

XXXII

TECMUN Jr.

International Law
Commission

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Session Schedule

Wednesday, November 13th

Registration	8:00 – 9:00 h.
Opening Ceremony	9:00 – 10:00 h.
Break	10:00 – 10:30 h.
First Session	10:30 – 12:30 h.
Break	12:30 – 13:00 h.
Second Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Third Session	16:00 – 18:00 h.

Thursday, November 14th

Master Conference	8:30 – 9:30 h
Break	9:30 – 10:00 h..
Fourth Session	10:00 – 12:30 h.
Break	12:30 – 13:00 h.
Fifth Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Sixth Session	16:00 – 18:00 h.

Friday, november 15th

Seven Session	8:00 – 9:30 h.
Break	9:30 – 10:00 h.
Eight Session	10:00 – 12:00 h.
Break	12:00 – 12:30 h.
Ninth Session	12:30 – 14:40 h.
Meal	14:40 – 16:00 h.
Closing Ceremony	16:00 – 18:30 h.

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General Agenda

General Secretary: Paulo Souto Núñez

GENERAL COORDINATION

Subsecretary of General Coordination: Brenda Noreña Mejía

Supervisor of General Coordination for Media Content: Gabriel Morales Villanueva

Supervisor of General Coordination for co. Secretariat: Samuel Alejandro Herrera Tapia

GENERAL ASSEMBLY

General Subsecretary: William Vázquez Hernández

Supervisor of General Coordination: Jennifer Montserrat Abonce Padilla

Reunión de Alto Nivel para la Asamblea General

Presidente: Samantha Salgado Nájjar

- A) Estrategias para frenar el desplazamiento masivo en el Sahel Central y en las subregiones de la zona a causa de la carencia de recursos vitales dentro de la región.
- B) Medidas para contrarrestar la privación de los derechos humanos en la República de Colombia y la República Bolivariana de Venezuela, haciendo énfasis en las acciones cometidas por el Ejército de Liberación Nacional (ELN) colombiano.

First Committee on Disarmament and International Security

President: Fátima Fuente del Campo González

- A) Actions to curb the Democratic People's Republic of Korea's nuclear ambitions to enhance security cooperation among countries in East Asia and the United States of America to mitigate the risk of military nuclear conflicts.
- B) Strategies to eradicate illicit weapons' trafficking in Latin America and the United States of America to minimize the number of homicides and crime due to criminal organizations in the region.

Comisión Económica para América Latina y el Caribe

Presidente: Beatriz Mena Torres

- A) Acciones para contrarrestar las implicaciones económicas en América Latina como consecuencia del lavado de activos, garantizando el crecimiento económico, con énfasis en la República Federativa de Brasil, la República de Haití y los Estados Unidos Mexicanos.
- B) Estrategias para asegurar un impulso y productividad en la región, abordando la cooperación internacional y proyectos regionales, para potenciar el desarrollo económico de la República de Chile y la República de Colombia.

Committee on Enforced Disappearances

President: Daniela Alexa Alcántara Sosa

- A) Actions to prevent enforced disappearances of migrants crossing the border between the United States of America and the United Mexican States in the presence of the Mexican Cartel, with emphasis on smuggling of migrants in the border state of Tamaulipas.

B) Measures to lower enforced disappearances due to human trafficking of women and children with emphasis on the People’s Republic of China and the United Kingdom of Great Britain and Northern Ireland by the criminal Chinese groups known as the Chinese Triads.

Fondo de Población de las Naciones Unidas

Presidente: Sofía Dominique Morin Anguiano

A) Medidas para erradicar la crisis de salud de las mujeres, madres e infantes en la República Islámica de Afganistán tras el mandato talibán.

B) Mecanismos para deconstruir normas sexuales y de género en potencias coloniales con énfasis en salvaguardar los derechos reproductivos y salud sexual de la comunidad transgénero.

Committee Against Torture

President: Eirik Alvin Otto Halvorsen de la Peña

A) Measures to stop torture and other offences to human rights by the militant group Boko Haram in the Federal Republic of Nigeria.

B) Strategies to eradicate actions of torture and crimes against humanity towards prisoners in penal institutions in the Arab Republic of Syria perpetrated by the prison personnel.

United Nations Industrial Development Organization

President: Ana Mercado Garduño

A) Measures to reduce air pollution as a consequence of the release of toxic substances in the region of South America focusing on the scarcity of sustainable pharmaceutical industrialization.

B) Actions to prevent unemployment due to economic crisis in agribusiness value chains located in Africa, emphasizing in the Islamic Republic of Mauritania and the Republic of South Africa.

Grupo Intergubernamental de Expertos sobre el Cambio Climático

Presidente: Andrea Abigail Salazar López

A) Medidas para frenar los cambios en el océano y la criosfera vinculados al cambio climático, procurando la seguridad de comunidades afectadas por el nivel del mar y deshielos en los polos.

B) Acciones para consolidar la modernización y reformación del uso de fósiles tradicionales hacia fuentes de energía sustentables y renovables con enfoque hacia el cumplimiento del cero neto.

Organización de los Estados Americanos

Presidente: Paulette Mayen Alvarez

A) Mecanismos para contrarrestar el uso erróneo de inteligencia artificial dentro del ciberespacio, con el objetivo de erradicar la piratería de información en la región de Latinoamérica.

