organisations and rival militia groups and military forces to plant their feet firmly, which results in the security situation worsening.

CASE STUDY - LIBYA

The tensions between the government of the House of Representatives (HoR) that was elected democratically in 2014, also known as the "Tobruk government" and internationally recognized as the "Libyan government"; and the rival General National Congress (GNC) endorsed government, also called the "National Salvation Government", based in the capital Tripoli established after Operation Libya Dawn were at a peak, when organisations such as ISIS entered Libya due to the lack of control over national territory.

SECURITY AND ARMED MILITIAS

In the first half of 2016, fighters loyal to ISIS controlled the central coastal town of Sirte

and subjected residents to a rigid interpretation of Sharia law that included public flogging, amputation of limbs, and public lynchings, often leaving the victims' corpses on display.

ARBITRARY DETENTION, TORTURE, AND DEATHS IN CUSTODY

Prison authorities and militias continued to hold thousands of detainees, including some women and children, in long-term arbitrary detention without charges or due process. While conditions varied, most prisons lacked a functioning medical facility and hygienic sanitary installations. Guards and militia members mistreated and tortured detainees with impunity.

In June, unidentified armed groups killed 12 detainees upon their conditional release from al-Baraka prison in Tripoli. All 12 were members of the former Gaddafi government and had been accused of taking part in the violence against anti-government protesters in 2011.

INTERNALLY DISPLACED PERSONS

The UN High Commission for Refugees (UNHCR) estimated at 435,000 Libya's population of internally displaced people.

In what amounts to a crime against humanity, militias and authorities in Misrata continued to prevent 40,000 residents of Tawergha, Tomina, and Karareem from returning to their homes in retaliation for alleged crimes during the 2011 revolution attributed to people from those cities against anti-Gaddafi activists and fighters.

Apart from the above things mentioned, kidnappings and abductions are extremely common in Libya and, and various other rights such as freedom of speech and expression are also denied.

CASES OF POLITICAL TRANSITIONS WHICH DID NOT DEVELOP INTO A CIVIL WAR

1) MYANMAR

The 2011–2015 Myanmar political reforms were a series of political, economic and administrative reforms in Myanmar undertaken by the military-backed government. These reforms include the release of prodemocracy leader Aung San SuuKyi from house arrest and subsequent dialogues with her, establishment of the National Human Rights Commission, general amnesties of more than 200 political prisoners, institution of new

labour laws that allow labour unions and strikes, relaxation of press censorship, and regulations of currency practices.

Aung San SuuKyi's party, the National League for Democracy, participated in by-elections held on 1 April 2012 after the government abolished laws that led to the NLD's boycott of the 2010 general election. She led the NLD in winning the by-elections in a landslide, winning 41 out of 44 of the contested seats, with Aung San SuuKyi herself winning a seat representing Kawhmu Constituency in the lower house of the Myanmar Parliament. However, uncertainties exist as some other political prisoners have not been released and clashes between Myanmar troops and local insurgent groups continue.

HUMANITARIAN AND SECURITY SITUATION IN MYANMAR

- The political transition has resulted in various internally displaced people.
- Many people have left the country and sought refuge in other countries.
- Even after the political transition the military is not fully under the National League for Democracy and has violated various Human rights.
- Till date minorities in Myanmar face discrimination on the basis of religion.

2) EGYPT

The **Egyptian revolution of 2011**, locally known as the **January 25 Revolution** began on 25 January 2011 and took place across all of Egypt. It consisted of demonstrations, marches, occupations of plazas, non-violent civil resistance, acts of civil disobedience and strikes. Millions of protesters from a range of socio-economic and religious backgrounds demanded the overthrow of Egyptian President Hosni Mubarak.

The revolution was caused due to the following reasons :-

- Police brutality
- State-of-emergency laws
- Electoral fraud
- Political censorship
- Corruption
- Unemployment
- Food price rises

- Low wages
- Demographic structural factors
- Other regional protests

The Egyptian protesters' grievances focused on legal and political issues, including police brutality, state-of-emergency laws, lack of free elections and freedom of speech, corruption, and economic issues including high unemployment, food-price inflation and low wages. The protesters' primary demands were the end of the Mubarak regime and emergency law, freedom, justice, a responsive non-military government and a voice in managing Egypt's resources. Strikes by labour unions added to the pressure on government officials. After the revolution against Mubarak and a period of rule by the Supreme Council of the Armed Forces, the Muslim Brotherhood took power in Egypt through a series of popular elections, with Egyptians electing Islamist Mohamed Morsi to the presidency in June 2012. However, Morsi's government encountered fierce opposition after his attempt to pass an Islamist constitution that followed extreme Islamist views, Morsi's attempted also to change laws granting himself unparalleled powers like no other president in Egyptian history. It sparked general outrage from secularists and members of the military, and mass protests broke out against his rule on 28 June, 2013. On 3 July, 2013, Morsi was deposed by a coup d'état led by the minister of defense, General Abdel Fattah El-Sisi as millions of Egyptians took to the streets in support of early elections. El-Sisi went on to become Egypt's president by popular election in 2014.

