Research Report

Leiden Model United Nations 2017
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Forum: *Economic and Social Council and European Council*

Issue: *Combating human trafficking on the Mediterranean Sea*

Position: *Deputy Chair*

Introduction

The smuggling of migrants is defined as "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" by the United Nations Convention against Transnational Organised Crime and the Protocols Thereto. As an ever-growing issue in the 21st century, migrant smuggling enables citizens to flee their own nations through means of land, sea, and air. Migrant smuggling is an organised crime, therefore the fight against it requires nations to cooperate on complex resolutions in order to save people's lives. In a world where borders are tighter than ever and immigration policy keeps on expanding, immigrating illegally has become a much more accessible option for many. People who hope for better living conditions, better jobs, and overall better lives are willing to spend their life savings on dangerous journeys which carry them to different lands. What these people mostly are not informed of are the organised crime networks behind migrant smuggling. Smugglers are part of a thriving business. These criminals are part of a network reminiscent of drug-cartels. And the journeys they provide are often highly risky for their customers and greatly profitable for the smugglers. However, all around the world people are hungry, sick and suffering. They have no choice but to pay high prices and take these journeys. So, the numbers keep growing and our attempts at stopping smugglers fall short.

Definition of Key Terms

Human trafficking
The action or practice of illegally transporting people from one country or area to another, typically for the purposes of forced labour or commercial sexual exploitation.

UNODC
UNODC, assists States in their efforts to implement the Protocol against the Smuggling of Migrants by Land, Sea en Air (Smuggling of Migrants Protocol)

Migrant Smuggling
According to the Smuggling of Migrants Protocol, migrant smuggling is "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."

Illegal Immigrant
As described by the Cambridge Dictionary, an illegal immigrant is "someone who lives or works in another country when they do not have the legal right to do so"

Smuggling Routes
Smuggling routes in this context are the paths migrants follow with smugglers through land, sea and air. Smuggling routes span all over the globe and differ between different smuggling networks.

Refugee
As described by the UNCHR; "a refugee is someone who has been forced to flee his or her country because of persecution, war, or violence… (and) cannot return home or (is) afraid to do so."

Organised Crime
The National Crime Agency of the UK defines organised crime as "serious crime planned, coordinated and conducted by people working together on a continuing basis. Their motivation is often, but not always, financial gain. Organised criminals working together for a particular criminal activity or activities are called an organised crime group."

Coyotes/Snakeheads
Coyotes are migrant smugglers who operate between Latin America and the United States, providing services to migrants passing the US border for extremely high prices and with dangerous conditions. Snakeheads are the equivalents of "coyotes" in China. They are a vast network of smugglers who take Chinese migrants to Western countries.

General Overview

The smuggling of migrants is a crime. It is illegal to enter a country without having the required documentation, visa or citizenship. Moreover, migrants which enter a country illegally avoid getting documented as long as possible. Almost all of the people who travel with the help of smugglers are searching for better homes and better living conditions. In short, they commit this crime to reach a better life. MEDCs provide a higher quality of life, even to undocumented immigrants. Citizens of LEDCs living in bad conditions make daring journeys through international smuggling routes for the promise of a better life. While illegal immigrants are crossing borders unlawfully, they are often refugees and asylum-seekers. The real criminals in this situation seem to be the smugglers themselves. In our modern world, migrant smuggling has grown to become an organised crime

