

Committee/Council: Economic and Social Council

Issue: Countering migrant smuggling

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Introduction

As we all know our world is nowadays facing a lot of crucial and vital problems that are every day leading to its malfunction in several sectors. As seen in our daily lives the one problem causes the other with war and economic crisis being the main reasons why more and more issues arise every day. Among the numerous malfunctions caused by these two circumstances one of the most important issues that invigorates daily is the increase of the amount of migrants, immigrants and refugees that exist on our planet. But what is actually the difference between those three groups of people?

To begin with, the term immigrant stands for those people who left their motherland with the intention to do so. That means that they are not forced to leave their country, but it is their own choice to do so. For instance, somebody could move to another country for family reasons or because of acquiring a new and better working position. On the other hand, refugees are a group of people that is either indirectly or directly forced to leave their country. In most of the cases their lives are threatened and even if they would rather stay in their countries they cannot due to the high risk and danger. The amount of refugees is mainly increased because of wars, natural disasters and/or because of economic problems, persecutions and hunger. Regarding the word migrant, the term refers to all people that decide to move from one country to another. They can be forced to do so or it can also be their own decision. Therefore, the term migrant can be considered as a generic term for both refugees and immigrants. The main reason leading to people migrating is uncertainty about the future due to conflicts or economic recessions etc.

Having clarified the difference between these three terms we can now focus on the issue that this study guide will deal with. During the conference we will debate and find solutions on the issue of countering migrant smuggling. Migrant smuggling, also known as people smuggling is the facilitation, the transportation or the illegal entry of a person or of a group of people in a country, thus violating the laws of one or more countries. This could be achieved either secretly, through swindling or with the help of fake documents. The procedure as well as the causes and the effects of migrant smuggling will be more specifically explained subsequently.

Definition of Key-Terms

Migrant

"Any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country." *UNESCO*

Immigrant

"A person who comes to live permanently in a foreign country" *Oxford Dictionaries*

Emigrant

"A person who leaves its own country in order to settle permanently in another." *Oxford Dictionaries*

Refugee

"A person who has been forced to leave their country in order to escape war, persecution, or natural disaster" *Oxford Dictionaries*

In general, the term migrant is used for every human being moving from one country to another. The three remaining categories are subcategories of the term migrant. For example, one person moves from Greece to the United States of America. In Greece he is considered to be an emigrant. In the USA he will be welcomed as an immigrant. While, refugees are people forced to leave their country due to bad conditions.

Smuggling

"The criminal offense of intentionally and secretly bringing an item into a country without declaring it to customs officials and paying the associated duties or taxes, or of bringing a prohibited item into a country." *The Free Dictionary*

Trafficking

"Organized criminal activity in which human beings are treated as possessions to be controlled and exploited (as by being forced into prostitution or involuntary labor)." *Merriam-Webster Dictionary*

Border Control

"Border controls are measures taken by a country to monitor or regulate its borders. Border controls are put in place to control both the inflow as well as outflow of people, animals and goods. Specialized government agencies are usually created to perform border controls. Such agencies may perform various functions such as customs, immigration, security, quarantine, beside other functions. Official designations, jurisdictions and command structures or these agencies vary considerably." *The Free Dictionary*

Black Market

"An illegal traffic or trade in officially controlled or scarce commodities." *Oxford Dictionaries*

