

Hilton 2019

Legal Political

Committee Overview

This committee will be run Harvard style, meaning that pre-written resolutions or bulleted lists of clauses are not allowed. Delegates should come to committee with in-depth knowledge of all four topics, as well as their country's policies regarding them. Delegates must write at least one position paper to be considered for awards, but we encourage delegates to write position papers on as many of the topics as possible. Position papers should be given to the chairs in hard copy at the first committee session.

In the UN Legal Political Committee, we will address issues related to laws and justice. We have not confined our topics this year to specific incidents or regions, because these legal issues affect many nations, and we believe they can be addressed on a global scale. Nevertheless, we would like our debate to be grounded in the specific as well as in the general, so we encourage delegates to reference specific instances of each topic, including but certainly not limited to the ones we mention in our chair letter.

Committee Description

Frameworks for Sharing International Rivers

Due Process in the Era of Internet Shaming

Extradition Laws

Birth Tourism and the Purchase of Citizenship

Chairs

Henry Berger | henryberger@gmail.com

Robert Daly | Robbierfd16@gmail.com

Hello delegates! My name is Henry Berger. This is my fifth year in Model UN and my second time chairing. I am a senior at Brighton High School, where I play French horn and ultimate Frisbee, as well as participate in Science Olympiad and other clubs. I am excited for a great conference!

Hello all, my name is Robert Daly. This is my third year in Model UN and my first time chairing. I am a junior at Brighton High School. I play soccer, ski, and run track. Academically, I participate in Speech and Debate, the school newspaper and the Philosophy Club. I hope the conference goes well, and feel free to reach me at Robbierfd16@gmail.com.

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Frameworks for Sharing International Rivers



Pollution and growing populations have contributed to the importance of freshwater rivers throughout the world. Rivers provide trade routes, fishing, fertile land and hydro-electric power in developed nations. Conflict is rare when a river lies entirely within one nation; however, many of the world's most important rivers flow through—or along—national borders, often leading to conflict and dispute between nations over their proper use. Nations such as the People's Republic of China believe that rivers like the Brahmaputra ought to be used to provide hydro-electric energy. On the other hand, officials in India have long believed that the construction of electrical plants in the Tibet-

an region will lessen the flow of the Brahmaputra, potentially crippling the agricultural sector. Such disputes are common, and international law has yet to provide a suitable framework for settlement.

The United Nations has done little to nothing to settle conflicts over international rivers, so some nations have developed their own treaties regarding rivers shared with neighbors. Some treaties work well, while others are problematic. For example, agreements may exclude developing countries through which international rivers run. Other treaties favor nations upstream. With a majority vote, upstream nations can create voting blocs to develop dams and other construction projects upriver, which are harmful to downriver countries, as seen in the 2010 Cooperative Framework Agreement regarding rights to the Nile.

Simply put, developing a universal framework for sharing international rivers is perversely difficult. Many factors come into play when deciding the proper uses for an international river and what a country should be allowed to do with a river. The effects that harnessing a river will have on neighboring nations must be considered, as well as pre-existing agreements and the cost-benefit analysis. Somehow, compromise between nations must be reached, as the importance of rivers as natural resources continues to increase.

Can a universal framework for sharing rivers be developed, or should disputes be weighed on a case by case basis? How should the UN evaluate the legitimacy of different nations claims? How would such resolutions be enforced? How will previous treaties regarding international rivers be addressed under new frameworks?

Sources:

<https://www.geopoliticalmonitor.com/three-international-water-conflicts-watch/>

<https://www.internationalrivers.org/solutions>

<https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1011&context=ijgls>

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Due Process in the Era of Internet Shaming



The rise of social media has drastically increased the number of public posts by individuals and the ability of events to go “viral” very quickly. Increasingly, this combination has led to the disturbing phenomenon of Internet shaming. Internet shaming occurs when a negatively-viewed act goes viral, leading to widespread condemnation of the perpetrator and significant real-world consequences, such as firings and death threats.

Due process, interpreted broadly, refers to a defendant’s right to the legal proceedings guaranteed them by law, generally including some form of

hearing. The issue with Internet shaming is that it functions as a vigilante judicial system, enforcing harsh punishments for perceived offenses, but the shaming offers no due process, so it is inherently unfair to the accused. Internet shaming is not, technically, a legal matter, it is unquestionably a matter of justice, so this committee must address it. While one can also take issue with the arbitrariness and disproportionality of these punishments, our committee will focus on the lack of due process, especially with regard to the pressure on companies to fire the shamed, which is the most common tangible effect of shaming.

The greatest problem with firing due to Internet shaming is not the firing, per se, but the speed with which it occurs. Often, the social media frenzy compels a company to fire a targeted employee within days, with little deliberation. Accused employees have no opportunity to defend themselves, creating a large potential for punishments for acts that either did not occur or were taken out of context. Furthermore, the intensity of the shaming often distorts the employer’s conception of proportionality, leading to employees being fired for minor acts that, from a more neutral perspective, might not be repugnant enough to merit firing. As this is a relatively new issue, the UN has not yet taken major action to address it.