B) Acciones para verificar el sistema electoral de la República Bolivariana de Venezuela para las elecciones presidenciales, con enfoque al Gobierno que integran la Iniciativa Democrática de España y las Américas (Grupo IDEA) y sus implicaciones sociales dentro de la población.

ECONOMIC AND SOCIAL COUNCIL

General Subsecretary: Miranda Senties Carmona
Supervisor Of General Coordination: María Fernanda Haro García

United Nations Office on Drugs and Crime

President: Guillermo Pacheco Infante

A) Actions to combat the large-scale trafficking of synthetic opioids, such as fentanyl, between Eastern Asia and America, with an emphasis on the People's Republic of China and the United Mexican States.

B) Measures to combat drug trafficking via deep web platforms due to the ease of access, focusing on the European region.

Comité de los Derechos del Niño

Presidente: María José Zárraga García

A) Medidas para eliminar la explotación infantil en las minas de la República Democrática del Congo debido a la crisis económica y la falta de regulaciones públicas.

B) Estrategias para contrarrestar el reclutamiento de niños por parte de grupos armados en la República Federal de Somalia debido al actual conflicto armado civil.

Office of Legal Affairs

President: Amaya López de Uralde Argüelles

A) Measures to guarantee national security in the Republic of Haiti due to the presence of gangs, caused by the civil conflict.

B) Strategies to assure political freedom in the Republic of the Union of Myanmar given the current increase of tensions due to the military coup of 2021.

Departamento de Asuntos Políticos y Consolidación de la Paz

Presidente: Claudia Guadalupe Pfeiffer Benítez

Tópico único) Procedimientos para favorecer el diálogo y mediación en el actual conflicto armado entre la Federación Rusa y Ucrania.

Histórica Organización para la Prohibición de Armas Químicas

Presidente: Patrick Eduardo Cunillé Paniagua

A) Medidas para detectar y destruir arsenales químicos en el Estado de Libia tras la caída del régimen de Muamar Gadafi. (2011-2014)

B) Estrategias para investigar y prevenir el uso de armamento químico en la República del Sudán enfatizando el conflicto de Darfur. (2003-2014)

Organisation Mondiale de la Santé

Président: Emiliano Melchor Romo

A) Mesures pour garantir le bien-être des enfants et des femmes qui allaitent dans la bande de Gaza en raison du conflit et de son impact sur leurs systèmes de santé.

B) Stratégies pour aider les femmes et les filles de la République du Yémen face à l'impact de la crise humanitaire, en donnant la priorité à la garantie de leurs droits et à la réduction des effets sur leur vie quotidienne.

Unión Africana

Presidente: Leonardo García Mercado

A) Medidas para contrarrestar la crisis alimentaria y sus efectos en la población africana, con énfasis en el Cuerno de África, y la región central y occidental del continente.

B) Medidas para mejorar la infraestructura en el comercio intraafricano dentro del Zona de Libre Comercio Continental Africana (AfCFTA) debido a su limitante económica.

Historical Commission on the Status of Women

President: Abril Valdés Calva

A) Measures to eradicate the forced abortion and female infanticide with emphasis in People's Republic of China and the Republic of India. (2007 - 2014)

B) Strategies to eliminate discrimination and family violence against women in the Arab Republic of Egypt including spousal abuse and female genital mutilation. (1996)

Mercado Común del Sur

Presidente: Daniela Melian Briseño González

A) Medidas para disminuir el impacto del cambio climático en la seguridad alimentaria con énfasis en la República Federativa de Brasil.

B) Estrategias para combatir la desigualdad de género en el ámbito laboral y educativo con énfasis en la República del Paraguay y la República del Ecuador.

SPECIALIZED AGENCIES AND REGIONAL ORGANISMS

General Subsecretary: Aranza Michelle Castro Rivero

Supervisor of General Coordination: Aarón Badillo Aguilar

International Law Commission

President: Mariana Carolina Guerrero Zárate

A) Measures to enhance the legal response, creating a balance between national sovereignty and international justice; taking as a starting point the case of Omar Al-Bashir, the Republic of the Sudan's longtime ruler, accused of genocide.

B) Actions to reduce the impact of the New Pact on Migration and Asylum approved by the European Union, which infringes the international migration law management regime and represents a threat to refugees and asylum seekers leading to forced displacement from Africa.

Organización del Tratado del Atlántico Norte

Presidente: Sara Sofía Govantes Cruz

A) Estrategias para contrarrestar la crisis de seguridad migratoria y de refugiados provocada por los conflictos y la inestabilidad en las fronteras meridionales del Mar Egeo, haciendo hincapié en el tráfico ilegal de personas y las redes delictivas.

B) Mecanismos para frenar la militarización del Mar Negro y el Mar Báltico debido a la lucha por la influencia creada en el conflicto ucraniano entre miembros de la OTAN y la

Federación Rusa, a fin de salvaguardar, gestionar y cooperar en conjunto para la seguridad marítima.

Organismo Internacional de Energía Atómica

Presidente: Dulce Regina Ramos Redonda

- A) Medidas para prevenir accidentes y proteger centrales ante ataques nucleares con énfasis en el reciente caso de Zaporíyia.
- B) Estrategias para promover la accesibilidad a la energía nuclear con fines médicos, con énfasis en zonas rurales de África Subsahariana.

