

# GIMUN JOURNAL

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ANNUAL CONFERENCE 2022

**RESTORING MULTILATERALISM IN A FRACTURED WORLD:  
QUESTIONS THAT DIVIDE AND MATTERS THAT UNITE**



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## Order in the Court—GIMUN Kicks Off First Ever Judicial Committee with Mock Trial

*By Chrystelle Dejean Servières*

By all accounts, the very first judicial committee to ever take place in the Geneva International Model United Nations was a product of the right people being entrusted with the right project at the right time—an exciting and innovative development that was long overdue.

From February 14 to February 18, the Graduate Institute of Geneva and the United Nations headquarters became the place of the enactment of an International Criminal Court hearing. During more than thirty-five hours, two chairs, eight judges, two defense attorneys and three prosecutors would dive into the chilling case of the Chiquita papers.

Just a bit more than twenty years ago, the now-infamous company Chiquita Brands would only have been known as an American Cincinnati-based exotic food producer and distributor, whose products mostly came from Latin America. The agriculture giant was especially notorious for dominating the global banana market. From 2000 onwards, however, it became known as having made payments to Colombian paramilitary groups that were classified as terrorist organizations by the United States. The most prominent of these groups was the United Self-Defense Forces of Colombia—to whom a grand total of USD 1.7 million was wired over a decade. An “insignificant amount in the face of the total costs of raising an active militia,” would the defense



argue. “A million and a half too many, if it goes to financing war crimes,” would the prosecution retort. The United States Department of Justice had to agree with the latter, and presented Chiquita with a plea deal offering legal immunity to the company in exchange for a 25-million-dollar fine. Chiquita pleaded guilty, paid, and went back to business as usual. Five actors who were not granted immunity, however, were the accused—as a Colombian court has since determined. From your regular executive to the big man himself, all hierarchy levels were represented. And each was charged with being individually responsible for knowingly enabling mass crimes to be committed by these groups.

The core of the problem for the students was to clearly identify the relationship between the installments and the crimes committed by the auto proclaimed self-defense group. While the prosecutors tried to prove the money directly allowed the paramilitary groups to carry out mass displacements of populations—the easiest war crime to prove—the defense attorneys aimed at showing that no such link could be established without making baseless assumptions, and that their clients could not be sentenced for such serious crimes on a mere hunch.



**Cour  
Pénale  
Internationale**  

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**International  
Criminal  
Court**

From publishing study guides to redacting clear court proceedings rules, the chair of the committee set clear guidelines for the simulation of this ICC consultative audience. From determining whether the ICC had jurisdiction, to calling witnesses to testify, the committee succeeds in being a valuable learning experience—and for students of variable experience in the legal field to boot. While GIMUN is new to this, and its procedural guidelines are still subject to change, each participant’s hard work ahead of time and preparation for their respective roles clearly paid off—making GIMUN’s legal experiment a clear success that indicates many more to come.



## “GIMUN is back at its birthplace” Interview with Astrid Melchner

By *Elona Wahlen*

Astrid Melchner, born in Switzerland, is the Human Rights Officer at the Office of the United Nations High Commissioner for Human Rights (UNCHR) in Geneva. After graduating in International Relations at the Graduate Institute of International and Development Studies (IHEID), she undertook a Master’s degree in International Law at the London School of Economics and Political Science. During her time in Geneva in 1999, she founded the GIMUN association with three other students. After her studies, she entered the diplomatic world and became involved in the promotion and protection of human rights as a consultant at the Permanent Mission of Switzerland to the United Nations in 2003. In this interview, she explains how she founded GIMUN in relation to her professional career.

### **What were the reasons and the context behind the creation of GIMUN?**

We were four students at the IHEID when we founded the GIMUN in 1999. Our goal was, and still is, to convey the principles of the United Nations using active listening and research in order to find solutions together. To us, being in the heart of International Geneva and not having a MUN simply wasn’t right, as long as we knew it existed in other countries already. We wanted to share with other students the sense of closeness we felt towards the UN, by inviting them here, at the Palace of Nations. Another wish we had was to exchange ideas, debate and find solutions to the issues at stake. During the MUN conferences, we can allow ourselves to go further in our positions, compared to official negotiations, which make way for more innovation and creativity, while remaining polite and respectful. At that time, social networks didn’t exist; we didn’t have the opportunity to connect as easily as we do today with people coming from different countries and cultures. Meeting foreign students and listening to their

different points of view, which was not possible before, was an interesting experience. It was very enriching to discover new ways to see the world and to analyse them. It is for this very reason that we also provide grants, so that anyone has a chance to come.



### **What were the difficulties you encountered while creating GIMUN?**

I would say that the main difficulty was the communication with the universities and the other students, particularly because we didn’t have access to developed technologies as they are today. Sometimes we didn’t even know who was coming, nor the precise number of participants, which made the organization of the

conference more difficult. The answer delays were longer back then, especially because we used to communicate via e-mail. For example, we once sent a letter to invite a Nigerian university to participate and we didn't hear from them until we got a call warning us that the students were at the Geneva Airport, all of that only a few days before the start of the conference.

**What did you gain from GIMUN as a student and, later, as a professional diplomat?**

GIMUN is one of the highlights of my student years. I liked creating something tangible, which has led to concrete results. Now, 22 years later, it has become a project so big and so beautiful we wouldn't have imagined it at all back in the days. For me, it was mainly an opportunity to learn how to organise myself and to work in a team, as well as dealing with a budget and communicating with other people. Briefly, I learned all the aspects characterising such an event. The first MUN in which I participated took place in the United States. I was taking a gap year after my last year of high school because I had no idea of what I wanted to do in life. We had fun and this experience opened for me the doors of the world of multilateralism and negotiations. After that, I really wanted to study international relations. Concerning my professional life, I was 25 years old when I first had to negotiate in the name of Switzerland: it was at UNCHR, and I must say that GIMUN saved my life

that day (laugh). Yeah, it was terrifying, and some delegates are really good, some even aggressive, but after taking part in GIMUN you have an idea about what to say, how to take the floor and how to talk in front of an assembly.



**What is your opinion about the evolution of GIMUN nowadays?**

I am so proud of my little baby (laugh). You have made it into something beautiful, it is great! We have never imagined this when we created it. The logo is already so beautiful, we didn't have one at that time! I love to see students involved and not just locked away in the library. It reveals personalities oriented towards others, towards discussions and solutions, in short towards the world. That is why I do what I do: it speaks to me and I appreciate doing it.

