

MUN

GA3 BACKGROUND GUIDE

AUSMUN 2021



AMERICAN UNIVERSITY OF SHARJAH

DIRECTOR OF RESEARCH WELCOME LETTER



Dear Delegates and Faculty Advisors,

It is my utmost pleasure to welcome you to the American University of Sharjah Model United Nations (AUSMUN) 2021. As an organization led by the students of AUS, AUSMUN has had the privilege of hosting some of the biggest and most diverse MUN conferences in this region. Our 2020 conference saw over 1000 delegate registrations from more than 45 national and international institutions!

Adapting to a New Normal, Promoting Resilience: given the turbulent year of 2020, there was no other theme which could have fit our present conditions better. A small outbreak in Wuhan exactly a year back has now trickled down into a global catastrophe which has two million dead, leaving a trail of broken lives in its wake. Looking at the severely distorted life that has become our 'new normal', some may question whether it could all have been avoided. Whether we could have been better prepared. And the broader goal of our conference is to do exactly that: teach the upcoming generation to question current policies in the hopes of preventing another similar global catastrophe.

This background guide has been formulated by your chairs along with the research team to provide you with a concise overview of the topics chosen.

DIRECTOR OF RESEARCH WELCOME LETTER

The guide is initially divided into two sections based on the two topics and is further split into logical components. Firstly, the Summary and History section acts as an introduction to the issue. Secondly, the Discourse on the Issue section establishes a link between the issue, its implications, significance, and the United Nations Charter. Lastly, the Past International Organization (IO) Actions and Latest Developments section elaborates on the previous actions that have been taken, which can be used by delegates as a stepping stone to come up with their own solutions to the issues. At the end of each topic, delegates will find sections of questions and suggestions that aim to guide the process of research.

Delegates are greatly encouraged to expand beyond the guide and research about their country and topics in order to construct well founded arguments during debate. The delegate handbook contains a number of tips on how to research and addresses a vast array of common concerns. Finally, let me use this opportunity to extend my gratitude to all those who have helped create the document you are reading right now: Your wonderful moderators, the AUSMUN Research Team, and not to mention the AUSMUN Media team who have done an incredible job in designing and formatting the Background Guides.

I wish you the very best in preparing for the conference. If you have any queries at all, or need any specific help in researching for your topics, do not hesitate to contact research@ausmun.com

Sincerely,
Julia Jose
Director of Research
AUSMUN 2021

MODERATORS



AbdelRahman

Yasser Gouthami

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WELCOME DELEGATES!

We are in unprecedented times, and AUSMUN is something that brings us a sense of normalcy.

Dear Delegates,

It is with immense pleasure that we welcome you to the American University of Sharjah Model United Nations 2021, and to the General Assembly 3 (GA3): Social, Humanitarian and Cultural Committee. We look forward to meeting you all (virtually) and are thrilled to hear your discussion and ideas. We expect three days of intense debate and cooperating delegates to come together and solve the issues our world currently faces.

The third committee of The General Assembly, otherwise known as SOCHUM (Social, Humanitarian and Cultural Committee), was founded in 1947 for addressing human rights, humanitarian affairs, and social issues. For instance, this may include issues such as the empowerment of women, the pushing of essential freedoms such as addressing the issue of the promotion of rights for people of different races, sexualities, political views, and religion. And as the committee will be discussing soon, combatting racism and discrimination towards refugees as well as the protection of indigenous people. Furthermore, the role of this committee is to provide humanitarian aid through the drafting of resolutions that encourage countries worldwide to protect citizens regardless of their backgrounds, ethnicities, or cultures. SOCHUM's power extends to enforcing laws across the world in an effort to improve the lives of oppressed minorities, by protecting and respecting their fundamental human rights. GA3 will have a major role in the achievement of the UN Sustainable Development Goals (SDGs), specifically reduced inequalities, no poverty and gender equality.

WELCOME DELEGATES!

We are in unprecedented times, and AUSMUN is something that brings us a sense of normalcy.