International Criminal Police Organization

President: Ana Paula García López

- A) Strategies to combat illicit attacks due to the business and sale of counterfeit medicines in Africa, with emphasis on improving security measures and regulatory compliance.
- B) Actions to counter cybercrime and cyber attacks in the Asia-Pacific region, focusing on the strength and enhancement of cybersecurity measures.

Consejo de Seguridad

Presidente: Paulina de la Victoria Patiño

- A) Estrategias para resolver y prevenir un conflicto armado entre la República Popular de China y la República de China ocasionado por los desacuerdos en torno a la unificación del territorio con énfasis en las provocaciones existentes en el estrecho de Taiwán.
- B) Acciones para frenar las constantes tensiones militares en el Mar Amarillo ocasionadas por el latente conflicto entre la República Democrática Popular de Corea y la República de Corea.

Counter-Terrorism Committee

President: Renata Monroy Montalvo

- A) Strategies to halt the recruitment and radicalization of members for extremist groups with a focus on countering the influence of the ISIS group in the Middle East.
- B) Measures to strive against the organizational structure of extremist attacks led by the Lashkar-e-Taiba entity, with emphasis on South Asia.

Convención de las Naciones Unidas contra la Corrupción

Presidente: María José Parra Meza

- A) Medidas para neutralizar la crisis política dentro de la región del Reino de Tailandia, como consecuencia del conflicto institucional dentro de la región.
- B) Acciones para criminalizar la corrupción de alto nivel por parte de funcionarios públicos ocasionada por inestabilidad gubernamental en la República Bolivariana de Venezuela.

World Bank

President: Gabriel Salazar Valdovinos

- A) Strategies to establish post-conflict reconstruction in the Federal Democratic Republic of Ethiopia, aiming to reactivate the economy and restore the damages caused by the Tigray civil warlike conflict.

B) Strategies to prioritize the economic and social development in the Republic of Haiti, emphasizing on improving the life quality, as political instability and natural disasters have stopped their development.

Corte Internacional de Justicia

Presidente: Yésika Pamela García Trejo

A) Aplicación de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes (Canadá y Reino de los Países Bajos v. República Árabe Siria).

B) Incidente aéreo del 8 de enero de 2020 (Canadá, Reino de Suecia, Ucrania y Reino Unido v. República Islámica de Irán).

“When you set an intention, you can create transformation.”
- Love Letters to the Dead by Ava Dellaira

Dear delegate,

I know that when we are afraid to be ourselves or when we don't even know for sure who we are, it is hard to believe that we can change destiny, that our actions really mean something to the world. I want you to believe me when I tell you that throughout life we are presented with different situations that help us form our character, create our own criteria and choose the principles on which we are going to base our life goals. The Tecmun model, if you know how to take advantage of it, will teach you to investigate, reason and compare information, work as a team, negotiate and defend your point of view; even when faced with different opinions. Don't be afraid to express your opinion, even if it doesn't belong to the majority. I promise you that this is a safe place where, at every step I will be there to help you, just as my presidents helped me find my own voice and make my way in this world full of voices.

I was once like you, a delegate who came to the rooms hungry to express herself and create impact. A delegate who dreamed of one day sitting on the other side of the table like I am now and, thinking so many times about what I would put in this letter when it was my turn. Remember that hard work does pay off and you don't have to prove anything to anyone but yourself. I would like to congratulate you for starting this path towards awareness about the world you will live in and the actions that will improve it. You are the root of change; for me it is a privilege to be able to guide and leave you a little piece of the infinite love that I have for Tecmun.

Finally, let me give you some advice, remember that we are not immortal but the words and actions we leave behind will live on forever... Find your own voice and make it live forever!

Mariana Carolina Guerrero Zárate
President for the International Law Commission for the
XXXII TECMUN Jr.

Background

The International Law Commission was created as part of a resolution reached by the United Nations General Assembly on November 21, 1947. Its main objective is to promote the progressive development and codification of international law, dealing with matters corresponding to the Public International Law, Private International Law and International Criminal Law. This commission is made up of 34 active members who are elected every 5 years by the General Assembly. These members must be: of different nationalities and from distinct sectors of the international legal community such as; Diplomats, university professors, members of international organizations or governments. As a permanent, part-time subsidiary body of the General Assembly, the commission meets in Geneva, The Swiss Confederation, for annual sessions.

Faculties

Aiming to encourage the progressive development of international law, attacking present and future problems of an international nature; the International Law Commission offers different facilities being:

- Codification of new laws, norms and principles of international law that address emerging issues and new global realities; investigating and analyzing areas where international law is non-existent or insufficient;
- Serving as an advisory body; providing expert advice on legal matters to the General Assembly and other United Nations bodies, searching for resolutions of legal disputes;
- Redaction of reports and studies about various aspects of international law. These reports contain analysis and recommendations that are presented to the General

Assembly and other United Nations bodies to inform about legal developments and challenges in international relations;

- Create international projects, treaties and conventions, which are reviewed and then adopted by the member countries;
- Carrying out constant training to all commissioners and to everyone who requests it, aiming to enhance their expertise, knowledge, and understanding of international law principles, procedures, and practices.