**To conclude, what do you think of the themes of this year's conference and the different committees?**

I believe that themes are well chosen, up-to-date and quite complex. I am looking forward to seeing what you have been able to negotiate and what

the results are because, unlike in the United Nations, at GIMUN the current discussions are ongoing and happen in a less conflictual way. Indeed, things are moving slowly, whereas in a MUN you can move forward more quickly, you are less constrained, you dare to do more, and even if sometimes it is not realistic, it does not matter. In addition, there are a multitude of factors that are still unknown to us, but you can imagine things and, for this reason, you are freer.



## The Arctic Council: The power of soft law in a fractured world

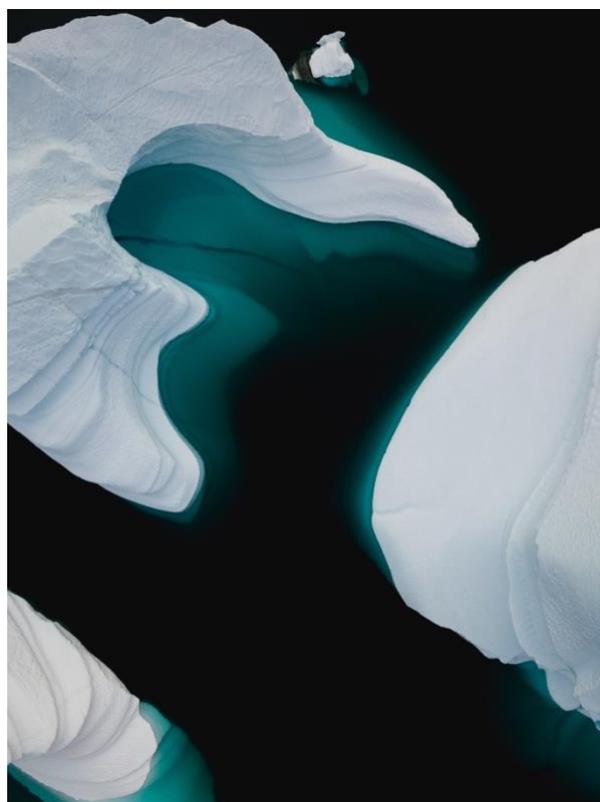
*By Marie Durussel*

The Arctic is a territory shared between Canada, the United States, Iceland, Russia, Denmark, Finland, Sweden and Norway, which are rulers of its lands as well as part of its waters. In recent years, melting ice, exploitation of natural resources and new maritime routes have transformed the status of the Arctic: from a simple frozen desert, it became a very strategic center coveted by world powers. How was the Arctic able, through the creation of the Arctic Council and in a world fractured by the Cold War, to unite the International Community in the resolution of global challenges?

### Birth of multilateral initiatives in a world divided by the Cold War

Until the 1980s, the lack of a multilateral cooperation in the Arctic was linked to the Cold War, more precisely to the fracture of the world in two parts. Since the 1980s, global environmental problems were increasingly felt thanks to the appearance of the first report of the Club of Rome. Multilateral initiatives developed and the role of the Arctic became decisive for global security. In 1987, Gorbachev presented some proposals to introduce an Arctic political cooperation and in 1991 the eight sovereign states of the Arctic adopted their first multilateral declaration called the Rovaniemi Declaration on the Environmental Protection Strategy of the Arctic. At the end of the Cold War, environmental issues brought together the Arctic countries with the aim of cooperating. In 1996, the Arctic Council was created, marking the beginning of

regional cooperation. Since it is a soft law structure, decisions of member



countries are taken by consensus. The Council brings together the eight sovereign countries of the Arctic, observers including Switzerland and six indigenous populations. Since it is a soft law forum, the Council does not allow the implementation of binding measures: its competences are limited to environmental issues and do not deal with military issues that appeared in the 2000s. Not created to manage conflicts in the Arctic, its structure can promote regional cooperation, thus reducing the risk of conflict. The Council's scientific reports on the climate issue in the Arctic offer multilateral solutions. Out of this cooperation came the 2001 Stockholm Convention on Persistent Organic Pollutants and the 2017 International Maritime Organization Polar Code on Shipping in Glacial Regions.

### Soft law as a driving force of

## multilateralism

States that are very attached to their sovereignty refuse to submit it to an organization that could constrain it. In this context, soft law promotes multilateralism and reduces the risk of conflict. The Council's standards, even if not binding, can bind states politically and influence their behavior. This regional multilateralism would probably not have been possible if the decisions of the Council had been legally binding. Multilateral cooperation is achieved because the environmental, commercial and human issues are strong. Even though the Council does not deal with touching subjects related, for example, to security, politics is still present there. Officially apolitical, the Council, over the years, became an increasingly political body. Since the 1990s, the world view of the Arctic changed: we became aware of the risks of conflict over the appropriation of gas and oil resources, and we saw the emergence of great interest in the development of this region of the world. In 2013, the Council created a new permanent secretariat in Norway, marking its institutionalization.



## ARCTIC COUNCIL

From now on, its structure is almost similar to that of an international organization. Its number of observer members doubled and the implementation of task forces marked the beginning of the establishment of binding agreements. The appearance of policy-making has encouraged the setting-up of international treaties, whereas the Council only issued expert

reports previously. The first binding treaty is that of Nuuk in 2011, dealing with air and maritime rescue in the Arctic and the sustainable exploitation of the region's raw materials. The second binding agreement was that of Kiruna in 2013 on cooperation in the fight against marine pollution by hydrocarbons. In 2017, a third binding treaty was put in place: the Agreement on the strengthening of scientific cooperation in the Arctic, promoting the integration of the scientific knowledge of indigenous people, in the decision-making process particularly. This development demonstrates that, even if the structure of the Council is not that of an international organization, the Council has gone from policy-shaping, which defines the limits of a standard, to policy-making, namely a body applying its decisions.

In conclusion, the Arctic Council has favored multilateral cooperation in the Arctic. In the current context, where tensions between the West and Russia are felt, the strength of the Council is its flexibility. Its flexible structure allows a strong cooperation which, at the same time, improves governance and regional relations. Its soft law structure allows the establishment of a real regional governance system that has policy-making skills. In a divided post-Cold War world, the Council was able to coordinate the interests of its members and, at the beginning, to set up solutions to global environmental issues and then to security. The birth of the first international treaties of the Arctic Council shows us that multilateralism can be the result of soft law bodies and that soft law can lead to the appearance of binding decisions and facilitate their implementation.