SECURITY AND HUMANITARIAN SITUATION

- 846 people died during the political transition
- The Economic situation of Egypt deteriorated and resulted in more humanitarian struggles amongst people
- Due to the laws of Egypt approximately 12,000 people were arrested
- People set themselves afire

QUESTIONS TO CONSIDER

- 1) In what ways could people who have been internally displaced or have faced violations of their be compensated?

- 2) How could the economic situation of a country in the process of a political transition be prevented from deteriorating so that the security situation within the country does not deteriorate?
- 3) What could the UN have done in the above 2 cases to prevent the worsening of the security and humanitarian situation?

FORCED POLITICAL TRANSITIONS LEADING TO CIVIL WARS

An armed conflict within a state is a civil war when : -

- (1) That the Party in revolt against the de jure Government possesses an organized military force, an authority responsible for its acts, acting within a determinate territory and having the means of respecting and ensuring respect for the Geneva Convention.
- (2) That the legal Government is obliged to have recourse to the regular military forces against insurgents organized as military and in possession of a part of the national territory.
- (3) (a) That the de jure Government has recognized the insurgents as belligerents; or
(b) That it has claimed for itself the rights of a belligerent; or
(c) That it has accorded the insurgents recognition as belligerents for the purposes only of the present Convention; or
(d) That the dispute has been admitted to the agenda of the Security Council or the General Assembly of the United Nations as being a threat to international peace, a breach of the peace, or an act of aggression.
- (4) (a) That the insurgents have an organization purporting to have the characteristics of a State.
(b) That the insurgent civil authority exercises de facto authority over the population within a determinate portion of the national territory.
(c) That the armed forces act under the direction of an organized authority and are prepared to observe the ordinary laws of war.

(d) That the insurgent civil authority agrees to be bound by the provisions of the Geneva Convention.

* According to the ICRC's commentary on Geneva Conventions III

Uprisings for political transitions many a times turn into the form of a civil war which may result in widespread deaths and subsequent deterioration of humanitarian situations within the country. For example in Syria during the 2011 Arab spring protests against the Government for the removal of the de jure political regime were violently suppressed. This further resulted in taking the shape of a civil war which claimed the life of approximately 470,000 people, internally displaced over 7,600,000 people and forced over 5,116,000 people to escape from Syria and become refugees.

CASE STUDY - THE SYRIAN CIVIL WAR

The Syrian Civil War is an ongoing multi-sided armed conflict in Syria fought primarily between the government of President Bashar al-Assad, along with its allies, and various forces opposing the government.

The unrest in Syria, part of a wider wave of 2011 Arab Spring protests, grew out of discontent with the Assad government and escalated to an armed conflict after protests calling for his removal were violently suppressed. The war is being fought by several factions: the Syrian government and its allies, a loose alliance of Sunni Arab rebel groups (including the Free Syrian Army), the majority-Kurdish Syrian Democratic Forces (SDF), Salafi jihadist groups (including al-Nusra Front) and the Islamic State of Iraq and the Levant (ISIL), with a number of countries in the region and beyond being either directly involved, or rendering support to one or another faction.

Syrian opposition groups formed the Free Syrian Army (FSA) and seized control of the area surrounding Aleppo and parts of southern Syria. Over time, some factions of the Syrian opposition split from their original moderate position to pursue an Islamist vision for Syria, joining groups such as al-Nusra Front and ISIL.

In 2015, the People's Protection Units (YPG) joined forces with Arab, Assyrian, Armenian and some Turkmen groups, to form the Syrian Democratic Forces, while most Turkmen groups remained with the FSA.

QUESTIONS TO CONSIDER

- 1) What steps can the UN take when a political transition starts in a country, to prevent it from resulting in a civil war?
- 2) What is the scope of a political transition?
- 3) How could political transitions be dealt with peacefully?