This year, our committee will tackle two agendas that have been plaguing the world for decades;

1. Racism, Xenophobia and Discrimination against Refugees, Immigrants, and Indigenous Populations
2. The Question of Non-Refoulement of Refugees and Internally Displaced Persons

Being one of the largest conferences in the region, AUSMUN calls for a lot of preparation before the conference with adequate research on the topics, well-detailed position papers and brush up on the committee terms. Do keep this in mind: whether it is your first conference, or your last, dedicate your energy to having productive committee sessions that not only focus on smart rebuttals during the debate but also forming resolutions that aim at minimizing the problems at hand. We have complete confidence that this conference will be an enjoyable and effective learning experience for all.

For any questions or queries, feel free to reach out to ga3ausmun21@gmail.com. We wish you the best of luck, and may the odds be ever in your favor.

ABDELRAHMAN YASSER, GOUTHAMI
AUTHORS OF THE BACKGROUND GUIDES

Summary and History

Across all global regions, refugees, immigrants, and the indigenous population of the nation are victims of a high level of discrimination on various grounds, with racism and xenophobia being the most prominent. The United Nations first raised its concerns about the rights of migrant workers in 1972, with a report recommending an international convention aimed at elevating the struggles of migrant workers. Consequently, the United Nations General Assembly set up a working group open to all Member States to draw up an international convention. In 1990, the International Convention on the Protection of the Rights of All Migrant Workers and Members (ICRMW) was adopted by the United Nations General Assembly on 18th December 1990, which defines a migrant worker as 'a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national'. However, the effectiveness of the same is still unclear. In 2001, the Durban Declaration and Programme of Action by the Office of the High Commissioner for Human Rights (OHCHR) pointed out that xenophobia against non-nationals is presently one of the main sources of contemporary racism. As defined by the OHCHR, xenophobia is a broad term, defined as the 'intense dislike or hatred against people that are perceived as outsiders, strangers or foreigners to a group, community or nation, based on their presumed or real descent, national, ethnic or social origin, race, color, religion, gender, sexual orientation, or other grounds (UNOHCHR, 2013).

Immigrants are often discriminated against in the housing, education, work, and health sectors. The International Labor Organization (ILO) noted that the largest numbers of international migrants are located in Asia, followed by Europe and North America, and then by Africa, Latin America, and Oceania with progressively fewer numbers. About 80 millions of this population are migrant workers.

A study conducted in May 2006, 'Migrants' Experiences of Racism and Xenophobia in 12 EU Member States' concluded that although there was a great variation between different nations and their migrant populations, they all faced subjectively experienced the same levels of discrimination. Another factor to be noted is that the study pointed out that the overall rate of reporting discrimination to authorities was extremely low – about 86% of respondents did not report their experiences to government authorities.

One of the main obstacles hindering immigrants' equal access to human rights in host societies is the persistent anti-migrant discriminatory practices. Further aggravating the discrimination, the global economic crisis and rising unemployment increase the gap between nationals and immigrants. Addressing the negative actions and perceptions of immigrants and minorities within host countries is thus an essential element of development.

Discourse on the issue

There is no question as to whether or not racism against refugees, immigrants, and indigenous people exists in many countries around the world. Examples of such events are the recent violent attacks against refugees and humanitarian workers in Greece (UNHCR, 2020). And over 600 recorded attacks in Germany on asylum seekers in the first two quarters of 2019 (The African Courier, 2019). Right-wing populism and nationalism are on the rise in European countries as tensions climb with more race-related incidents. And as a result, it has become difficult for minorities to feel accepted in their communities, experiencing harsh discrimination and backlash for expressing their views and culture.

The scope of the conversation does not only focus on refugees but also on indigenous communities in different countries that are victimized. For example, the discrimination of Aboriginals in Canada that conjure up 19 percent of federal prisoners while they are only 3 percent of the general population. Observing a 22 percent increase in the rate of imprisonment of aboriginals while the general prison population decreased by 12 percent between 1996 and 2004 (UN, nd).

Eluding to the existence of systemic racism within the justice system in Canada.

This conundrum exists in other countries such as Australia and the United States of America. An interesting study conducted by Findling and Casey (2019) found that 38 percent of Native Americans reported that they or their family members have experienced violence or have been threatened, with 15 percent circumventing seeking healthcare due to 'anticipated discrimination'. These numbers are unacceptable and must immediately be circumvented as part of the United Nations' goal for reducing inequalities.