## “Multilateralism had a hard time”

By Zeynep Elbek

Multilateralism, a word that made its first appearance more than 70 years ago that continues to be used today, indeed today more than ever you need to know what it means and what it is about when you hear it.

Set of coordinated actions or behaviours of States or other subjects of international relations involving at least three interlocutors. It is opposed to unilateralism and bilateralism both quantitatively and qualitatively. The multilateralism consists in the orientation to adopt common and coordinated policies instead of unilateral decisions or bilateral actions. Multilateral agreements specify the modalities for the implementation of joint actions through the creation of codes of conduct, rules and institutions to which management and decision-making powers are attributed to give effect to the agreements.

The multilateralism concerns both the political and the economic sphere. On the economic side, multilateral trade agreements have a great importance. They tend to expand the possibilities of free trade in goods and services, removing all obstacles to their movement. To this end, the World Trade Organization (WTO) has been created, an international agency of which more than 150 States are members (while about 30 others are observers). The supporters of multilateralism underline its beneficial effect, favouring the specialization of production and the advantages in terms of allocation efficiency that derive from it.



Strongly critical of multilateralism, or at least of the ways in which it has materialized, it is the world of no globalism, which attributes to it the responsibility for the destruction of the delicate economic-social balances, characteristic of minority cultures and more generally, peripheral, and less developed economies.

During the opening ceremony of the GIMUN annual conference of 2022, Alexander Schärer, First Secretary of the Permanent Mission of Switzerland to the United Nations, delivered a meaningful speech, he started by saying, “There is a perception that multilateralism has had a hard time. There is also a perception of fracture, though it might not always be easy to declare along which lines – sometimes

between states, sometimes within states” he then described the multilateralism as “not only a static concept of organizing international relations. It is also a fragile, dynamic and permanently on-going process. It is inter-state, but also inter-personal. It does not take place in a vacuum but is embedded in a historical and cultural context. (...) Time and timing is an element to bear in mind and patience is often key.” (...). He also concentrated on the “complexity of the world” and the fact that “we can no longer allow ourselves to focus solely on one theme, on one organization but we must create and promote cross-cutting connections.”

To look in the history, in September 2000, 189 countries signed the “Millennium Declaration”, which defined the principles of international cooperation for a new era of progress towards common goals. Coming out of the Cold War, we were convinced of our ability to build a multilateral order capable of facing the great challenges of the time: hunger and extreme poverty, environmental degradation, disease, economic shocks, and conflict prevention. In September 2015, the same countries renewed their commitment to the ambitious project of addressing global challenges together, signing the UN 2030 Agenda for Sustainable Development.

Our world has experienced divergent trends, which have led to greater global prosperity while inequalities remain or increase. Democracies have grown with the rise of nationalism and protectionism. Over the last few decades, major crises have disrupted our societies and weakened our



common policies, calling into question our ability to overcome shocks, address their causes and ensure a better future for generations to come. They also reminded us how dependent we are on each other.



## Stolen Childhood

*By Elona Wahlen*

This year, during the annual conference of GIMUN, the UN Human Rights Council addressed the topic of human trafficking and contemporary slavery. When we hear these terms, the first thing that comes to mind is forced labor and sexual exploitation. According to a study conducted by ILO over the period of 2002-2011, an estimated 20.9 million people turned out to be victims of labor and sexual exploitation in the world, meaning they are trapped in jobs they joined under duress or deception. However, another form of human trafficking which is as tragic and significant should be considered and should receive as much attention: the phenomenon of child soldiers.

According to the 2007 Paris principles on children associated with armed forces or armed groups, a child soldier refers to a boy or a girl below 18 years of age who is recruited by an armed force or armed group in any capacity. They do not necessarily have to engage directly in the fight, carrying a weapon but can also be used as cooks, spies, messengers, suicide bombers, sexual slaves or even be forced into child marriage as a reward for fighters. While it is impossible to have precise data, UNICEF identified 65,081 children enrolled in armed forces and groups between 2005 and 2018, but estimated numbers are much higher, up to 250'000 child soldiers in 20 countries according to a report published in 2020 by Save the Children. This report also shows alarming results indicating a 34% increase in the number of children



living in conflict-affected areas followed by a 170% increase in the number of reported grave violations committed against children during conflicts since 2010. In addition to representing one of the six grave violations of children's rights in conflict, the recruitment in the army also means the abrupt end of childhood.

Regarding the legislation around the age limit for the recruitment, the 2002 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict distinguishes States from non-States armed groups. For government forces, compulsory recruitment is prohibited under 18, meaning that voluntary enlistments of

children aged 15 to 18 can be accepted. Whereas for non-States armed groups, both compulsory and voluntary recruitment under 18 years old is prohibited. The stricter restrictions can be explained by the fact that child soldiers in non-state armed groups are harder to protect once enrolled and thus more vulnerable to human rights violations because those groups are harder to negotiate with and more likely to disregard international humanitarian law. Despite the protocol being ratified by most countries, fifty States still allow children to be recruited in the army under the age of 18 according to Child Soldiers International with 4000 verified violations committed by State forces and more than 11,500 by armed groups in over 20 countries.

Without seeking justifications to this barbaric act, we can ask why recruit children? Reasons can be diverse, from shortage of willing fighters to perceiving child soldiers as cheaper and easier to recruit, train and manipulate. Gendered recruitment tactics are often used by armed groups, relaying a hyper-masculine ideology with mentions and promises of power, violence, drugs, money, and sexual rewards. Children are thus attracted by the heavy propaganda, or can also be simply kidnapped in their classroom, threatened, or coerced into joining. World Vision's 2019 research on root causes explaining children's voluntary enlistment demonstrated that the ongoing insecurity, the lack of educational and employment opportunities, poverty, a poor sense of belonging and community pressure are all factors affecting their decision to enroll.



However, once the war is over, psychological, and physical damage will continue to impact and compromise their development and opportunities in life. Many child soldiers missed out on years of education, they end up traumatized, desensitized to violence and most of them must take part in social reintegration programs. Girls face additional stigmatization, and can risk being rejected from their community if they find out she engaged in sexual intercourse.