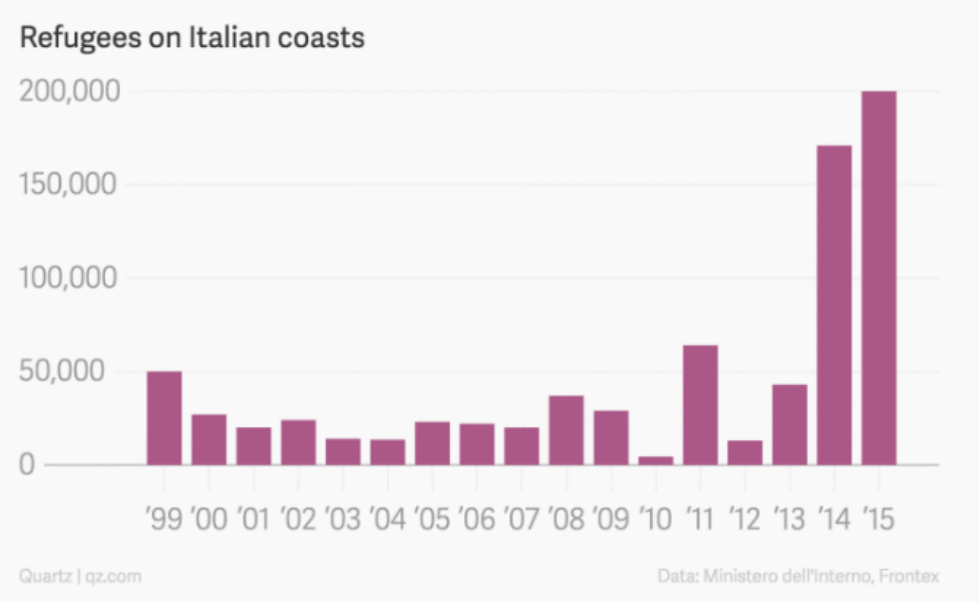
network. Migrant smugglers have become no different than drug cartels. There are rings of smugglers all around the world, taking advantage of vulnerable refugees and earning thousands of dollars from each transport. While the criminals on the job seem to be a handful of truck drivers and boat handlers, the real criminals are the big bosses resting at the very top of the ring. The real international crimes are committed by these people, not the migrants seeking refuge.

In the past, the same criminal structure was seen with the mafia and drug cartels in the Americas. Migrant smuggling is a more recent type of crime, only becoming a real issue in the late 1990s. However, it has grown tremendously as an organised criminal system since then. Firstly after 9/11, the tightening of American borders and immigration processes gave rise to the demand of smuggling. Secondly, with the more recent conflicts in the Middle East and Africa resulting in refugee crises, migrant smuggling grew into a much bigger problem. The fact that this is now an organised crime and not just discrete individuals committing the same crime means it is a much harder issue to deal with. Rings of criminals are difficult to catch because the people seen on the job are just low-level workers inside of the ring. It is harder to trace these people back to their bosses. Organised crime also generates an abundance of money obtained through illicit means. The migrant smuggling business is a growing economy. These smuggling rings and their big bosses earn millions of dollars annually. Just like drug cartels, rival rings fight over routes and territories. These conflicts between rival rings have even lead to lives lost on the job. The smuggling of migrants is much more than just people being transported over borders unlawfully. It is an organised business made up of a complex criminal network. This all means solutions to this problem have to be complex and multidimensional as well.

The rise of migrant smuggling and the general increase in the organised crime economy causes even more issues than expected. With immigrants in need of better living conditions, opens up more ways for criminal networks to develop their businesses. All over the world, people are travelling out of the law's watch, from LEDCs to MEDCs. When smuggling of humans increase, the smuggling of drugs and weapons do too. The illegal immigration routes open up ways for drug cartels and terrorist organisations to transport their resources. Migrants who are looking for better lives might end up being used by other crime networks too. These ill-fated people could easily be manipulated by cartels into carrying drugs on their bodies. Moreover, using these migrant smuggling routes, members of terrorist groups can travel into countries which are constantly trying to keep them out. Migrant smuggling enables even higher crimes with much bigger consequences. The issue itself is not just illegal immigration. It also feeds the drug trafficking and terrorist economies.

While illegal immigrants, organised crime networks, and illicit drug trade are all major problems, the smuggling of migrants is, at its core, a humanitarian issue. These smuggling rings take advantage of vulnerable people who are seeking asylum. Many of the migrants who pay money to smugglers are escaping from conflict zones around the world. Life in LEDCs for low-income families is extremely difficult. Even when they are not legally classified as "refugees" and "asylum-seekers", they are trying to escape from

terrible living conditions and find better jobs. Illegal immigrants mostly do not have bad intentions. However, the smugglers themselves mostly do. Even though they know that these people have very low incomes and are desperate to escape their place of residence, smugglers charge them extremely high prices. An unlawful migration route might end up costing up to 10,000 dollars for an immigrant. At times this is their whole life savings. For many people living in conflict zones, there are much more practical and cheaper ways to relocate to a safer country. However, these refugees get tricked by smugglers and end up spending unnecessarily huge amounts of money for risky journeys. These criminal rings are not benevolent. They are not trying to help migrants escape. Instead they make immigration journeys as difficult as possible. Because this is an organised business in our modern world. Smugglers are not aid workers, they are businessmen.