It is up to the United Nations to act on the issue alongside the Human Rights Watch and Office of the United Nations High Commissioner for Human Rights to fight against inequality and moving one step closer to providing an equal opportunity for members of any ethnicity or background to have the freedom to live their lives in peace and prosperity. Delegates of the General Assembly 3 committee, it is now your job to form a resolution for the betterment of society.

Past Actions by UN, International Organizations (IO) and NGOs

In July of 2018, the UN General Assembly passed a resolution labeled The Global Compact for Safe, Orderly and Regular Migration, which had been agreed upon by all 193 member states, except the United States of America. The global compact is comprised of 23 objectives aimed at better managing migration on a global scale, some of which including:

- Aims to respect, protect, and fulfill the human rights of migrants by reducing the risks they may face at different stages of migration.
- Facilitate migrant's contributions to sustainable development on a global scale by creating conducive conditions that enable them to enrich the societies they live in, by way of their human, economic, and social capacities.
- Combat smuggling and people trafficking
- Improve data gathering on international migration

While this resolution was a big step towards respecting and protecting the rights of immigrants, in December 2018, only 164 countries formally adopted the GCM out of the 192 that had initially passed the resolution, which resulted in an incomplete implementation of the global compact. Despite the resolution being a significant milestone in protecting the rights of migrants, the NGO Human Rights Watch noted that several states, that had voted in favor of the adoption of the GCM, not only contravened the commitments made under the GCM but also violated international and regional human rights and refugee law (Human Rights Watch, 2020).

Another significant resolution passed by the General Assembly is the United Nations Declaration on the Rights of Indigenous Peoples, which until today serves as the most comprehensive international instrument for the rights of indigenous peoples. Although at the time of passing, 4 countries had voted against them, years later they reversed their stance and now support the declaration. “It establishes a universal framework of minimum standards for the survival, dignity, and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples.” (UN, n.d.)

Questions to consider

1. What opportunities for reporting acts of discrimination can be identified?
2. Have authorities been taking accurate and effective measures to combat discrimination within nations if the reporting rate is extremely low?
3. What is required to prevent and address xenophobia?
4. Has the current pandemic situation contributed to xenophobia worldwide?

Suggestions for Further Research

1. What methods of preservation and protection of Indigenous populations and cultures is possible with the powers of this committee?
2. The specific definitions and criteria that apply the title of “Refugee” to an asylum seeker and “Indigenous person” to a member of a state.
3. Evidence of systemic racism in different countries and how it affects the livelihood of discriminated members of a state.
4. Emerging political parties that advocate for violence against immigrant residents and refugees.



Summary and History of issue

Non-refoulement is a principle of international law that provides refugees with the right to freedom from being expelled from their place of refuge or forced return to their country where they face threats to their life or freedom. In many parts of the world, people live with the constant fear of death or prosecution, due to their beliefs or circumstances of birth. Naturally, to avoid this fate, they migrate to a country or region where they are free of that fear, meaning a region or country that does not discriminate against those against certain beliefs or circumstances of birth. However, what were to happen if they were forcibly returned to their country of origin? This is a matter of great significance today, as the principle of non-refoulement can protect those fleeing areas rampant with armed conflict, areas where there are violations of their human rights, as well as areas where they would be persecuted for their race, political views or religion. As of the end of 2018, 70.8 million people have been forcibly displaced worldwide because of conflict, violence, or human rights violations (UNHCR, 2019). Recent events regarding this issue:

- April 2020 – Malaysia, Bangladesh and Cyprus close their borders to the Rohingya people, citing COVID-19 as their reason (Natta, 2020).
- November 2018 – 93 migrants fleeing Libya were forcefully returned to the war-torn country after they were “rescued” by a merchant ship flying the Panama flag heading towards Libya, the Nivin (Forensic Oceanography, 2019).
- November 2019 - The South Korean government deported two North Korean fishermen to face murder charges in North Korea, where they face likely torture (Human Rights Watch, 2019).
- 1994 - Tanzanian government closed its borders to a group of more than 50,000 Rwandan refugees fleeing genocidal violence (Barber, 1997).