After becoming aware of such atrocities, let's review the measures undertaken by the international community to tackle this issue. In 2014, the Special Representative of the Secretary-General for Children and Armed Conflict in collaboration with UNICEF launched the campaign "Children, Not Soldiers" to spread the awareness that children do not belong in battlefields. The immediate support expressed by Member States, NGO

and the public opinion was thus followed by the implementation of Action Plans by the United Nations Security Council. Such plans are country-specific and consist of precise and concrete steps a government must take to end the recruitment and use of children in hostilities. There are currently 19 Action Plans which include dispositions such as requesting a State to criminalize the recruitment of children, investigate and prosecute those who recruit children, appointing a child protection specialist in security forces, etc. As a result, more than 130,000 children have been set free from forced labor in armies. Another initiative set up as part of the campaign is the publication of an annual “name and shame” list reporting countries still recruiting minors in their armed forces as well as an annual report by the UN Secretary-General. Then UNICEF also plays a major role in this fight by providing assistance for the release and repatriation of child soldiers and organizing recovery programs targeting physical and mental health and skills training.

NGOs such as World Vision, War Child and Child Soldiers International are also committed to tackling this problem through awareness raising campaigns, rescuing, and reintegrating child soldiers as well as addressing the drivers of recruitment. They work with community members and parents to create a safer environment for children, requesting children to be at the center of all humanitarian responses. They also support a better education for children to offer them more opportunities. Despite these important efforts, the fight against child soldiers is far from being over as suggested by the increasing poverty and instability brought along by the Covid pandemic.



# International Geneva, the Nest of Multilateral Diplomacy

By Marie Durussel



Geneva is one of the world's main centers of multilateral diplomacy. On several occasions, it has acted as a mediator and provided channels for peaceful discussion to settle international disputes. This spirit of multilateral cooperation, known as the 'Geneva spirit', provides the perfect environment for international peace building. In order to build a stable peace and ensure the most efficient multilateral cooperation possible, various international and non-governmental organizations have gradually emerged in Geneva:

## 1863-1947: The creation of an international system

The League of Nations was founded in 1919, in Geneva, during the Paris Peace Conference, with the goal of maintaining international cooperation between states. The Covenant of the League of Nations, which contains rules defining the international order, lays the foundation for modern multilateralism. The League of Nations institutionalized multilateralism and established itself as the first organ to bring together representatives of member states to debate peacefully on issues of

international scope. This organization also promoted biological standardization and multilateral cooperation in the fight against epidemics and various diseases. In 1936, the League of Nations moved into the Palace of Nations; it was dissolved in 1946 and replaced by the United Nations. Multilateralism is at the center of the United Nations, and

it transformed Geneva into a full-fledged International Geneva. In 1919, the first specialized agency of the UN was created: the International Labor Organization (ILO) promotes rights at work and strengthens justice and social protection. By bringing together employers, workers and other representatives, this organization has enabled great progress in the fight against child labor, the promotion of equal pay and the regulation of working hours, for instance. The United Nations Economic and Social Council (ECOSOC) was created in 1945. Multilateralism was able to develop thanks to the codification of international law, which helped to structure the international stage. Geneva witnessed the creation of the UN International Law Commission in 1947, which aims to codify and develop the global rules of international law. Another key aspect of multilateralism is international cooperation. Multilateral cooperation promotes disarmament and led to the convening of the World Disarmament Conference of 1932. Also known as the Geneva Conference, it was the first assembly to address the topic of global disarmament. From this point

forward, the International Geneva had become a multilateral venue in which the regulation and non-proliferation of arms play a central role.

The League of Nations promoted global trade through the implementation of global trade and financial rules. International Geneva has been hosting the United Nations Economic Commission for Europe since 1947, which promotes European economic multilateralism. This commission was essential in the cooperation between the USA and the USSR during the Cold War through the establishment of economic discussions. That same year, the international economy saw the emergence of the General Agreement on Tariffs and Trade. By encouraging trade in goods between countries, the GATT has led to the reduction of customs barriers. In 1995, it was replaced by the World Trade Organization. In addition to exchange of goods, the WTO regulates trade of intellectual property and services between states.

#### 1948-1951: Implementation of health policies and protection of refugees

In 1948, the World Health Organization, whose goal is to help its member states achieve an ideal level of health, was created in Geneva. One of the successes of multilateralism was the eradication of smallpox in 1979, the first disease to be eradicated by man thanks to the coordination of the WHO. The following year, the UN International Telecommunication Union was established in Geneva. Thanks to the agency, the whole world is connected through telecommunications, thus encouraging multilateral cooperation. In order to ensure multilateralism and

effective international cooperation, the involvement of civilians is necessary, in addition to the participation of countries. With the development of transportation connecting the world, the movement of people has become massive and international. In 1951, the International Organization for Migration was created to oversee the issue of migratory flows. The same year, Geneva saw the creation of the United Nations High Commissioner for Refugees, which aims to protect and define the rights of refugees and help them rebuild their lives. One of the first steps towards international protection of refugees was the introduction of the Nansen passport in 1922, which gave stateless refugees a new administrative existence allowing them to travel freely.

#### From 1952: Scientific approaches and environmental awareness

In 1952, the European Organization for Nuclear Research was established in Geneva. Bringing together scientists from all over the world, CERN studies the composition and functioning of the universe. A perfect example of multilateral cooperation, this organization has developed various technologies, such as the World Wide Web. The United Nations Conference on Trade and Development took place in Geneva in 1964; its goal was to help developing countries in their integration in the global economy. UNCTAD promotes development through research and acts as a platform for multilateral negotiations between experts and governments. In 1967, the creation of the World Intellectual Property Organization allowed states to set the

rules for the protection of intellectual property rights. The organization promotes innovation and controls the international patent filing system. In 1988, in a context of growing awareness of climate change, the Intergovernmental Panel on Climate Change, which studies climate change and its consequences and develops actions to counter and reduce the phenomenon, was established in the International Geneva. Multilateralism is essential in dealing with global questions such as environmental and space issues because there is no alternative. Multilateralism is essential to ensure that responses to international emergencies can be handled quickly. In the event of environmental and humanitarian disasters, the United Nations Office for the Coordination of Humanitarian Affairs, created in 1991, organizes international aid to victims of humanitarian crises.