Topic A

Measures to enhance the legal response, creating a balance between national sovereignty and international justice; taking as a starting point the case of Omar Al-Bashir, the Republic of Sudan's longtime ruler, accused of genocide

By: Mariana Carolina Guerrero Zárata, Gilberto Chavarría Betancourt, Alexandra Sofía Reyes Galindo and Diego López Peralta

Legal field

One of the foundations of international law is the principle of national sovereignty, which establishes that each state has total authority over its internal affairs without external interference. This authority is manifested in the ability of each state to dictate laws, manage justice, conduct foreign relations, and control its territory and population. Another important concept is legal equality, which decrees that all people must receive the same treatment by law without any privileges or unfounded differences. In this context, sovereignty is a fundamental principle of international law that constitutes the legal equality of all states, without taking into account their size or power, guaranteeing its territorial integrity and political autonomy.

On the other hand, there is another important foundation within international law: international justice. This focuses on the application and development of legal norms that govern relations between states and other international actors; searching to guarantee accountability for some of the most serious crimes such as genocide, crimes against humanity, belic conflict crimes, torture and forced disappearance. It is important to mention that international justice often faces challenges related to national sovereignty and resistance to external jurisdiction, representing a crucial effort from all states to maintain an international order based on legality and the protection of human rights. Institutions such as the International Court of Justice and the International Criminal Court (ICC) seek to resolve disputes that may jeopardize the balance of the international community, such as acts of genocide and crimes against humanity, to promote global peace and security.

Darfur and Omar al-Bashir

Darfur means the land of the Fur in Arabic, origin of which dates back to when they reigned the Islamic sultanate ¹of Darfur until the homicide of its last sultan in 1916. Today, Darfur is home to more than 80 tribes, ethnic groups, and nomadic and sedentary communities. Unfortunately, after the fall of the Fur tribe, the population of Darfur, predominantly non-Arab and Fur-speaking, has faced discrimination, exclusion and lack of development; as well as political and economic marginalization by the Northern Arab-dominated central government. It is important to mention that, over the years, desertification and environmental degradation in the region have exacerbated competition for limited resources such as water and agricultural land; causing conflicts between agricultural and pastoral communities, as well as tensions between different ethnic groups. All these tensions would reach their maximum expression a few years later with the arrival of Omar al-Bashir, who led Darfur towards humanitarian calamity² and human rights crisis.

Omar al-Bashir, the former president of the Republic of Sudan, seized power in a military coup in 1989 and remained in office until 2019, when he was overthrown and arrested the same way he came to power, by armed forces. His mandate was characterized by serious internal conflicts resulting in massive human rights violations such as deprive someone of their life, sexual harassment and forced displacement of civilians. The most notorious took place in the city of North Darfur in 2003, when the Sudan Liberation Movement, and the Justice and Equality Movement attacked the Sudanese armed forces and its representatives Janjaweed militias. The rebels alleged that authorities in Khartoum were marginalizing the Darfur region, excluding its population from government positions and failing to ensure a fair distribution of the country's wealth. Sudanese government forces

¹ **Sultanate:** A country ruled by a sultan. (Cambridge Dictionary, 2024).

² **Calamity:** A serious accident or bad event causing damage or suffering. (Cambridge Dictionary, 2024).

responded by acting not only against armed opposition groups, but also against civilians from ethnic groups that the government accuses of supporting the insurgents.

According to studies carried out by the United Nations (UN), more than 300,000 people were deprived of their life as a result of the Darfur conflict and almost 3 million have been forcibly displaced to escape danger from the Janjaweed militia³. Currently, more than 150,000 refugees continue to live in the 13 camps established in the Eastern Republic of Chad, and there are still 2.6 million internally displaced people in Darfur. As a consequence, Ali Muhammad one of the highest leaders of the Janjaweed militias, and Omar al-Bashir, were accused of various belic conflict crimes and crimes against humanity by the ICC. Such as: directing intentional attacks against the population, homicide, attacks on personal dignity, sexual harassment, forced transfer, persecution, torture, looting⁴ and destruction of an adversary's property and other inhuman acts. On the other hand, under Sudanese law, Omar al-Bashir was accused of corruption, uprising, terrorism and financial crimes, such as illegal possession of foreign currency and acceptance of bribes⁵.

Repercussions in Sudan after al-Bashir

Since the ouster of Omar al-Bashir, Sudan continues to face numerous challenges on its path to stability and democracy. The political transition has been complicated by a lack of cooperation between military and civilian forces, which has led to a governance crisis. The Sovereign Council, a hybrid entity made up of military and civilian representatives, has frequently found itself at odds over the direction of the country, slowing the implementation of key reforms and the holding of free and fair elections. On the other hand, sporadic violence

³ **Militia:** A military force whose members are trained soldiers but who often have other jobs. (Cambridge Dictionary, 2024).

⁴ **Loot:** (Usually of large numbers of people during a violent event) To steal from shops and houses. (Cambridge Dictionary, 2024).

⁵ **Bribe:** To try to make someone do something for you by giving them money, presents, or something else that they want. (Cambridge Dictionary, 2024).

and inter-community conflicts have also increased tension, especially in historically troubled regions such as South Kordofán and the Blue Nile.

In the humanitarian field, the situation remains precarious and worrying. According to UN reports, more than 9 million people are in need of humanitarian assistance due to internal conflicts, forced displacement and economic crises. Food insecurity is a serious problem, with millions of people facing severe hunger. Internal displacement continues, and many refugees and internally displaced people live in extremely difficult conditions without adequate access to basic services such as clean water, healthcare and education. Humanitarian organizations have had difficulties operating due to insecurity and restrictions imposed by local authorities and armed groups.

