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Special Political and Decolonization Committee (SPD)

Topic 1: Establishing international laws and regulations for border control processes in order to improve the regulations of the migration phenomenon

Research Report by Alberto Repetti Giovanni

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I. DEFINITION OF KEY TERMS

International laws: is the set of rules generally regarded and accepted as binding in relations between states and between nations. It serves as a framework for the practice of stable and organized international relations. International law differs from state-based legal systems in that it is primarily applicable to countries rather than to private citizens. National law may become international law when treaties delegate national jurisdiction to supranational tribunals such as the European Court of Human Rights or the International Criminal Court.

Border control processes: control processes between geographic boundaries of political entities or legal jurisdictions, such as governments, sovereign states, federated states, and other sub-national entities. Borders are established through agreements between political or social entities that control those areas; the creation of these agreements is called boundary delimitation.

Migration phenomenon: a process of moving, either across an international border, or within a State. Encompassing any kind of movement of people, whatever its length, composition and causes; it includes refugees, displaced persons, uprooted people, and economic migrants.

II. INTRODUCTION

Migration is a very old phenomenon. Since humans were born, they started moving from a region to another or between continents. Nowadays migrants are, more or less, a billion all over the world. This billion is divided in 214.000 international migrants and 740.000 IDPs (internally displaced persons). The causes that make people migrate are different. The major ones are economical (poverty, better life conditions), religious (impossibility to practise their own cult), political (persecutions, wars, dictatorships, harassment, genocides, ethnic cleansing), climatic conditions and criminal (to escape justice or arrest). Migration could be a positive phenomenon for the development, but, according to the modern point of view, is an exceptional movement determined by demographic disproportion between the South and the North of the world. This movement has the own characteristics of an invasion or an exodus.

III. BACKGROUND INFORMATION

Situation in Europe

2016 has been a year of migrations. The war in Syria has turned into a humanitarian catastrophe and hundreds of thousands of refugees came to Europe crossing the sea that separates Turkey and Greece, with a lot of others migrant coming from Afghanistan and Iraq.

The flow, that has brought to the famous millions of refugees in Europe in 2015, was interrupted in March 2016 when the European Union made a deal with Turkey, changing the destination of the refugees in exchange of six billions of euro.

Contemporarily has raised the flows of migrant upcoming from the coasts North Africans (Libya above all) toward Italy. This flow has brought over 180 thousand people in Italy in 2016 and 5.022 people died crossing the Mediterranean.

This flow has notably slowed down since July 2017 for the joined effect of a series of factors.

Numbers in Europe

If we consider the unloading on all the European coasts, between January 1st and November 30th 2017 around 165 thousand migrants have arrived in Europe. Landings in Greece were still going on, but with lower rhythms before the accord with Turkey and Spain was again earth of unloading.

In the first eleven months of 2017 around 27 thousand of migrants arrived in Greece, with around 3 thousand arrivals in October. Around 21 thousand migrants have reached in Spain until October 31 2017. From June 2017 an increase of entries is recorded in Spain, not just across the Morocco's sea but also climbing over the barriers that separate Morocco from the Spanish enclave of Ceuta and Melilla. October has been the month with the highest number of arrivals, around 4 thousand and this datum is alarming the Spanish authorities.

Numbers in Italy

According to the data Unhcr, between January 1st and November 30th 2017 116.076 people are landed in Italy. A datum in diminution in comparison to the 2016 same period, when arrived 173.015 people (-33%) arrived.

In November 2017 5.371 migrants disembarked, fewer than the 13.500 of November 2016. From July to November 2017, 32 thousand migrants have arrived, against the 100 thousand of 2014, the 73 thousand of 2015, the 114 thousand of 2016.

The countries of origin in 2017 are (data adjourned to October 31): Nigeria (16,6% of the arrivals, around 17 thousand people), Guinea (9%, 9 thousand people), Bangladesh (8,5% 8.800 people) and Ivory Coast (8,5% 8.800 people). Followed by Mali, Sudan, Senegal, Eritrea, and Gambia.