Disarmament, human rights, migration issues, labor regulations, environmental and health issues, trade, and intellectual property protection are just some of the global challenges that the International Geneva is faced with. International Geneva sees multilateralism as the only solution to address these supranational challenges. The human encounters that take place in the various institutions mentioned above allow for consensus to be reached and for solutions to global challenges to be found. In a world fractured by national disagreements, global stakes unite states in these institutions, thus promoting international dialogue in a peaceful atmosphere.



## Together Alone—The Future and the Paradoxical Nature of Multilateralism

*By Chrystelle Dejean Servières*

If there was ever a threat calling for international cooperation, then COVID-19 would be it. And yet, even in the face of a pandemic—which, for the first time since World War II, put all of humanity at risk at the same time—we can only lament the fact that we all preferred collective insecurity over multilateral contingency planning. One would be forgiven for saying that it divided us even further. However, this should not come as a surprise to anyone. Cracks were showing in the wall long before the pandemic—which only accelerated the phenomenon. Issues such as the fight against global warming, tax fraud or extreme poverty have obviously called for multilateral action. And yet, with every crisis affecting several regions at the same time—and for which a multilateral solution would have been ideal—the reflex was instead one of every-man-for-himself.

Therein lies our first paradox: as enticing as the concept may sound, the fact remains that multilateralism tends to be weakest in times of interregional crises. However, while this may show the paradoxical nature of multilateralism, it fails to explain its recent deterioration. The decline of multilateralism has been a progressive and steady process, and the real wake-up calls date back from 2015 onwards. The COP21—which the United States opted out of during Donald Trump's presidency—was the first great universalist treaty to fully reveal just how serious the multilateralist crisis really was. For

how could we put a curb on global carbon emissions if the world's worst offender wants out of it?

Many more would then follow suit. The Treaty on the Prohibition of Nuclear Weapons of 2017 and the Global Compact for Migration of 2018 are two other examples of commendable, yet failed efforts. The former was only ratified by countries who never had nuclear weapons in the first place—save for South Africa, who gave them up more than thirty years ago. The latter does not differ significantly. One third of those who initially supported the agreement ended up bailing on it. Ever the contrarians, the United States not only opposed the deal, but never even participated in elaborating it. While the country used to be a figurehead of multilateral action, it has now made a noticeable U-turn and become the Achilles' heel of every global treaty since.

This brings us to the second paradox: as much as multilateralism wants to function as a faceless entity, so far it has always needed a big man to work. And up until recently, the general consensus was that the United States was it. Which is not to say that the country ran the international system—far from it. Most determining is the fact that the United States remains the world's superpower in terms of military, diplomatic and economic strength. Not to mention that most international organizations have English as at least one of their working languages. Both criteria make it hard

to exclude the country from multilateral deals, since their absence would considerably reduce the reach of any agreement.

International organization-led actions have been less and less well received anyway—in part because they are increasingly seen as a poorly disguised foreign attempt at meddling in state affairs. Most rejected are financial aid plans, since they often carry debt-driven potential for control over future government policies. The recent protests in Argentina over the debt rescheduling deal struck between the International Monetary Fund and President Alberto Fernández are the last example to date. That people would outright reject help coming from an international institution may seem unprecedented, but any impartial observer would be able to assess that the recent decline in popularity is a natural consequence of foreign powers undermining state sovereignty—especially through debt. Such vehement opposition to receiving international aid, even though a multilateral solution would be most adapted to solving a glaring issue such as state bankruptcy, is a testament to the true depth of the current multilateralist crisis. This assessment is made all the more serious when one takes into consideration the fact that multilateralist successes depend on a broad public understanding.

However, even in distress, the story of multilateralism does not necessarily become a cautionary tale. While unproductive on the front of actual problem-solving, calls for multilateral actions remain interesting in what they reveal about international

dynamics. The true nature of multilateralism was never to solve problems, but to reveal brewing or open conflicts between countries. As we have previously established, in situations of crisis, the very first reflex to be triggered is one of division. Nevertheless, this reflex does not seem to extend to the substance of what needs to be done, and is rather focused on which method to employ. In other words, everybody would agree on the fact that multilateral efforts need to include more than empty words, but few would concur on how to actually move forward. This is why international conferences are often accused of being just for show, when the real deal—literally—takes place behind the scenes. Bar the obvious vindictive tone, this assessment is interesting in that it points out a potential reason for the recent nosedive. No surprises here, it is the COVID-19 pandemic. Ever since the virus was around, the occasions for global summits have gone rarer—as did the opportunities for informal discussions between world leaders.

Both hegemony and multilateralism have shown their limits. Our recent experiences of common insecurity—be it from an environmental, military or health point of view—have at least confirmed one thing: global issues can only be tackled together. Yet, global leaders remain reluctant to fully consider it, instead preferring to strike bilateral deals. Still, multilateralism is the best option we have, and if we keep being strangers to the idea of international security even after the COVID-19 pandemic, then the real shock is yet to come.



## Statelessness: where do we stand and why should we care?

*By Elona Wahlen*

This year, for the GIMUN annual conference, the United Nations High Commissioner for Refugees' (UNHCR) committee has been assigned the difficult task of negotiating around the topic of ending statelessness. In addition to the protection and assistance of refugees, the UNHCR also holds the mandate to protect stateless people defined in the 1954 Convention as "a person who is not considered as a national by any State under the operation of its law". The causes of statelessness are diverse, someone can be born or can become stateless throughout their life, with the most common reason being dysfunctional states.



If you were asked to guess the number of people without a nationality in the world today, what would be your answer? I am sure no one grasps the extent of this phenomenon, with around 12 million people in 93 countries estimated stateless according to the UNHCR but only 4.3 million people officially reported as such in 2021. The difficulty to collect accurate data makes it easy for public opinion and governments to ignore or deny the problem and the urgency to take measures.

In 1922, the problem was internationally addressed for the first time by the League of Nations with the creation of the Nansen passport, initially granted to Russian refugees fleeing the October Revolution. This passport was the first international legal instrument allowing stateless refugees to move across borders. However, even if this document is still being issued today by most countries under the name of Alien's passport or Certificate of identity, it only grants individuals a legal identity with the sole purpose to travel and does not allow refugees to exercise their fundamental human rights in the country of destination.

