

# Houston Area Model United Nations Specialized Committee

## LEGAL



Chair | Bobby Youstra  
Topic B: Political Asylum  
Houston Area Model United Nations 49  
February 1 & 2, 2024

# Note to Delegates

## Delegates,

Welcome to the 49th annual Houston Area Model United Nations conference! I hope you are all ready for an exciting weekend of discussion and diplomacy. My name is Bobby Youstra, and I am very excited to be serving as your Chair for the LEGAL committee.

I am a junior undergrad at UT Austin majoring in Computer Science and Geography from the San Francisco Bay Area. At UT Austin, I have participated in CTMUN since freshman as a crisis staffer and crisis director, and outside of MUN I am a president of EGaDS, a game development centered student org. My interests beyond college are working on games, game engines, and geeking out about public transit and trains. This is my third year staffing MUN conferences, and my second time chairing at HAMUN (I also chaired LEGAL last year as well!). I really enjoyed in high school learning about international relations through MUN, and it's been really fun to learn that from the staffing angle in college!

The LEGAL committee deals deeply with the relationship of international laws and how each legal system meshes together to enforce and/or contradict each other. To that end, we are focusing on the enforcement of international laws for our Topic A, and Political Asylum and Foreign Arrest Warrants for our Topic B. This is a complex issue that requires not only acknowledging and dealing with individual countries' sovereignty, the application of international law, and dealing with people which one country considers criminals and another country could consider freedom fighters. As a result, any solution to this problem must acknowledge all the challenges facing such an issue and thus should aim at all the elements of the problem.

I look forward to seeing you in committee!

**Bobby Youstra**  
Chair of Legal



Legal

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# Background Information

## **Political Asylum and Foreign Arrest Warrants**

Tying in directly with the enforcement of international laws, foreign arrest warrants can take many forms: whether that's an INTERPOL Red Notice, or simply an extradition request on behalf of a single government[1]. The laws of extradition are usually governed on a case-by-case basis through the form of treaties: this ranges from a simple enumeration of the crimes that can be extradited between different countries to a “dual criminality” approach. Dual criminality extradition treaties allow for the country to extradite a criminal who violates a law that both countries have in their legal code[2]. This is rooted in the fact that a country will generally not be receptive to extraditing someone over a law that only exists in a different country's legal code, due to concerns over sovereignty.

In addition, today an organization known as the International Criminal Police Organization or INTERPOL for short has become a key way in which arrest warrants by a certain country can be sent out. These usually take the form of an INTERPOL “Red Notice”: these “Red Notices” may not be a true international arrest warrant, but they serve as a notice for participating countries to locate and provisionally apprehend a suspect, and they must be in accordance with the rules of INTERPOL (including a stipulation that they must be “ordinary-law” criminals)[7]. Used properly, Red Notices provide key details and empower law enforcement officers across the world to ensure a base level of justice, no matter where the crime was committed. However, recently INTERPOL and its Red Notice system has come under increased scrutiny and criticism due to authoritarian governments like China and Russia abusing the system.

One example of this was the case of William Browder, a prominent Russian critic responsible for the Magnitsky Act, being detained shortly in Spain under an invalid Red Notice issued by the Russian government for tax evasion in 2018[8]. As a result, many argue that the current Red Notice system is deeply flawed and requires reform.

On the other side of the coin is Political Asylum. The right to seeking political asylum is deeply ingrained in the United Nations today: first in the Universal Declaration of Human Rights in 1948, and the 1951 convention (and the 1967) protocol relating to the Status of Refugees. The 1951 convention, which serves as the key bedrock that modern international law is based upon, concretely defines who a refugee is and gives them concrete rights such as access to courts, limited rights to wage-earning employment, and education, among many others[3].

Political Asylum is often defined as a status sought by a refugee that will allow protection in a certain country under fear of prosecution and/or danger in their home country due to their political opinions and beliefs. The biggest proponents for increased political asylum often appeal to the aforementioned codification of asylum in international law and humanity, recalling Nazi persecution of Jewish people during the Holocaust[4]. On the other hand, opponents of increasing asylum often <>. In addition, those who do end up successfully entering a country as an asylum often have to deal with transnational repression. Transnational Repression is defined as “attempts by authoritarian regimes and their loyalists to silence critics abroad,” and many countries including China, Russia, and Turkey have been accused of committing such acts. This includes everything from the murder of journalist Jamal Khashoggi in the Saudi Arabian consulate in Turkey to Chinese Uyghurs dissidents in the US receiving threats to their families still in China due to their actions[5]. As a result, in considering the current state of Political Asylum, it is very important to consider not only how it may affect the country which receives them but also the importance of preventing transnational repressing from undermining the process.



## History

The history behind asylum seekers has been a very long one, but nowadays many in the Global North picture it as an acute unprecedented problem in the last couple of decades, particularly due to conflicts in the Middle East, Africa, and Ukraine. However, modern humanitarian law was heavily based on the events in the first half of the twentieth century: particularly WWI and WWII. In WWI, eight million refugees in the Russian Tsar were forced out of their homes in response to the German and Austrian occupation of parts of western Russia due to retributive action taken against Germans, Jews, Poles, and Latvians. In addition, during WWI Armenian refugees and Russian refugees fleeing the Russian civil war after the Bolshevik revolution also gathered international attention. In response to the refugees in WWI, the League of Nations created an office to support Armenian and Russian refugees who had lost the “protection” of their home country.