Perhaps the most pressing question when it comes to the issue of migrant smuggling is lost lives. Many disasters on migrant smuggling routes are broadcast worldwide in news reports. However, smugglers try to operate under the radar, which means many disasters stay secret. Migrant smuggling takes on many forms through land, air, and sea. And none of these forms are safe. Without smugglers and an organised network, these routes would be almost impossible for people to cross. The extremely high temperatures of deserts in Central America are deadly. The sea routes from North Africa to Southern Europe are lethal. However, the smugglers do not make the journey significantly safer. They transport people in crammed trucks, boats and shipping compartments. The heat, the cold, storms, waves, air pressure and oxygen levels are all huge concerns in these journeys. There are no safety precautions. Many people spend their life savings to end up dead on the road. The true humanitarian crisis is the deaths of unnamed immigrants searching for better homes. As the international community, we have a responsibility to save them. People of all ages, genders, and ethnicities lose their lives in migrant smuggling routes. The issue of migrant smuggling must be stopped.

The most recently-developed route is a result of the refugee crisis of the 2010s. Refugees and asylum-seekers from Middle Eastern countries are forced to leave their homes behind and travel to neighbouring countries. However, many are not satisfied with relocating to other Middle Eastern states such as Turkey or Jordan. Instead, they pay migrant smugglers to get into the EU and move to a more developed state such as the UK or Germany. Many refugees pass through Turkish borders illegally on land with the help of smugglers. But most travel on the Mediterranean Sea, reach coasts of Greece and then travel under the radar into other parts of Europe. These sea routes are dangerous and deadly, causing civilian casualties in the Mediterranean. Men, women, and children drown, their bodies washing up on the beaches of Turkey and Greece. The tragic effects of the refugee crisis span much farther than just Syria and Iraq.

Major Parties Involved

UNODC

The branch of the UN which is most involved with the issue of migrant smuggling is the United Nations Office on Drugs and Crime (UNODC). This office carries our programmes and plans of action against issues such as human trafficking and migrant smuggling. They aim to tackle the issue of migrant smuggling with three actions: prevention, protection, and criminalisation. Prevention describes the work they do with governments of different states to raise awareness about the dangers of these journeys. Protection refers to their efforts to protect the victims of migrant smuggling. Criminalisation is the development of laws and training of law enforcement to arrest and prosecute migrant smugglers more quickly and practically. The UNODC also creates toolkits, protocols, and conventions to decrease migrant smuggling.

The states to which people migrate to

The other major party in this issue are the states to which people migrate to. This includes USA, Canada, Australia and almost all of the European Union. These states acknowledge and work towards decreasing migrant smuggling. Their governments do not welcome illegal immigrants and they launch programmes against migrant smuggling. These states work with the UNODC and try to bring an end to this issue. They are MEDCs and have the resources to handle this issue. They are also the countries which take in the most legal immigrants, asylum-seekers, and refugees. They do have systems in place to help legal refugees however they do not want to take in anyone illegally. They are the states capable of providing resources and working to end migrant smuggling.