Statelessness is an even more pressing matter today with the current migration crisis faced by the European Union, as many of the migrants crossing the Mediterranean Sea are fleeing from so-called "failed states". Predictions of future migration waves caused by the environmental crisis only reinforces the urgency for more actions to be taken at the international level. However, efforts are being made on the side of the UNHCR, relying on two previous international conventions. Firstly, the 1954 Convention recognizes and regulates the status of stateless people aiming to guarantee full protection of their fundamental rights without discrimination.

However, the convention does not include procedures or guidelines to help States identify stateless persons within their borders, which remains today one of the major challenges

because an individual is only protected by the relevant international and national legislations and can only exercise their rights once it has received the stateless status. Then, the 1961 Convention on the Reduction of Statelessness sets out detailed rules for the conferral and non-withdrawal of a nationality to prevent statelessness, such as requesting States to automatically grant their nationality to children born on their soil who would have been stateless. The convention also stipulates on the most important cause of statelessness which is making sure that nationality laws do not discriminate. A total of 55 countries are parties to this convention. Since nationality laws are found in domestic legislation, the UNHCR can only rely on the good will of States to reform their legislation. Thus, the response lies at the national level and the UNCHR's scope of actions without State consent is limited but not zero. For the last few years the UNHCR has been very active, emphasizing the responsibility of States and encouraging them to modify nationality laws through awareness raising campaigns with the hashtag #IBelong on social media and providing technical assistance, thus leading to reforms in 71 states.

During the negotiations of the UNHCR Committee that I attended, a philosophical debate arose concerning the very meaning of what is a citizen and who belongs to the nation, which led to the creation of two coalitions.

On the one hand, certain delegates wanted to remind their peers that one of the most fundamental rights of a State, which lies at its very essence, is

the establishment of the conditions to acquire nationality, setting a legal bond between an individual and the State, which leads to the creation of rights and duties on both sides. In addition, laws are not randomly decided, but they are also closely linked to a country's history, culture, and migratory traditions. For instance, *jus soli*, a birthright citizenship, prevails in countries of immigration such as in the American continent whereas in Europe, with countries of emigration, *jus sanguinis* is more common. Those differences are not only the results of different history trajectories, but it also suggests different perspectives on who represents and belongs to the nation, whether your parents' origin and blood or the place you were born and live in is more determinant. For all those reasons, during the negotiations China, Hungary and Bangladesh were often aggressively reminding that nationality laws are under the discretion of member states only and that citizenships should not be given away freely under no conditions. They also shared their definition of a citizen who, according to them, must identify closely with the country's culture, must know the language, and share similar values.

On the other hand, some delegates were ready to be more lenient with respect to their nationality laws in the name of human rights. Indeed, a passport is the most important legal status someone can hold which not only confers a legal identity but more importantly, gives access to the full exercise of a wide range of rights. Thus, stateless individuals are particularly vulnerable to human rights violations. Therefore, countries such as Germany, Belgium and the UK

were in favor of reforms of domestic laws to protect human rights. In this era of globalization with an ultra-connected world and mass migrations, borders can somehow seem invisible, and a passport taken for granted. That is why we must be informed about this widely spread phenomenon affecting people's lives at every level and representing an important threat in the years to come.

#IBELONG





# One More Step Forward in the Fight Against Human Trafficking

*By Marie Durussel*

UNHRC committee delegates gathered at the GIMUN Annual Conference to discuss the fight against modern slavery and human trafficking. The term “human trafficking” refers to the forced human exploitation. Dating back to the 19th century, this fight requires an effective multilateral cooperation. States, IGOs and NGOs have the responsibility to prevent human trafficking and protect the victims. As stated by the UNHRC committee delegates, certain factors increase the vulnerability of people to experience modern slavery. For example, poverty and inequality encourage the emergence of this problem. Syria is an example of a country affected by poverty. The Syrian delegate mentioned that, due to the economic recession, especially during the COVID-19 crisis, Syria needed humanitarian assistance and financial resources for its population to survive. Facing price inflation on medical products as well as on daily necessities, the delegation of Syria declares that this situation is also one of the causes of human trafficking. As the Byelorussian delegate mentioned, developing countries are more vulnerable to the problems of human trafficking.

To fight against this vulnerability, the State must ensure that every person has access to vital legal documents, such as a birth certificate and identity papers. It is up to the states and international organisations concerned to analyse the factors contributing to this exploitation. Vulnerable people include illiterate and uneducated groups. Programs must be developed to give them access to basic education and reduce the rate of absenteeism of children from school,

especially girls. The delegates from Germany and Belarus proposed to offer more medical and psychiatric services to victims of exploitation, so that they can conduct normal lives again.

Another important point is the legal aspect of it. Victims of human exploitation must be legally assisted during legal proceedings. It is up to the states to investigate and punish traffickers, whether they are state actors or not. National laws with penalties proportionate to the act committed must exist for this purpose and, in addition, laws ensuring the protection of victims and witnesses must be put in place. States must provide a protection mechanism, so that victims and witnesses are not afraid to trust the authorities. This would build trust in the justice system. National plans must be established to put an end to the exploitation of humans, in particular through cooperation between IGOs, the State and other civil bodies concerned. One strategy is to assess the impact of anti-trafficking laws to verify their effectiveness. Of course, the measures adopted in the fight against human trafficking and the international agreements provided for this purpose must not be contrary to fundamental human rights.

It is important to inform the public about human trafficking. For this reason, the role of the press is essential to inform the population about contemporary slavery and human trafficking. Information campaigns on the dangers of human exploitation must be put in place and the strategies to combat human trafficking adopted by the states

must be known to the public, so that this phenomenon can be better understood

Furthermore, the American delegate showed his support for IGOs in their fight against modern slavery. According to the German delegate, the role of IGOs is to punish and eradicate human trafficking, in particular through public education, giving psychological advice and medical aid to victims. The Sudanese delegate added that IGOs could do more, including identifying and assisting victims and collecting information. However, some States expressed a lack of confidence in IGOs. In response, the delegate from the United Kingdom recalled that the delegates were all gathered here, at the UNHRC, because they had confidence in this entity.

IGOs play an important role and can help improve policing by sharing information with law enforcement about the methods and locations of modern slavery. States and IGOs must, in partnership with NGOs, establish shelters for victims and psychological aid. The Libyan delegate stressed that in addition to IGOs, assistance must also come from countries and international organisations.