Violations of existing law agreements

During the mentioned events, several laws were violated, not only referring to Sudanese law, but to the treaties agreed by the international community threatening the stability. Omar al-Bashir, the former President of Sudan, committed numerous violations of international treaties through his actions during the Darfur conflict, significantly impacting the region that is now the South Republic of Sudan. The Genocide Convention (1948) was breached⁶ as his regime orchestrated systematic homicides, inflicted serious harm, and created life-threatening conditions for the Fur, Masalit, and Zaghawa ethnic groups. The Geneva Conventions (1949) and their Additional Protocols (1977) were also violated through indiscriminate attacks on civilians, looting, and the destruction of villages, contravening⁷ the principles of distinction and proportionality in armed conflict.

Additionally, the Convention Against Torture (1984) was flouted⁸ with widespread reports of government forces engaging in torture, beatings, and sexual violence against

⁶ **Breach:** An act of breaking a law, promise, agreement, or relationship. (Cambridge Dictionary, 2024).

⁷ **Contravene:** To do something that a law or rule does not allow, or to break a law or rule. (Cambridge Dictionary, 2024).

⁸ **Flout:** To intentionally not obey a rule, law, or custom. (Cambridge Dictionary, 2024).

civilians and detainees⁹. Under the International Covenant on Civil and Political Rights (ICCPR, 1966), al-Bashir's regime was culpable for extrajudicial privation of life, suppressing political opposition, arbitrary arrests, and denying fair trials, infringing on basic civil and political rights. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965) was violated through targeted violence against specific ethnic groups, demonstrating severe racial discrimination. The ICC responded by issuing arrest warrants for al-Bashir in 2009 and 2010, charging him with genocide, belic conflict crimes, and crimes against humanity. Despite his ousting in 2019, his prosecution remains a point of international contention, with calls for his extradition to the ICC persisting. Al-Bashir's actions in the South Republic of Sudan exemplify grave breaches of international law, highlighting the need for accountability and justice for the victims of these atrocities¹⁰.

International response

Sudanese President Omar al-Bashir is sought by the ICC for crimes against humanity, belic conflict crimes, and genocide allegedly committed in Darfur, the Republic of South Sudan, since 2005. Following the issuance of two International Criminal Police Organization's arrest warrants in 2009 and 2010, al-Bashir became the first sitting head of state wanted by an international court and the first case to involve charges of genocide at the organization. And despite several member states hosting al-Bashir, thereby neglecting their obligation to arrest the declared fugitives, his international travels have been restricted due to the threat of possible legal action, often driven by civil society groups. The United Nations Security Council (UNSC), which referred the situation to the ICC, has failed to ensure al-Bashir's arrest. After more than 3 decades in power *Omar Al-Bashir*, subtracted from power in the middle of a civil conflict that took hundreds of civilian lives and started a massive social

⁹ **Detainee:** A person who has been officially ordered to stay in a prison or similar place, especially for political reasons. (Cambridge Dictionary, 2024).

¹⁰ **2Atrocity:** An extremely cruel, violent, or shocking act. (Cambridge Dictionary, 2024).

crisis in the Republic of South Sudan that triggered a crucial alarm since the former head of state was internationally pursued. Which left the question whether foreign intervention was an act of accomplishment of international justice, or in fact, an arbitrary act of interventionism.

Under the previous precedent, the UN has a broad story of the discussion around the thin border of interventionism, and international law enforcement. One of the most notorious comes decades away during the Vietnamese conflict with the intervention of both the United States of America and the Soviet Union. Today, the panorama faces the same situation in the Syrian Arab Republic, the Islamic Republic of Afghanistan and Ukraine. The UNSC has endorsed the respect of the national sovereignty of the nations when an international legal process is happening. However, each nation has shown a different posture towards the matter, some going onto supporting the necessary intervention in foreign lands to ensure justice, while others roughly oppose any unpermitted occupation from any other state.

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Topic B

Actions to reduce the impact of the New Pact on Migration and Asylum approved by the European Union, which infringes the international migration law management regime and represents a threat to refugees and asylum seekers leading to forced displacement from Africa

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African Migration

African migration is a complex phenomenon that has had a significant impact both, on the continent itself and on the rest of the world, as a result of a combination of economic, political, social and ecosystem factors. According to data from the International Organization for Migration (IOM), approximately 40 million international migrants originating from Africa were registered in 2020, representing around 14% of the world's migrant population (IOM, 2020). The main destinations of these migrants are other African, European and North American countries; driven by the search for better economic opportunities, academic training and security. For example, in 2019, 53% of African migrants were in other African countries, while 26% resided in Europe and 11% in North America. Additionally, armed conflicts, violence and human rights violations in countries such as the South Republic of the Sudan, the Federal Republic of Somalia and the Democratic Republic of the Congo have contributed significantly to this displacement. According to the United Nations High Commissioner for Refugees (UNHCR), at the end of 2020, Africa was hosting almost 30 million internally displaced people, refugees and asylum seekers (UNHCR, 2020).