Migrants arriving in Italy are above all men (74%).

The landings happen most of all in Sicily (64%, but up to few months ago this percentage was of 90%) and Calabria (20%), followed by Campania (6%), Puglia (5,5%) and Sardinia (4,5%).

Political Strategies

Migration has been on top of the political notebook and has drawn to the attention of the European public opinion for three years.

The more evident systemic matter is that Europe has problems to find out the balance, because of the incompatible positions of member states, everyone is working differently, who makes the first (Italy and Greece), who hosts an important numbers of migrant and refugees (Austria, Sweden), who had opened the boundaries but then had changed its mind (Germany), who doesn't want to do anything (Hungary) and who it is no more in Europe (United Kingdom).

A common policy is to leave out of Europe the highest number possible of migrants. It is a strategy linked with the pact with Turkey, that has acted as a barrier for the migrants coming from Syria, Afghanistan, Iraq and Pakistan for one year in exchange of some billions of euro and of a respectful silence on the authoritarian regime of Erdogan.

Europe, above all Italy with the not constant support of France and Germany, is proposing a strategy to Libya and the rout of the central Mediterranean. On the other hand, the closing of the Libya-Italy route had been announced as the true objective since 2017.

At the beginning of February, an agreement was made between Italy and Libya that establishes a collaboration between the two countries in order to reduce the flows departing from Libya. The pact was strengthened in July, defining that the ships of the Italian coastal watch will also operate in libycal waters as a support of the coastal watch of Libya.

In fact, the situation is very confused, because Libya is not Turkey. The most probable hypothesis is that the Italian government has made agreements with militias of Libya that manage the traffic of migrant also managing to avoid departures from the coasts of Libya , as disclosed by an investigation of the Associated Press.

The agreements with Libya have been criticized by many parts for political, humanitarian, juridical and economic reasons.

Minister Minniti says to be busy in setting refugees' fields in Libya under the guardianship of Unhcr and Oim (International Organization of the Migrations), but the hypothesis doesn't seem to be realistic in the actual context of Libya.

The diminution of the arrivals on the Italian coasts is related to the diminution of the departures from Libya but also to an activity of control along the whole African routs especially in Niger and Sudan.

Meanwhile the migrants keep on trying in any way to enter the fortitude Europe. In the last months an increase of landings recorded from Tunisia to Italy, while from July a new route has been activated, unexpected, from Turkey brings to Romania through the dangerous Black Sea, a route that has concerned around 400 migrant till now.

Besides the block of the external (and internal, in some cases) frontiers, the other great European strategic line is the so-called relocation, that is the replacement of the fugitive. They have to be distributed more fairly among the states of the European Union.

The pact, stipulated in September 2015, initially foresaw the replacement of 160 thousand people from Greece and Italy to other European countries within September 2017.

We are in short in a phase of great political (and pre-electoral, let us not forget it) manoeuvres, whose effectiveness will be verified in the next months.

Situation in the South-eastern Asia

In addition, South-Eastern Asia has its crisis of migrant. As in the Mediterranean, the governments of the region have given up answering to the humanitarian applications. The barges of migrants are left in the middle of the Indian Ocean, without water neither food, neither sanitary assistance.

The Asian governments are not prepared to open the boundaries to migrants and they prefer to send them back and struggle the sacristies, rather than the promoting politicises that aim at inclusion and integration. After years of responsibility not taken by the governments of Indonesia, Malaysia and Thailand, they had to reunite at the end of May, in an extraordinary vertex, to understand how to face the migratory flow that crosses the Gulf of Bengal, just few meters from their coasts.

Dramatic statistics. There are thousands of stories picked by humanitarian organizations, that are working to trace the moves of the Rohingyas (a Muslim minority that mainly resides between Myanmar and Bangladesh, and to which the Burmese government doesn't recognize the right of citizen), ships that ran away from the persecutions and discriminations of Myanmar and Bangladesh, hoping for a best life or an employment in Indonesia, Malaysia, Philippines and Thailand. The data are dramatic: only between January and March 2015, 25 thousand of people (half from Myanmar and half from Bangladesh) have tried to reach these Countries on precarious boats. In May 2015, 4 thousand of people were abandoned in the middle of the sea, with little stocks of provisions: among them 2 thousand were women and children.