States have a duty to ensure the proper social integration of victims in society in order to prevent them from becoming victims of exploitation again. In order to promote this integration, many structures can be put in place, in particular medical centres, services allowing professional and educational reintegration of victims and appropriate housing. Sometimes, financial and technical assistance can be provided to the countries concerned to promote the implementation of strategies to combat modern slavery. The delegate from Iran proposed that the UN provide funds to the victims. The United Kingdom took the opportunity to recall the importance of transparency in fundraising. Byelorussia, being a developing country, declared the importance of these financial aids for developing countries to punish and prevent human trafficking. The delegate from Sudan recalled that financial institutions play an important role in this fight.

The adoption of international treaties on human trafficking and agreements on labour migration are essential actions to combat this phenomenon at a global level. All these cooperation agreements, through the exchange of information, make it possible to identify victims of exploitation and contribute to progress in the fight against modern slavery.



## Going Forum Shopping: When the Push for Multilateralism Backfires in our Faces

*By Chrystelle Dejean Servières*

It had all started out so well. Arbitration was nothing short of a revolution, and remains the shining example of what multilateralism can achieve: a unified business order in which all could prosper. Before it was around, companies facing international disputes had to go through a lengthy and costly litigation process, which was never even guaranteed to produce binding international case law—a crippling weakness in the post-globalization world. Yet in recent years, this unprecedented feat has been met with some harsh criticism. Most of it is based on allegations that arbitration primarily serves multinational companies' interests. The rest are outright, but not baseless accusations of corporate blackmail against sovereign states. So what went wrong? First, let's do a quick recap.

As the only judicial system that is uniform across the globe, arbitration law was seen as a groundbreaker in the post-globalization business world. Its benefits are numerous. For one, arbitration is a way to avoid litigation. It is even the best way to settle a dispute without going through the trouble of filing a lawsuit—the latter being slow and expensive. Moreover, the decisions a national judge makes are not necessarily binding in other countries, which is a huge rock in a multinational corporation's shoe. As globalization had increased international commerce—and therefore international disputes—more and more of them grew

concerned with their never-ending litigation issues. Companies and individuals needed quicker, cheaper solutions to their problems—which arbitration provides by fixing the timeline as well as costs ahead of time. The other reason why arbitration provides such quick solutions is because the decisions are not subject to appeal. The decisions taken by mediators are also internationally binding and enforceable, which solves the biggest problem multinational companies faced. Claimants can also avoid local courts—since the place and language of the process is predetermined in the arbitration clause before the trial even begins. As a consequence, arbitration clauses also greatly reduce translation costs. Based on the above, it is not hard to see why post-globalization countries saw arbitration as the cornerstone of a pacified business world order. And it worked—only, too well.

Almost instantly, arbitration became both the boon and the bane of international justice. The main reason? The mechanism allows companies to contest state decisions. It even has its own acronym: ISDS, for Investor-State Dispute Settlement. In most cases, the goal is simple: to challenge state legislation opposing free trade—often for tens of millions of US dollars. The catch? The opposing parties appoint their panels themselves. These mediators are not professional judges—most of them work in academia or as lawyers specialized in private international law.

This is because some national courts were seen as biased and unfair to foreign investors, and arbitration was meant to be a factor of stability for foreign investors looking to protect their assets abroad. However, the immediate kickback resides in that this court system allows corporations to avoid national judges in order to have a special court hear their case—to the point that the independence provided by arbitration really seems like judicial evasion.

It is technically malpractice to abuse the system and try to approach a specific court who is—hopefully—more likely to concur with the plaintiff. The English-speaking world calls it “forum shopping”—a somewhat lighter take on a mechanism that has paralyzed many a government policy. How? Through the fact that these multilateral agreements are the result of long international negotiations. And as such, the terminology they employ is extremely vague. This vagueness leaves the terms of the agreement open to interpretation—which is why corporations are so interested in arbitration. It is also the reason why these separate courts are seen as much more favorable to corporations than national courts. So much so, that in certain cases, corporations are almost sure to win against the state, giving the former the ability to wave the scarecrow of arbitration against the latter. The tobacco industry was the first to use such a threat—in which case, against the government of Ottawa who, in 1994, tried to impose blank packets of cigarettes. The key agreement on which the tobacco industry counted was the North American Free Trade Agreement (NAFTA). More specifically, it counted on its protection against intellectual

property expropriation. Which would let them claim—and win—hundreds of millions of dollars in compensation.

This affair marks the beginning of an epiphany for the global business world. Many corporations rushed into the breach—and successfully blocked or punished government policies that went against their interests. Their deterrence efforts were most successful during the 2000 decade, when ISDS was used by multinational corporations not only as a way to avoid a criminal conviction, but also as a threat to discourage health, social and eco-friendly policies. Just to cite a few, American petrol company Lone Pine Resources is currently opposing the moratorium on shale gas decided by the government of Quebec, and is asking for a lump sum of USD 118.9 million. And in 2010, Swedish giant Vattenfall has blackmailed German city Hamburg into dropping its environmental requirements on a coal plant site. The threat is easy enough to understand: backpedal on this policy, or Vattenfall will sue for 1.4 billion euros in damages. Vattenfall was again in the spotlight when in 2012, it sought compensation from then German chancellor Angela Merkel’s administration for its decision to put a curb on nuclear power. What is especially interesting to note is that Vattenfall was not the only company that would be impacted by this decision. It was, however, the only foreign one—which is why it was able to seek an arbitration court. The other two companies—E.ON and RWE—were not so lucky. Their German nationality meant that they could only turn to their own country’s judges, with no say in which court would hear their case.

The Vattenfall file is only one of many to be quoted by NGOs as dangerous abuses of the system. Most worrying, though, is the fact that arbitration decisions are final. This means that these special courts answer to no higher court—all the while producing precedents that, while not binding, still build a body of jurisprudence that influences future mediators. One such element is the notion of “legitimate expectations,” under which a state has to maintain a certain degree of stability and predictability in its legislation so that foreign investors can pursue their endeavors with confidence. Naturally, this notion only adds to the already long list of occasions to get a few more billions from them every now and then.

Of course, not every case is won by corporate plaintiffs. However, proceedings still take some time to complete, and governments have become all too wary of the potential cost of losing a case. Occasional state wins, such as Australia’s victory against cigarette manufacturer Philip Morris in 2016, are too few to deter future corporate actions. Not to mention that the only reason Canberra ended up winning was thanks to a procedural irregularity—which means the tobacco industry remains likely to receive a far more favorable response from other courts.