According to a study published by the United Nations Development Programme (UNDP) in 2019, often, the reason why some people decide to leave their countries is the insufficiency of economic income. The study highlights that around 58% of migrants had jobs with competitive salaries; however, their earnings¹¹ remained low. Additionally, for one-third of them, the chances of obtaining higher income in their country were almost nonexistent. Another section of the study emphasizes the numerous situations of armed conflicts, violence, and political instability within the African continent, leading larger numbers of people to seek a safer environment, where they can enjoy a better quality of life and have their rights protected (UNDP, 2019).

¹¹ **Earnings:** The amount of money that someone is paid for working. (Cambridge Dictionary, 2024).

On the other hand, African migrants often face serious human rights violations and violence in their search for a better future. Many of these incidents occur, when trying to cross international borders, when some come across human traffickers who subject them to physical abuse, forced labor and sexual exploitation. As reported by the IOM, thousands of migrants have lost their lives on dangerous routes, such as the Sahara Desert or the Mediterranean Sea. In 2020, at least 1,400 African migrants passed away trying to cross the Mediterranean to Europe. Also, the conditions in detention centers in the State of Libya, one of the main transit points, have been reported to be particularly alarming, with numerous testimonies of torture, sexual violence and forced labor.

Likewise, many African migrants face discrimination and xenophobia in destination countries. In Europe, North America and other regions, they are frequently subject to racism and social exclusion, making it difficult for them to integrate and access basic services such as health and education. According to International Amnesty, in countries such as the Italian Republic and the Hellenic Republic, migrants and asylum seekers live in precarious¹² conditions in overcrowded camps, without adequate access to water, food or medical care (International Amnesty, 2024). Furthermore, this situation worsened during the COVID-19 pandemic, exposing migrants to greater risks of contagion and further limiting their access to resources and protection. The lack of effective policies and compliance with fundamental human rights exacerbates the vulnerability of African migrants in their search for a dignified¹³ and safe life.

Consequences of African migration flows

The projections from the United Nations Conference on Trade and Development (UNCTAD) indicate that by 2050, Africa will be the region with the highest population growth in the

¹² **Precarious:** In a dangerous state because of not being safe or not being held in place firmly. (Cambridge Dictionary, 2024).

¹³ **Dignified:** Controlled, serious, and calm, and therefore deserving respect. (Cambridge Dictionary, 2024).

world, which will have significant consequences for international migration and major repercussions on the continent's economic development. People will continue to move across borders. Therefore, the location where they will be heading and under what circumstances and conditions this will occur needs to be addressed, in order to unlock economic potential. This potential could lead to better migration management and subsequently transform the African continent.

The Africa Economic Development Report 2018: Migration and Structural Transformation, analyzes the general patterns of continental migration and the contribution of the diaspora¹⁴ to the structural transformation of countries of origin. According to it, migration has little influence on the evolution of social development indicators in both the countries of origin and destination; and increased immigration does not appear to alter wage¹⁵ differences or lead to an increase in public spending on health. However, it stipulates that in destination countries, immigration generates higher spending on education resulting in better educational outcomes; supporting the idea that inter-African migration can positively influence the structural transformation of the destination countries. In addition, UNCTAD's projections based on current migration scenarios, indicate that migratory flows could lead to a substantial increase in Africa's GDP per capita by 2030. Economically, this means reaching a GDP per capita of 3,249 USD by 2030, with a compound annual growth rate of 3.5% since 2016; when the average GDP per capita in Africa was 2,008 USD.

Finally, it is concluded that migration can contribute to the increase in labor productivity in the destination countries. The increase in immigration raises the productivity growth rate within a sector. The effect is more pronounced in sectors that have experienced relatively significant migration in the past (agriculture, manufacturing, mining and

¹⁴ **Diaspora:** A group of people who spread from one original country to other countries, or the act of spreading in this way. (Cambridge Dictionary, 2024).

¹⁵ **Wage:** A particular amount of money that is paid, usually every week, to an employee, especially one who does work that needs physical skills or strength, rather than a job needing a college education. (Cambridge Dictionary, 2024).

construction). The rise in immigration is associated with an increase in value added in the manufacturing industry; however, the effect of productivity improvements on job creation is limited. This may be due to the relative scarcity¹⁶ of quality, skilled jobs available in manufacturing in most African countries.

International Migration Law regime

The Management Regime of International Migration Law refers to the set of principles, norms and mechanisms that regulate international migration. Seeking to guarantee that the migratory circulation is managed in a safe, orderly manner, and above all, respecting the human rights of migrants. It is based on various conventions, international agreements and treaties that establish the responsibilities and rights of both migrants and States, among which the most relevant are:

- The Convention relating to the Status of Refugees (1951) and its Protocol (1967) define who qualifies as refugee, establishes their rights and stipulates the obligations of States towards them.
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) provides a framework for the protection of the human rights of migrant workers.
- The Protocol against the Illicit Smuggling of Migrants by Land, Sea and Air (2000) addresses the suppression, prevention and punishment of migrant smuggling.

Likewise, the regime includes mechanisms to guarantee and monitor compliance with international migration standards. Firstly, there are the Human Rights Treaty committees, which are responsible for supervising the correct implementation of specific treaties, such as: the Human Rights Committee and the Migrant Workers Committee. The second mechanism would be the Universal Periodic Reviews, which evaluate the human rights record of all

¹⁶ **Scarcity:** A situation in which something is not easy to find or get. (Cambridge Dictionary, 2024).