The majority of the migrant pay an initial quota that varies from 50 to 300 dollars, but once in the hands of the traffickers, they are forced to pay more. Often the family is asked to send over the 2 thousand dollars and those who does not pay are beaten or even worse. In the places of clearing

managed by the traffickers, conditions are terrible: abuses and every type of violence are perpetrated on women.

Which solutions from the vertex in Bangkok? Many of the expectations that were created around the vertex of the end of May on the matter migration (the extraordinary reunion of the Asian, States of the Asian East South) have been unattended.

As many vertexes in UE, the true political decisions were postponed and the vertex was concluded with a nothing of fact on binding accords for States or directives that forces the governments to assume their own responsibilities. As in the case of the European governments, also the Asian governments have approved the duty of every state to answer to the humanitarian imperative till now

IV. MAJOR COUNTRIES INVOLVED

The areas with the major numbers of migrants are Europe (72 millions) and Asia (71 millions) that together make the 2/3 of the total, followed by North America (53 millions), Africa (19 millions), South America and Caribbean (9 millions) and Australia (8 millions). Half of all the migrants are resident in 10 countries, first of all USA that alone host 46 million (20% of the world's total), the Russia Federation (11 millions), Germany (9.8 millions), Saudi Arabia (9.1 millions), UAE and United Kingdom (7.8 millions), France and Canada (7.4 millions) and Australia and Spain (6.5 millions). The data of the United States and France reflect the importance of the flows of the past migrations; instead, Spain is a country of recent migration that has however recorded strong rates of growth in a very brief period.

The principal movements toward the USA are from Mexico (13%), China, India, Philippines and Porto Rico (2%); those toward the UE are represented by the flows from Turkey toward Germany (1,5%), from Algeria toward France (1,5%) and then an important quota of migrant moves inside the states that belong to the ex-Soviet Union: from the Russian Federation toward Ukraine (3,5%) or vice versa (2,9%), from the Kazakhstan toward the Russian Federation (2,5%) and vice versa (2,4%).

More various are the destinations for the flows toward the South of the world: from Bangladesh toward India (3,2%), from India toward the United Arab Emirates (2,9%) and toward Saudi Arabia, (1,8%) from China toward the region of Hong Kong (2,3%), from Afghanistan toward Pakistan and the Islamic Republic of Iran (2,3%), from the Myanmar toward Thailand (1,9%), from Palestine toward Jordan (2,1%) and from Burkina Faso toward Ivory Coast (1,5%).

The Countries with the greatest incidence of immigrants on the resident population are Qatar (86%), the United Arab Emirates (70%) and Kuwait (69%); the first two countries also have the annual rate of migratory growth for 1000 inhabitants more elevated, followed by the Bahrein (45), Singapore (20) and Kuwait (16).

V. UN INVOLVEMENT

Global compact on migration

The "Global Compact on Migration" is the accord on the immigration of the United Nations signed in September 2016 in New York. The International community should adopt it in October 2018. In September 2016, the 193 members of the general meeting of U.N. approved unanimously a text called "Declaration of New York" that aims at improving the international management of refugees and migrants, hosting and supporting for the return.

VI. USEFUL LINKS

<https://www.oecd.org/g20/topics/employment-and-social-policy/G20-OECD-migration.pdf>

<http://www.ifrc.org/en/news-and-media/opinions-and-positions/speeches/2012/test/>

https://books.google.it/books?id=ewMoAn4cNqMC&pg=PA187&lpg=PA187&dq=migrant+phenomenon+causes&source=bl&ots=zn_aAGy4A&sig=t7yma71FhW7bLzKviW5Lx-kbUp_4&hl=it&sa=X&ved=0ahUKEwiZprPvj63YAhVHKVAKHYFiCiUQ6AEIPTAG

<http://www.un.org/>

<http://edition.cnn.com/specials/us/immigration>