When, if ever, should targets of Internet shaming be entitled to a due process? What would due process entail in such situations? How could the UN help ensure that targets of Internet shaming get the treatment they deserve? How would solutions differ in nations with varying freedom of speech and press?

Sources:

www.cnn.com/2015/04/16/living/feat-public-shaming-ronson/index.html

www.nytimes.com/2015/02/15/magazine/how-one-stupid-tweet-ruined-justine-saccos-life.html

www.wired.co.uk/article/public-shaming

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Extradition Laws



Extradition is the process by which a defendant is transferred from one country to another country where they are accused of committing a crime, and it is part of the bedrock of international legal cooperation. However, it is a complicated and often ambiguous process that leaves room for substantial judgement by states. Abuses of the extradition system—refusing to extradite in reasonable cases or attempting to extradite in unreasonable cases—thus pose a large threat to the international rule of law.

In general, there are many conditions necessary for extradition to occur: the two countries must have an extradition treaty, the offense must be a crime in both countries and cannot be political in nature, and the accused usually cannot be a citizen of the country being asked to extradite them. These exemptions aim to protect against the weaponization of extradition, but they can lead to perverse results. For example, director Roman Polanski has escaped extradition from France to the US, where he is wanted for a child rape that he admits having perpetrated, because France refuses to extradite its citizens.

On the other hand, a strong extradition policy can be problematic in a different way. In recent months, protests have rocked Hong Kong over an extradition bill, because residents worry that it cedes so much power to mainland China that it threatens the autonomy of the city. In another controversial case, Canadian authorities detained the Chinese businesswoman Meng Wanzhou in 2018, with the intent to extradite her to the US, on charges that the Chinese claim were politically motivated.

Another troubling aspect of extradition law is that because extradition treaties are made on a country-by-country basis, criminals can escape punishment by fleeing to countries that don't have an extradition treaty with the country where the crime was committed. These locations effectively become extradition havens, where unquestioned criminals can lead public lives without risk of punishment. The UN has promulgated suggestions for extradition treaties, but many extradition treaties differ greatly in strength from the UN's model; little has been done to address controversies and extradition havens.

Under what circumstances, if any, should a nation be forced to extradite a resident? How can the UN reduce abuses of the extradition system and create a framework that is neither too strong nor too weak? What can be done to combat extradition havens?

Sources:

www.britannica.com/topic/extradition

www.bbc.com/news/world-asia-china-47810723

www.cnbc.com/2019/05/08/huawei-cfo-meng-wanzhou-extradition-case-everything-you-need-to-know.html

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Birth Tourism and the Purchase of Citizenship



Immigration plays a central role in international controversies ranging from Brexit to the proposed border wall along the United States-Mexico border. European nations have seen an influx of refugees through the Mediterranean due to conflict in the Middle East, while poverty in Central America has led many to travel to the United States. The majority of migrants have little money and are simply looking for better lives, but many countries are leaning towards limiting citizenship and visa rights for migrants and asylum seekers.

However, far from public attention, over 23 countries are willing to fling their doors wide open to immigrants, so long as they are willing to pay for the privilege of citizenship. For massive sums of money—at least \$800,000, for example, in Canada—people willing to meet a few basic criteria can walk into countries and become permanent residents or citizens. The rich and affluent can immigrate much easier than the poor and downtrodden.

This is not to mention the instances where wealthy non-citizens have been found to engage in a practice known as “Birth-Tourism”. It’s a simple process that gives a child dual citizenship: parents give birth to the child in a non-native country, take advantage of birthright citizenship—the United States, for example, grants citizenship to nearly all people born within its borders—and then travel back to their native country. That way, if the child ever needs citizenship in a secondary country, they will have it. This security net remains unavailable for those who cannot afford birth tourism or citizenship. Under these conditions, secondary citizenship becomes a privilege offered to those who can afford it.

There is a clear disparity between the rich and the poor’s ability to obtain citizenship and residence in numerous countries. Unfortunately, the United Nations has been slow to respond to this inequality and has not passed a resolution regarding birth tourism and the purchase of citizenship. Other international organizations have done the same, leaving it up to individual nations to choose how to grant citizenship. Different nations have chosen different methods of granting citizenship, and the future of the issue is unclear.

Should birth tourism and the purchase of citizenship be allowed to continue? Is citizenship just another luxury product afforded to the rich or is it a right that cannot be discriminated on the basis of wealth? What can be done to help impoverished migrants obtain citizenship? How can governments be aided in preventing birth tourism?

Sources:

<https://www.businessinsider.com/countries-where-you-can-buy-citizenship-residency-or-passport-2018-9>

<https://abcnews.go.com/Politics/birth-tourism-industry-markets-us-citizenship-abroad/story?id=10359956>

<https://www.cnn.com/travel/article/multiple-passports-citizenship/index.html>