Member States and their obligations. Finally, the UN Special Rapporteurs, who monitor and report on specific issues of human rights violations such as human trafficking.

Furthermore, it stipulates that States have the duty to implement practices and policies that align with international standards. For example, laws and regulations that protect the rights of asylum seekers and manage migratory flows; initiatives to facilitate their integration into receiving societies; and agreements between countries to manage migration fairly and effectively. On the other hand, this regime is helped by several international organizations that play a crucial role in the management of international law within this field. For instance, the International Organization for Migration (IOM) which promotes international cooperation on migration issues and helps find practical solutions to resettling¹⁷ problems; the United Nations High Commissioner for Refugees (UNHCR) which protects and supports refugees, seeking durable solutions to their situations; and the Office of the United Nations High Commissioner for Human Rights which promotes and protects the human rights of all human beings. It is important to mention that the IML management regime is a collective effort to ensure that this problem is handled in the best way; respecting the fundamental rights of all people, promoting sustainable development and encouraging international cooperation.

New Pact on Migration and Asylum

Due to the significant increase in African migration to the European Union (EU) in recent decades, a set of border control policies has been introduced to manage and reduce migration flows, known as the New Pact on Migration and Asylum. However, these policies have faced international criticism for inadequately addressing the root causes of migration and for failing to ensure the protection of migrants' human rights. The new regulations establish orderly arrival management, efficient and uniform procedures, and equitable distribution of migration

¹⁷ **Resettle:** To (be helped or forced to) move to another place to live. (Cambridge Dictionary, 2024).

burdens¹⁸ among EU member states. Nevertheless, "The EU Pact on Migration and Asylum is not a solution to Europe's 'migration crisis,' nor a historic agreement. It is simply the continuation and intensification of containment and deterrence¹⁹ policies, with arbitrary border rejection and expulsions at its core." (MSF, 2024).

The EU has adopted a migration policy focused on setting quotas²⁰ for legal migrants with specific characteristics and combating illegal migration, emphasizing return processes. In terms of asylum policy, it has established a broad international protection system that includes safeguards for the most vulnerable. However, in border management and security prioritization, there are concerns about defending and protecting human rights, particularly the rights to non-refoulement²¹ and individual asylum assessment with adequate guarantees. Furthermore, the EU's approach to externalizing borders is deepened in the Migration and Asylum Pact, which is counterproductive to Africa's priorities. Part of the pact includes provisions for the return and repatriation²² of migrants who do not have the right to stay in the EU, directly affecting African migrants deported to their countries of origin and implying additional risks to their security and well-being. Additionally, this agreement undermines Official Development Assistance, which includes funds from the EU Emergency Trust Fund for Africa and the Instrument for Neighborhood, Development, and International Cooperation, contradicting development cooperation and breaching the previously established agreement on Migration Conditionality in EU-Africa relations as set out in the 2016 Partnership Framework.

This new pact has five main pillars: the Screening Regulation, Eurodac Regulation,

¹⁸ **Burden:** Something difficult or unpleasant that you have to deal with or worry about. (Cambridge Dictionary, 2024).

¹⁹ **Deterrence:** The action or the fact of deterring people from doing something. (Cambridge Dictionary, 2024).

²⁰ **Quota:** A fixed, limited amount or number that is officially allowed. (Cambridge Dictionary, 2024).

²¹ **Non-refoulement:** The practice of not sending refugees or asylum seekers (= people trying to escape war, danger, threats, etc. in their own country) back to their country or to another country where they are likely to suffer bad treatment. (Cambridge Dictionary, 2024).

²² **Repatriation:** The act of sending or bringing someone, or sometimes money or other property, back to the country that he, she, or it came from. (Cambridge Dictionary, 2024).

Asylum Procedure Regulation, Migration Management Regulation, and Crisis Regulation, which have the objective of balancing the responsibility of nations handling the initial processing of asylum seekers with the support of other EU member states. The Screening Regulation introduces a pre-entry procedure designed to quickly examine the profiles of asylum seekers; it applies to third-country nationals entering the bloc irregularly, being rescued at sea, or being apprehended after avoiding border controls. The Eurodac Regulation consists in a database where biometric data from 27 countries is stored, focusing on monitoring individual applicants, quickly identifying repeat applicants, deterring migration between countries, and accelerating the returns of the rejected ones. The Asylum Procedure Regulation introduces a simplified two-track asylum system, where the process of choice designates the appropriate track for each postulant: border procedure, applied to applicants from countries with low recognition rates, and asylum procedure, applied to countries experiencing civil armed conflicts. In addition, the Migration Management Regulation is used by the EU to relocate 30,000 asylum seekers annually across Europe, forcing other countries to assist through other options such as: hosting some of the contenders, contributing 20,000 EUR for each rejected candidate, or funding infrastructure needs. Finally, the Crisis Regulation allows EU member states to take temporary measures in case of a sudden and massive influx²³ of third-country nationals, through a more expedited examination of asylum applications at the border, detaining postulants for up to 20 weeks while their applications are processed, and detaining the rejected ones for the same amount of time while arranging their return.

These pillars are the most important aspects of the new pact. Although some of the proposed changes appear favorable, their effectiveness will depend on the ability to return rejected candidates. Without this, the two-track system will not fulfill its function and will not

²³ **Influx:** The fact of a large number of people or things arriving at the same time. (Cambridge Dictionary, 2024).

achieve the desired improvements, additionally affecting asylum seekers and migrants. However, the success of these measures depends on the commitment of all EU member states to implement and uphold these regulations consistently and fairly.