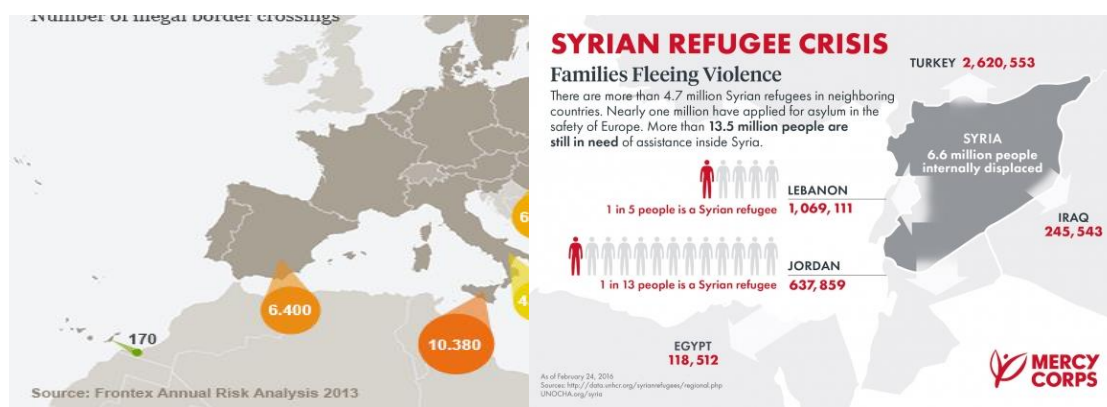
Background Information

Many would say that migration is a recent feature of the human existence. However, it is a phenomenon that has been in existence for centuries. Large groups of people, as well as individuals have been migrating throughout the years for many different reasons. Such reasons could be to escape wars, conflicts, hunger or even natural disasters. In order to be able to clarify the difference between the numerous migrants, specialists have distinguished them in three categories. The categories have been separated as follows:

Economic Migrants: Economic migrants are people leaving their country in order to have access to better economic opportunities through which they could improve their way of living. Such migrants usually move from Less Economically Developed Countries (LEDCs) to More Economically Developed ones (MEDCs). Another ordinary phenomenon is when migrants move from a former colony to the country that used to be the imperial power.

Refugees (Political Migrants): Refugees, also known as political migrants, are people who are forced to leave their countries due to wars, conflicts or due to the discrimination against several groups of people. Refugees do not have the choice to return to their motherland mainly because they are afraid of persecution and since in many cases there is no way that the government will recognize and protect them.

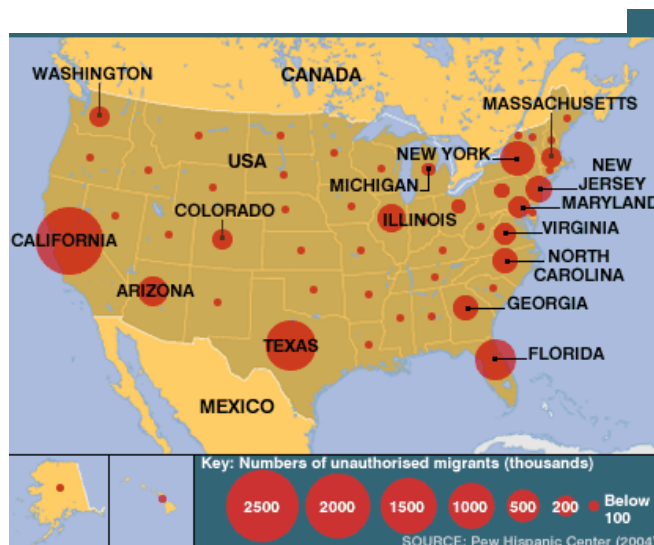
Environmental Migrants: Environmental migrants are migrants that are forced to leave their countries as well. Natural disasters such as volcano explosions and floods or sudden climate changes -for example severe weather changes- do not allow them to stay protected in their country. Therefore, they have to migrate to other countries in order to continue their lives normally.



However not all those migrants have the right to enter other countries legally. Huge amounts of illegal immigrants move around the world causing great economic problems to the destination countries. Two of the regions that face the largest problems due to illegal immigration are the European Union and the United States of America. Due to the catastrophic wars taking place in Africa and the Middle East people are forced to leave their countries. Searching for a safe place to continue their life refugees end up crossing the borders of the European Union illegally. As a result, large numbers of people enter the Europe-

an Union yearly causing great disorder in the entry countries. Another reason that causes the increase of the entrance of refugees in the European Union are the actions of the ISIS. Through the spread of fear and horror this military group forces people to migrate in search for asylum and security.