Timeline of Events

Event/Date	Explanation
A rise in numbers/Late 1990s, early 2000s	Migrant smuggling starts to increase in numbers internationally
Issue Papers/April 1st, 2010	the UNODC publishes the Migrant Smuggling Issue Papers which provide information on the issue
The issue gains attention/April 15 - 16th, 2010	the 12th UN Crime Congress on Crime Prevention and Criminal Justice addresses the issue of migrant smuggling
Global Review/June 10th, 2010	the UNODC launches a Global Review on migrant smuggling
Model Law/August 22nd, 2011	the UNODC published the Model Law on Smuggling of Migrants
New POTUS is inaugurated/January 20th, 2017	President Trump of the USA, who has promised to effectively fix the issue of illegal immigration, is inaugurated

Knowledge Portal/May 26th, 2017	the UNODC launches the global database named the Smuggling of Migrants Knowledge Portal

Previous Attempts to solve the issue

The UN and especially the UNODC have already conducted past conventions and published protocols, toolkits and model laws in an effort to combat the issue of migrant smuggling. The most prominent of these is the "Protocol against the Smuggling of Migrants by Land, Sea and Air". This protocol, published by the United Nations Convention Against Transnational Organized Crime, tackles this issue through the three main means of smuggling; land, sea and air. The UNODC has also published the "Model Law against the Smuggling of Migrants". This document provides a guideline to states which are aiming to develop laws to combat migrant smuggling. Other documents such as a "Toolkit to Combat Smuggling of Migrants" and training modules for law enforcement and judicial systems have been created by the UNODC, all in the effort to fight against migrant smuggling.

While the UNODC does publish and create many documents and support conventions to decrease migrant smuggling, the real power lies in the hands of states. The UN can only suggest and encourage states to take measures to combat migrant smuggling. The Model Law, Toolkit, and training modules are all measures states can choose to implement in line with their government's policies. If the states do not take action, the UNODC is powerless. As an example, the EU has developed action plans against migrant smuggling. Many states have joined and support the United Nations Convention Against Transnational Organized Crime and the UNODC. More nations have to take measures against migrant smuggling and develop plans to eradicate it permanently. This can only be achieved through global collaboration.

Possible Solutions

- It is universally accepted that migrant smuggling is, at its core, an issue of economy and business. Therefore, the most effective way to prevent it would be to attack the smugglers' economy. A possible solution suggested by experts is for the UN, NGOs or governments of MEDCs to provide the same services that smugglers do for little to no price. This would give migrants a much safer and cheaper way to travel. It is expected that creating low prices that smugglers cannot compete with would crack their economy and break apart their rings.

- Another suggestion made by experts is offering temporary visas to people who want to migrate to the EU. These visas would last 2-3 years and double as work permits. The migrants could stay in the country as long as they contributed to the economy and society. They would be motivated to renew these visas so that they could keep working. The country could also decide on the price range for these visas to control the number of immigrants at one time based on their economic class.
- A more orthodox solution would be strengthening borders and immigration policies. While economists studying the issue of migrant smuggling have stated that this would only increase demand and drive up the prices for smuggling, some governments see this as the most logical path. By adding to their border patrol forces and cracking down on illegal immigration, there is a possibility that migrant smuggling will become much more difficult than before and in turn discourage the smugglers to develop their business.
- As stated previously, while it is very difficult, catching the big bosses in this business would be the most effective way of stopping migrant smuggling. Because this issue has become an organized crime, removing the people at the top of a smuggling ring would cause the rest of the network to break apart. The problem is, even with joint government agencies, finding the people at the top of the chain is extremely difficult because the smugglers actually doing the work are at the very bottom of the chain.

Useful documents

https://www.youtube.com/watch?v=U_qd3B4ash4
http://www.unodc.org/
http://www.economist.com/node/4488653
http://content.time.com/time/printout/0,8816,474582,00.html#
https://www.youtube.com/watch?v=zEMLT9PaRS0&t=148s

Bibliography

- "Decapitating the Snakeheads." The Economist. The Economist Newspaper, 08 Oct. 2005. Web.
- Anapaula.canestrelli. "United Nations Office on Drugs and Crime." Trafficking in Persons and Migrant Smuggling. N.p., n.d. Web.
- Akara.umapornsakula. "United Nations Office on Drugs and Crime." Successful Test Run of Irregular Migration and Migrant Smuggling Reporting System (VRS-MSRC). N.p., n.d. Web.
- Bbcnews. "Migrant Crisis: Secret Film Reveals People Smugglers - BBC News." YouTube. YouTube, 08 Sept. 2015. Web.