International View and Response

The implementation of the New Pact on Migration and Asylum of the EU has been subject of international controversy and criticism, due to the fact that it could infringe certain aspects of international law, especially the Management Regime of International Migration Law, such as the following:

- Rights of asylum seekers: The Convention relating to the Status of Refugees and its Protocol (1967) establishes the right to request asylum and not to be returned to a country where the applicant faces threats to his or her integrity. It has been pointed out that the new pact could lead to more rapid and summary returns, potentially without due procedural guarantees that adequately evaluate asylum applications.
- Non-Refoulement Principle: This principle prohibits the return of individuals to a territory where their lives or freedoms are in danger. Policies that result in automatic returns as a consequence of quick analysis without a full and fair evaluation may violate this principle. Consequently, this could only lead migrants to long and dangerous routes, endangering public safety and trapping thousands of people in transit countries without guarantees of protection.
- Detention of migrants: The new pact includes measures for the detention of asylum seekers. However, under international law, detention must be a measure of last resort and its conditions must comply with international human rights standards. Experts in international law are concerned that the new measures could result in more widespread detentions and unsuitable conditions.

- **Shared Responsibility and Solidarity:** Although the pact promotes a system of shared responsibility between EU Member States, it is argued that it does not establish mechanisms that guarantee that all countries equally share the responsibility for receiving and processing migrants and asylum seekers. Consequently, certain countries; especially those located on the external borders of the EU, could bear a disproportionate burden²⁴.

While the International Law Commission does not have the direct authority to counteract specific policies of the European Union or any other entity; the ILC plays a crucial role in the development and clarification of international law, including the law of refugees and migrants. However, their work provides a framework that States and international organizations can use to evaluate and improve their migration policies. Its influence lies in its ability to establish legal standards and principles that guide the international community towards the protection of refugees human rights. Some actions carried out within this framework have been: the development of principles and guidelines that strengthen the international law framework for the protection of migrants and refugees, serving as a reference and guide for States when developing their migration policies; the creation of new norms and conventions that seek to fill gaps in international law, providing a more solid legal basis to address migration issues; and supervises the correct implementation of existing treaties and principles such as the one of non-refoulement. Likewise, the ILC provides legal advice to States, collaborates with organizations such as UNHCR to improve the global response to the migration crisis; and promotes international dialogue and cooperation on migration, through conferences and seminars.

²⁴ **Burden:** A heavy load that you carry (Cambridge Dictionary, 2024).

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XXXII TECMUN Jr.
Glosary of Forbidden Words

Forbidden Words

Defined by the United Nations, are non diplomatic terms participants must avoid to mention during their speeches on the debate and in the writing of resolution projects

Forbidden Words	Permitted equivalent
First world countries	Developed countries
Third world countries	Developing countries
Gay	Member of the LGBTIQ+ community
War ²⁵	Belic conflict
Rape	Sexual Harassment
Terrorist	Extremist
Kill or murder	Deprive someone of their life
Death	Casualties
Assassination	Homicide
Army	Military forces
Money	Economic resources
Poor	Lack of resources
Okay	Yes or agree
Black ²⁶	African American

²⁵ The word war can be used in order to refer to historical contexts, such as the Cold War, the First World War, etc. It can only be used in the Security Council to refer to armed conflicts.

²⁶ The word black, with regard to race, is not forbidden but it is recommended to limit its use and refer to this sector as African American or Afrodescendants.

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Glosary for Resolution Projects

Preambulatory Phrases

Preambulatory Phrases are used at the beginning of every Resolution Paper in order to give context about the resolutions made for the topic. Preambulatory Phrases must be written in italics followed by a sentence that gives said context. For each Resolution Paper there must be five sentences beginning with a Preambulatory Phrase.

Affirming	Desiring	Noting with deep concern
Alarmed by	Emphasizing	Noting with satisfaction
Approving	Expecting	Noting further
Bearing in mind	Expressing its appreciation	Observing
Believing	Fulfilling	Reaffirming
Confident	Fully aware	Realizing
Contemplating	Further deploring	Recalling
Convinced	Further recalling	Recognizing
Declaring	Guided by	Referring
Deeply concerned	Having adopted	Seeking
Deeply conscious	Having considered	Taking into consideration
Deeply convinced	Having examined	Taking note
Deeply disturbed	Having received	Viewing with appreciation
Deeply regretting	Keeping in mind	Welcoming

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Glosary for Resolution Projects

Operative Clauses

Operative Clauses are used at the beginning of every resolution within the Resolution Paper on the debated topic. They must be written in italics and bold.

Accepts	Endorses	Notes
Affirms	Draws the attentions	Proclaims
Approves	Emphasizes	Reaffirms
Authorizes	Encourages	Recommends
Calls	Expresses its appreciation	Regrets
Calls upon	Expresses its hope	Reminds
Condemns	Further invites	Requests
Confirms	Further proclaims	Solemnly
Congratulates	Further reminds	Affirms
Considers	Further recommends	Strongly
Declares accordingly	Further requests	condemns
Deplores	Further resolves	Supports
Designates	Has resolved	Takes note of
		Transmits
		Trusts