On the other hand, in the United States of America the situation is more under control. The migrants crossing its borders are mainly coming from South America over the Mexico borders. There are several reasons leading to their migration; they include high crime rates in those countries, unemployment and poverty and the incredibly dangerous natural hazards taking place. However, the amount of migrants in the USA is obviously less than the amount of them in the EU helping the USA dealing with them easier, which does not mean that further measures are not necessary.



To sum up, high illegal migrants' numbers around the world mean that they find illegal ways and "tricks" to cross the borders of countries unnoticed. One of those illegal ways is migrant Smuggling.

Reasons leading to migrant smuggling

As mentioned above migrant smuggling is an illegal action that helps migrants cross the borders of other countries unnoticed. People that face very difficult situations and their economic situation does allow them to enter other countries legally, search for other ways to cross the borders without being noticed. The reasons why they commit such a crime are very similar to the reasons why migrants leave their countries in the first place. Such reasons include natural disasters, poverty, hardship, conflicts, while others wish to find an asylum. Furthermore, many of them are uneducated and poor while others are educated and belong to the middle class. Due to the fact that they are people in different economic situations the only generalized comment that can be made is that they are all people seeking for more opportunities and for a better life.

Migrant Smuggling

Migrant Smuggling is known as an illegal action committed mainly by smugglers, who transport migrants that participate in this procedure in order to escape from any bureaucracy that could lead to costs and more problems to them. That means that migrants choose

this way voluntarily in order ensure a better quality of life and this is the detail what makes smuggling differ from human trafficking. Human trafficking is an abuse of people that most of the time includes violent actions against the victims. Consequently, it is not in the hands of the victims to decide if he or she is going to take part in this action. Thus we can say that in smuggling the volition of the migrant is needed while during trafficking the person who is being smuggled is a victim too.

Furthermore, the fact that migrant smuggling is actually the illegal transportation of people across countries makes smuggling a subcategory of the black market.

The Procedure

Migrant smuggling, known as people smuggling as well, is an operation that works similar to the way business legally works. Migrants can be characterized as the customers and smugglers as venders. Specifically, migrants, being afraid of the improved technology of the countries to monitor border crossings rely easier on smugglers to organize their "journey". Smuggling however does not always work the same way, prices can vary according to the duration of the distance, the needed goods etc. Theoretically the relations between the migrant and the smuggler end by the arrival of the migrant in his destination. However, there is clear evidence that smugglers keep contact with the migrants and threatening them demand additional fees. Smugglers even force migrants to work illegally for them in order to pay their debts.

As far as the smugglers are concerned they call themselves free agents because there is no chief, no upper hand and no organization that coordinates their work. They usually contact each other through networks that are not stabilized. The criminals are very difficult to monitor because they are unknown to their customers, they use recruiters in order to contact the migrants, they use rental vehicles and alter their phone numbers on a regular basis.

Types of smuggling & means

The ad hoc smuggling services:

During this type of smuggling the migrants organize their journey on their own and the cooperation with the smugglers is not pre-organized. The migrants travel alone by public transport despite the fact that they do not possess legal documents. From time to time migrants contact smugglers so that they can facilitate their illegal entrance. However, this type of smuggling is rarely used.

Migrant smuggling through misuse or abuse of documents:

This type of smuggling is mainly characterized by the use of fake documents and visas in order to facilitate the illegal entry. Firstly, the migrants contact the smuggler who provides them with the fake documents and visas. After that migrants are responsible for the

organization of their journey. This smuggling type is very reliable when migrants possess individual visas. When they get fake group visas problems may occur due to disorganization. Migrants do not come in touch with the smugglers and fees are paid in advance.

Pre-organized stage-to-stage smuggling:

As the name clearly states the process is pre-organized. This means that migrants do not have to negotiate with local smugglers in the middle of their journey. Some independent individuals named "stage coordinators" accomplish the negotiations with the "local service providers". These local providers come from the transit countries and change from stage to stage. The coordinator carries out all the smuggling activities and transfers them either to a local coordinator or to the local service provider. During the journey migrants are accompanied by the smuggler. Most of the times migrants using this type of smuggling are refugees and destinations are countries where the migrants can be granted asylum. Asylum in this case must be given regardless the way through which the migrants entered the country. Migrants can enter a country by sea or terrain. People coming across the sea usually use small boats of bad quality which makes them difficult to detect. In many cases due to bad weather conditions the boats get damaged leading to the death of many refugees or they damage the boat themselves in order to force the coastguard to save them. In the terrain journey the situation is less cruel. People walk for too many hours until they reach the borders of the destination country where they assert that they are pauper refugees seeking for more opportunities.