The contractual nature of arbitration law and its independence from national systems remain its greatest strengths. For companies, arbitration was—and still remains—the perfect solution to previously endless litigation nightmares. For sovereign states, this pure product of multilateralist action is a game changer that, eventually, came to hit

them where it hurts—in their wallets, of course. This paradoxical development is actually not hard to solve. As a way to settle disputes involving two or more domestic legal systems, the establishment of arbitration law is a clear historical marker of the rise of the modern corporation. Consequently, this shift also marks the end of undisputed state monopoly on economic power. Nowadays, that power is wielded by corporations which can compete on equal terms with the modern state. The latter’s natural reaction was to make regulation attempts in some aspects—with corporations making every attempt to evade them.

But there is still hope. After all, arbitration stands as undeniable proof of what international cooperation can achieve when sufficiently motivated by the thought of economic growth. If we’ve done it once, we can do it again.



## GIMUN's UN Security Council

By Zeynep Elbek

GIMUN's annual conference has come to an end. It was a pleasure and an honor to have had the chance to physically see how a debate takes place, at one of the four major offices of the United Nations here in Geneva - a city of globalization and multilateralism. I personally spent most of my time taking a record of the Security Council's mock trials. Students talking, arguing, and constructively fighting for what they believe in and think is right, was impressive and persuasive.

The topics of this committee included first the current situation of Kashmir and the ongoing crisis between India and Pakistan. Second, the humanitarian crisis in Afghanistan and human rights were the main topics of discussion. All the delegates, each representing different nationalities, with a single aim in mind, tried to come up with a solution for global problems.

Some of their sentences, I took note of, during their discussion are as follows:

"Even when it comes to a little country, it is still important."

*-Delegate of Ireland.*

"They should stabilize a conversation in a way to avoid a nuclear war."

*-Delegate of the United States.*

"This was a matter of human lives. People are living beings and not objects. We need to work together so that we can reach peace."

*-Delegate of China.*

"This conflict can't solve itself."

*-Delegate of Kenya.*

"The world is a big building, if there is a hole in a wall we need to fix it!"

*-Delegate of India.*

"We shouldn't focus only on the people living in the country, we should also care for the refugees outside because they are suffering too."

*-Delegate of France.*

"We need to be sharks in this sea."

*-Delegate of St. Vincent and the Grenadines.*

I was fascinated by the above-mentioned mature words coming from young people, who do not turn a blind eye to global issues.

At the end of the day, it didn't matter what they argued or disagreed on, they always ended the day with some music, dance, and smiles. This is a proof of why young people are the future.

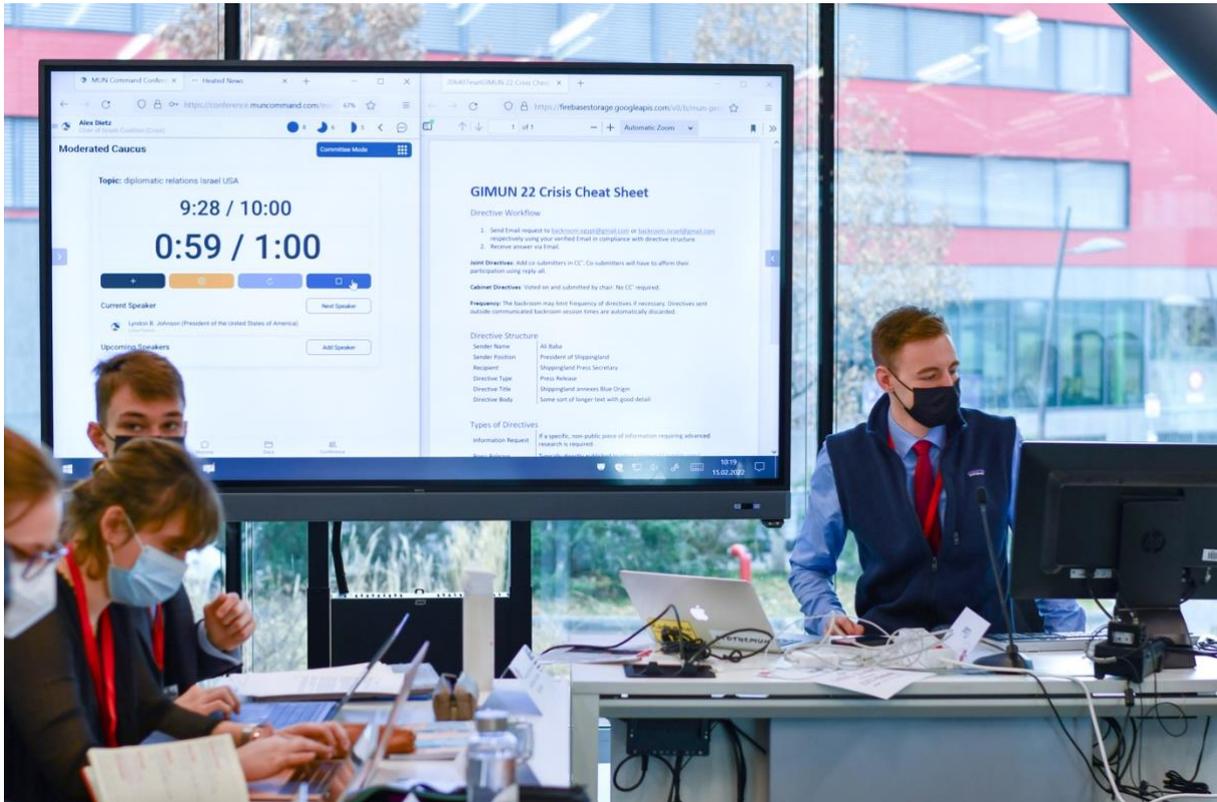
PS: GIMUN is not only about serious stuff. In fact, a "gossip box" was created to allow each member to spill the "tea", confess some secrets they felt shy to admit.



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Geneva International Model United Nations (GIMUN) is a non-governmental organization with special consultative status with the Economic and Social Council of the United Nations based in Geneva. Run entirely by students, its aim is to promote the ideals and principles of the United Nations by giving students the chance to participate in educational events.

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