Discourse on the issue

An unwarranted denial of entry or deportation of persons holding the refugee status, as defined under the 1951 refugee convention, breaks the UNHCR Non-Refoulement Obligations Under International Law which specifies, “No Contracting State shall expel or return ... a refugee in any manner whatsoever to the frontier of territories where his [or her] life or freedom would be threatened ...” (UNHCR, 1951). The refugee crisis in Europe is an example of how these international laws provide support to refugees seeking asylum.

However, the question to be discussed is whether or not these laws must be obligations on countries or not. As the United Nations aims to reduce inequality, poverty, and hunger as part of the United Nations Sustainable Development Goals (UN, nd). The impact of a surge of refugees entering a region cannot be dismissed. As the number of refugees only increases every year from countless ongoing conflicts, it cannot be expected for countries to continuously accept asylum seekers. Due to the European refugee crisis, Turkey and Germany hold more than 4.7 million refugees (UNHCR, 2019). Any more may cause detrimental economic harm to labor markets, and other crucial factors of these countries.

Mishandling of refugees must also be considered, in the interest of providing sufficient care and resources to migrants, relocation of refugees can be a solution to prevent a chaotic outcome. The United Nations have begun an initiative to launch the relocation of asylum seekers to prevent overcrowding as detailed in an April press release where UN agencies welcome 12 asylum-seeking children from Greece to relocate to Luxembourg (UNHCR, 2020). However, the question of how relocation may be used is a valid point of concern. If a large-scale program ensues for the relocation of refugees, not all cases can be looked over by the United Nations which may invite countries to break the UNHCR Non-Refoulement Obligations without notice.

Violations of international law have occurred in the past, such as the mismanagement of refugees in Hungary with a case of at least 21 migrants awaiting deportation being deprived of food for up to five days (UN, 2019). And Thailand's expulsion of 45 thousand refugees in 1979 (Jefferson and McFarland, 2010). It is up to the delegates of the General Assembly 3 committee to discuss paths to take in the future to uphold the goals of the United Nations.

Past Actions by UN, International Organizations (IO) and NGOs

The United Nations has actively been attempting to combat the issues faced by the refugee population in member states. At the smallest level, in 2004, June 20th was named as World Refugee Day with 'A Place to Call Home' as its theme (UNHCR, 2019). While citizens residing in war-free countries could commemorate this significant day in the security of their homes, the refugee and indigenous population around the world still yearn for a place to call home.

There are currently 20.4 million refugees under the UNHCR's mandate, along with 3.5 million asylum-seekers. The 1951 Refugee Convention, along with the 1967 Protocol under the UNHCR are the key documents that focus on the non-refoulement of refugees and indigenous populations. The documents assert that a refugee or asylum-seeker cannot be forced to return to a country where they are liable to be subjected to persecution. This is now international law. The 1951 Convention and 1967 Protocol are also complemented by further regional instruments, such as the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The African Union thereby commemorated 2019 as the year of refugees, returnees and internally displaced persons.

In response to the situation in the Bolivarian Republic of Venezuela, harmonizing policies and practices were placed at the forefront across America in the 2018 Declaration of Quito on Human Mobility of Venezuelan Citizens in the Region.

The UNHCR has also intervened in about 22 court cases in 12 different jurisdictions in 2018 alone to support the full and effective application of the 1951 Convention and other relevant instruments.

Questions to Consider

1. How is it ensured that the guidelines are being followed by all member states of the United Nations?
2. What are further interventions that can be established by the United Nations to ensure the non-refoulement of refugees?
3. Is the relocation of asylum seekers a realistic method of reducing overcrowding of asylum seekers, and refugees?
4. What are the impacts of COVID-19 on asylum seekers?

Suggestions for further research

1. Past UN resolutions aiming to support Refugees and Indigenous populations.
2. What cases fall under the definition of “Refoulement”, and how does it affect UNHCR obligations?
3. Research countries that have possibly violated International Law in relation to the protection and management of Refugees and allocated resources
4. Economic impact of long term residence of Refugees in countries that suffered from the Refugee Crisis.

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