Consequences of migrant smuggling

Now that we have analyzed all sectors of smuggling we may now be in the position of understanding the great impact that this phenomenon is causing to the society of the origin, the transit and the destination countries. Among the numerous consequences that migrant smuggling is causing there are some of utmost importance.

Firstly, hundreds and millions of people arriving in those countries are very poor, they do not possess any working place and they are undocumented. Therefore, they have to search for other ways to obtain an income and offer it to the wellbeing of their families. As a result, they might end up being criminals. Criminalization will therefore rise giving the migrants the opportunity to exploit it and multiply themselves. On the other hand, even if they had the chance to find workplaces as undocumented people their salaries would be illegal, which means that they would not pay any taxes causing a great problem in the economy of the destination or transit state.

Apart from this, the healthcare systems of the countries have to deal with great difficulties. Numerous people enter the countries being homeless, poor and sick. They do not possess the conditions to ensure health and security leading to the increase of diseases not only in the camps but in the cities as a whole. In this case the state is in a dilemma as well. If the state offered those services for free there would be a great money loss causing a problem in

its economy. So either the salaries of other people would fall or the migrants would be left unprotected. What is more, unemployment rates will reach a very high point as well since one country is not in the position to employ such a great amount of people. To conclude, we should not forget that migrants pay a great amount of money to the smugglers, money that they could utilize in their destination countries.

Major Countries and Organizations Involved

European Union

The European Union is a political and economic union between 28 states primarily located in Europe formed by the Treaty of Maastricht in 1992. According to this treaty the EU aims at establishing common economic, foreign, security and justice policies between its member states. Nowadays, millions of refugees and immigrants enter the borders of the EU yearly destabilizing this harmony and causing errors in their organization since the union's infrastructure is not capable of handling the current migration wave. The countries of the European Union are the countries that suffer the most of this phenomenon as they have to welcome numerous migrants every day. As mentioned previously the reason bringing that many migrants to Europe is the war that is taking place in the Middle East and in several parts of Asia. However, lots of the migrants are simultaneously coming from states in Africa as well where poverty rates are very high.

Turkey

Turkey is a very large nation situated between the European Union and Asia. It can be characterized as a transit nation since it is the only way through which migrants can exit Asia and enter the EU. Therefore, Turkey is a nation where migrant smuggling is continually taking place. It should be mentioned that Turkey is a country suffering from migration as well since the state cannot prevent the entrance of refugees. To conclude, Turkey recently cooperated with the EU and according to their decision Turkey should prevent the illegal entrance of migrants into Greece and the EU.

Unites States of America (USA)

The United States of America is another state that suffers under migration. USA has to welcome numerous migrants coming from South America and especially from Mexico. The situation there is in a better and more controlled state but nevertheless the increase of immigrant population in the States causes problems similar to those that the EU is facing. Immigration in the United States is a topic that is constantly being debated. Questions concerning the size of the consequences, the costs, the changes that should be made and the role of the migrants in the society raise every day. The USA is trying to face the problem more practically but still lots of problems do occur.

North African countries and Mexico: common origin regions

Both of those regions are recognized as origin regions of migrants. In North African countries like Algeria, Niger, Morocco, Tunisia, Sudan and others are countries where the situation is very harsh. People are poor and forced to work from a very early age to ensure the needed goods for them and their families. Most of the citizens, however, cannot tolerate this situation and are searching for a better set of basic life standards. Large groups of them cross the Sahara Desert and wish to leave the continent entering the EU. Similar to the citizens of North Africa, the citizens of Mexico live in very harsh conditions and leave their countries in order to enter the US and find there more opportunities. Such conditions include unemployment, natural disasters and/or incredibly high crime rates. In both of the regions mentioned migrant smuggling rates are also very high since smuggling is the only way that migrants can cross the borders unnoticed.