TRANSITIONAL JUSTICE

Transitional justice is an approach to systematic or massive violations of human rights that both provides redress to victims and creates or enhances opportunities for the transformation of the political systems, conflicts, and other conditions that may have been at the root of the abuses. A transitional justice approach thus recognizes that there are two goals in dealing with a legacy of systematic or massive abuse. The first is to gain some level of justice for victims. The second is to reinforce the possibilities for peace, democracy, and reconciliation. To achieve these two ends, transitional justice measures often combine elements of criminal, restorative, and social justice.

Aside from the question of whether judicial measures have the capacity to redress systematic or massive violations of human rights, there is the question of whether they are adequate, by themselves, to doing so. Indeed, transitional justice operates on the conviction that they are not. The many problems that flow from past abuses are often too complex to be solved by judicial measures—such as trials—alone. After two decades of practice, experience thus far suggests that, to be effective, transitional justice should be holistic.

That is, it should be made up of several initiatives that complement and reinforce each other. The elements of such initiatives often include:

- Criminal prosecutions are judicial investigations of those responsible for human rights violations. Prosecutions frequently give great weight to investigating those considered most responsible for massive or systematic crimes.

- Truth commissions are ad hoc commissions of inquiry established in, and authorized by, states for the primary purposes of investigating and reporting on key periods of recent past abuse. They often make recommendations to remedy such abuse and to prevent its recurrence.
- Reparation programs are state-sponsored initiatives that aim to contribute to repairing, on a massive scale, the material and moral consequences of past abuse experienced by certain classes of victims. They typically distribute some mix of material and symbolic benefits to victims.
- Security system reform consists of wide-ranging programs to transform the military, police, judiciary, and related state institutions from instruments of repression and corruption into instruments of public service and integrity.
- Memorialization efforts include museums, memorials, and other means of preserving public memory of the victims and of raising moral consciousness about past abuse, in order to build a bulwark against its recurrence.

QUESTIONS TO CONSIDER

- 1) How could transitional justice be used in future political transitions to prevent human rights abuse rather than preventing its recurrence?
- 2) What steps could have been taken in Libya to have prevented the rise of different militant groups?
- 3) Rather than backing one party of a political transition could the UN play the role of a mediator and help bring both the parties to the negotiating table?

CASE STUDY AFGHANISTAN-

The nation is currently led by President Ashraf Ghani who is backed by his two vice presidents, in the last decade the politics of Afghanistan have been influenced by NATO countries, mainly the United States of America.

In 1996 a change in the government happened, this was when Taliban took over. The United Nations recognized the government as one in exile.

After the 9/11 attacks in United States, and Afghanistan's refusal to hand over the militants responsible for those, Afghanistan was intervened by United States of America and a US-led international coalition was formed which along with the North Atlantic treaty organization, conducted strikes and other military operations which lead to the removal of Taliban government and the establishment of a Bonn agreement for an interim government. Between then and now Hamid Karzai served as the president and the international security assistance force [ISAF] was authorized by the United Nations security council to help provide basic security for the people and Afghani and US forces present there. After a disputed election, Ashraf Ghani became President of Afghanistan and one day later, the new Afghan government signed the Bilateral Security Agreement

QUESTIONS TO CONSIDER

Does United States of America intervention and help in establishing a government affect the government's competence?

Is ISAF's presence still an issue for the Afghani government with respect to recent UN decisions? How can better security or humanitarian measures be used for better functioning of the legislative, executive and judiciary?

IRAQ

After the first Gulf War in 1991 Iraq was obliged by the U.N. to get rid of all its biological and toxic weapons.

This Security Council Resolution also demanded the restoration of Kuwait's independence and the implementation of sanctions against Iraq. The United Nations Special Commission (UNSCOM) performed inspections in Iraq to make sure that the conditions of the peace agreement that followed the first Gulf War

were carried out. The weapons inspectors were thrown out of Iraq in December of 1998, which lead to *Operation Desert Fox*, a three-day bombing campaign on Iraqi targets

In October 2001 the U.S. invaded Afghanistan, which marked the beginning of its *Global War on Terrorism* (GWOT). One year later the Congress and the Senate passed a law authorizing the use of armed force against Iraq. This resolution empowered the President to declare war without obtaining U.N. Security Council authorization.

After these actions and the overthrowing of the government an interim government was again established under the presence of United States of America.

QUESTIONS TO CONSIDER

Does this interim government established after the intervention United States of America anyhow play a factor in the current Middle East scenario?

How is this action in the past relevant to all the similar present and current scenarios?