There was also some limited adoption of a so-called “Nansen passport.[9]” The passport, implemented after all Russians living abroad had their citizenship revoked under Lenin’s new Russian regime in 1921, allowed refugees to move between countries for work or for family without fear of deportation. The Nansen passport served its purpose well until 1938, when the office responsible for issuing the passports was absorbed and its implementation was overshadowed by WWII[10]. That war ended up leaving the biggest humanitarian crisis in history, with estimates stating that over 165 million people were left homeless after the war, with many being Chinese, Korean, German, South Asian, and Jews from the Holocaust. This situation led to a critical reframing of the issue: the creation of the UNHCR, known as UN High Commissioner for refugees, and the critical 1951 Convention Relating to the Status of Refugees[9]. Since then, events such as the 2015 European Migrant Crisis have questioned the system setup in the wake of WWII, with many criticizing the current system for not being able to deal with large amounts of migrants at one time with the UNHCR not being able to control the various divergent migration policies of different countries[9].



As a result, it is paramount that the regulations and implementations surrounding political asylum be reflected on and if needed adapted to the present times.

Modern extradition law laid the foundation for foreign arrest warrants. While extradition in different forms has been around at least since the Egyptian pharaoh in 13th century BCE, extradition as defined today originated from 18th century CE, where the previous religious and political-oriented slowly morphed into a more formal and targeted system as known today[10]. Key to that system is what is known as the political offense exception and dual criminality. The political offense exception was first introduced in the Belgian Extradition Act of 1833, generally referring to exempting offenses determined to be “political” from being grounds for extradition. While what is political and what is not political is an active point of contention, this combined with an idea of dual criminality formed the basis for extradition treaties today[12][13].

Beyond extradition law, foreign arrest warrants specifically got a huge boost with the establishment of INTERPOL and the ICC. For more information about the establishment of these organizations and their history consult the Topic A background guide. These organizations formed the basis of arrest warrants/notices and international law enforcement more generally, through INTERPOL’s “Red Notice” system and the ICC’s ability to issue arrest warrants which member countries are obligated to uphold, with some exceptions.

### **The European Migrant Crisis**

As a result of several overlapping wars in the Middle East after the Arab Spring including ones in Syria, Libya, and Iraq, Europe experienced a sudden and dramatic influx of refugees and asylum seekers, with over 1.3 million migrants arriving on European shores[14]. Some of these people, classified as asylum seekers under the migrant label, were fleeing their country and seeking asylum status to dangers there. If they were then approved for said status they would become a refugee under the migrant label. Others, classified as economic migrants, were leaving their home country for the primary motivation of economic gain[15].



Whatever the terms used to describe this broad group, this crisis tested Europe as a whole, particularly as a big challenge to the open borders within European Union member states in the Schengen area. The member countries within the European Union then and now are economically diverse, meaning that some more rich member states may have the economic and processing capacities to deal with an influx of migrants that others may just simply not have[16]. Beyond that, many European officials expressed concern that the number of migrants and asylum seekers would overwhelm even the jurisdictions that were supposedly the most prepared for the crisis, as seen in Germany with members of Angela Merkel's own party contradicting her wish to not set an upper limit for refugees[17].

However, those who favored no cap on refugees settling with Europe often compared the plight of these migrants to the plight of Jews escaping the Holocaust, with Angela Merkel, the then-prime minister of Germany, stating limiting migration would be physically unworkable in countries with large land borders like Germany[18]. As a result, it is very important when considering asylum seekers how to handle large numbers of migrants administratively while providing a safe and sustainable place of refuge for hundreds of thousands of refugees.



## Questions to Consider

- Who has jurisdiction to prosecute international crimes?
- Does that jurisdiction require state actions?
- How can we allow communication of ordinary crimes and arrest warrants for those crimes between nations without the risk of countries abusing those warrants for political purposes?
- How can we ensure that migrants and asylum seekers are treated fairly and humanely?
- Should there be a “cap” or “quota on how many asylum seekers applications are granted from a certain country in a certain country?
- How can we better streamline and coordinate asylum application systems on a broader level? Is that even possible?

## Bibliography

These links referenced in the background guide can be explored further as an aid for position papers and in committee.

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[2]: <https://crsreports.congress.gov/product/pdf/RL/98-958>

[3]: <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>

[4]: [https://www.menendez.senate.gov/imo/media/doc/letter\\_to\\_president\\_biden\\_on\\_the\\_administrations\\_border\\_policies.pdf](https://www.menendez.senate.gov/imo/media/doc/letter_to_president_biden_on_the_administrations_border_policies.pdf)

[5]: <https://foreignpolicy.com/2022/06/02/freedom-house-report-myanmar-targeting-dissidents/>

[6]: <https://www.nytimes.com/2021/06/04/world/europe/repression-uyghurs-belarus.html?searchResultPosition=6>



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[9]:[https://origins.osu.edu/article/question-refugees-past-and-present?language\\_content\\_entity=en](https://origins.osu.edu/article/question-refugees-past-and-present?language_content_entity=en)

[10]:<https://www.atlasobscura.com/articles/nansen-passport-refugees>

[11]:<https://www.britannica.com/topic/extradition>

[12]:<https://sgp.fas.org/crs/misc/98-958.pdf>

[13]:<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1635&context=auilr>

[14]:<https://www.pewresearch.org/global/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/>

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[17]:<https://www.reuters.com/article/uk-europe-migrants-germany-limit-idUKKC NORZ27820151005/>

[18]:<https://www.politico.com/magazine/story/2015/11/syrian-refugees-jews-holocaust-world-war-ii-213384/>

[19]:<https://www.nytimes.com/2015/11/29/world/europe/merkel-while-refusing-to-halt-migrant-influx-works-to-limit-it.html>

[20]:<https://www.bbc.com/news/world-asia-china-47810723>

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