United Nations Office on Drugs and Crime (UNODC)

The United Nations Office on Drugs and Crime (UNODC) is one of the most important organizations fighting against international crime and illicit drugs. What is more UNODC is a key United Nations entity aiming at preventing terrorism. UNODC is responsible for three actions of utmost importance; namely to cooperate with states in order to fight crime and other illegal actions, to strengthen the rule of law in order to face every kind of crime and to raise public awareness on the problems that the world is facing at the moment. UNODC was established in 1997 through the cooperation of the United Nations Drug Control Programme and the Centre for International Crime Prevention and possesses about 500 staff members worldwide. As far as migrant smuggling is concerned UNODC's goal is to combat it effectively. Amongst others the UNODC has created the Smuggling of Migrants Protocol which aims at diminishing the phenomenon through the cooperation of states. Apart from this, and in cooperation with Interpol and Europol UNODC has elaborated basic training modules on preventing and combating migrant smuggling. Last but not least, UNODC following the orders of the UN General Assembly and the UN Security Council created the Model Law Against the Smuggling of Migrants. These are however only some of the contributions of UNODC in combating the issue.

United Nations High Commissioner on Refugees (UNHCR)

The United Nations High Commissioner on Refugees is an organization that was introduced in 1954, when it won the Nobel Peace Prize. Throughout the years the UNHCR has helped in several situations such as the refugees emanating from the decolonization in Africa or by the refugee crises in Asia, the Middle East and Africa. The help that the organization offers includes the right to seek asylum, while they provide refugees with clean water, sanitation and healthcare. They also offer them shelter, food, household goods and blankets, while sometimes UNHCR provides people with help during their journeys. To conclude, UNHCR is

an organization that focuses more on the refugees and on the help they can provide them with.

International Organization for Migration (IOM)

The International Organization for Migration was established in 1951 and is the only inter-governmental organization dealing with migration through close cooperation with governments. Its 162 member states, 9 observer states and offices situated in over 100 countries make sure that its regulations will be noticed and considered in order to reach a consensus. IOM's main goals are the management of migration, the promotion of international cooperation on migrant issues, the assistance of migrants in need and the provision of migrants with humanitarian help. Furthermore, IOM recognizes the connection between economic, cultural and social development and tries to diminish the rates of crime. Finally, IOM achieves each goal through the establishment of laws and through debate between member states.

Timeline of Events

Date	Description of event
1954	Introduction of the United Nations High Commissioner on Refugees
1951	The establishment of the International Organization for Migration
1997	The establishment of the United Nations Office on Drugs and Crime
15 November 2000	Adoption of the General Assembly Resolution A/RES/55/25
12-15 December 2000	Conference in Palermo Italy
29 September 2003	Entrance into force of the United Nations Convention against Transnational Organized Crime
July 2003	Entrance into force of the International Migration Convention

28 January 2004	Entrance into force of the Protocol against the Smuggling of Migrants by Land, Sea and Air
21 December 2010	Adoption of the General Assembly Resolution A/RES/65/212
9 October 2015	Adoption of the Security Council Resolution 2240

Relevant UN Treaties, Resolutions and Events

Protocol against the Smuggling of Migrants by Land, Sea and Air

The Protocol against the Smuggling of Migrants by Land, Sea and Air was created in order to complete the Convention against Transnational Organized Crime and was adopted by the General Assembly Resolution A/RES/55/25 on the 15th of November 2000. The protocol is also called Smuggling Protocol and is one of the three Palermo protocols. The Smuggling Protocol entered into force on the 28th of January 2004 and by November 2015 112 parties had signed and 142 ratified it. States that sign and ratify this Protocol should recognize smuggling as a criminal action. The aim of the Protocol is to protect the rights of the migrants and the reduction of organized criminal groups that violate those rights. It also aims at reducing migrant smuggling using socio-economic measures as well as by focusing on the causes of migration.

United Nations Convention against Transnational Organized Crime

The United Nations Convention against Transnational Organized Crime was adopted by the General Assembly resolution 55/25 on the 15th November 2000 and its aim is to fight transnational organized crime. It was open for signatures by member states in Palermo, Italy on 12-15 December 2000 and entered into force on 29 September 2003. This convention is being continued by the three Palermo protocols. States signing and ratifying this convention should take a series of measures in order to combat transnational organized crime and be open to cooperation with other states in order to achieve the goal of the convention.

International Migration Convention

The International Migration Convention entered into force in July 2003 with the aim of protecting migrant workers and their families from being exploited, and of terminating violations on their human rights. The convention aims at protecting the main rights of migrant workers such as basic freedoms, the right to privacy, equality with nationals, transfer of

earnings and rights to information as well the right to be temporarily absent, freedom of movement, the rights of undocumented workers etc.

Security Council Resolution 2240 (2015)

The Security Council Resolution 2240 was adopted on the 9th of October 2015 with 14 votes in favor and one abstention with the aim of seizing vessels that were accused of being used for migrant smuggling and human trafficking from Libya. All member states have the authority to confront migrant smugglers according to the human rights law.

General Assembly Resolution A/RES/65/212

The General Assembly Resolution A/RES/65/212 was adopted by the General Assembly on 21 December 2010 and aims at protecting the rights of migrants.

Previous Attempts to solve the Issue

Throughout the years several steps have been made by the international community in order to tackle the issue of migrant smuggling. Several resolutions have been voted upon both by the General Assembly and the Security Council including the United Nations Security Council Resolution 2240 and the United Nations General Assembly Resolution A/RES/65/212. Both of the aforementioned resolutions try to tackle the issue in its core. Furthermore, many conventions and protocols have been signed and ratified by member states. Amongst others some very important are the Protocol against the Smuggling of Migrants by Land, Sea and Air, the United Nations Convention against Transnational Organized Crime and the International Migration Convention. Another very important step made is the cooperation between the European Union and Turkey in order to combat the illegal entrance of migrants in the EU, thus trying to eliminate the rates of smuggling. Another very crucial step made by the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat is the creation of the International Migration Report in 2002 through which people had the chance to be informed about the situation. Last but not least, it is worth to mention that the Interpol and the Europol through their cooperation have managed to find several solutions to the problem.

Possible Solutions

Having analyzed the topic on all its aspects it is now the responsibility of the delegates of Economic and Social Council to debate and find reasonable solutions, reach a consensus and propose ways to solve the issue.

First of all, it is of utmost importance to address the root causes of the issue and tackle the issue on its basis. Measures to eradicate poverty and ensure development in the origin countries of the migrants are necessary, while appropriate emergency response mecha-

nisms must be created in order for the nations to be capable of handling migration crises in the future. For this reason, discussion and deliberation among nations is crucial as a consensus needs to be reached.

Furthermore, common policies and ties between hosting and transit are deemed mandatory as it is the only way to capture smugglers and terminate this illegal action. Increased border security, stricter and more efficient documents' control and modern technological methods should be utilized in order for nations to ensure the controllable influx of immigrants. Special projects and strict legislation are also necessary for the capture and prosecution of the smugglers.

On the other hand, one should not forget the despair of the majority of migrants. Therefore, member states should discuss a possible plan for enabling structured and smooth legal migration in cases of wars or environmental disasters. In this context it is extremely important for hosting countries to improve their healthcare system and their infrastructure and ensure that increased migration will not harm the wellbeing of their society.

Raising public awareness and the improvement of the education system of countries is also very important in order for the migrants to be informed about the advantages and disadvantages of the choices they have. One should not forget that every human being has the right to information and education. Especially in countries where the conditions are very harsh a communication strategy could be designed in order for all of the migrants to be properly informed.

Last but not least, it is worth to mention that the cooperation between states is a very important factor without which no hurdle can be overcome and nothing can be achieved in combating of the issues the world faces and especially when it comes to migrant smuggling.

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