

NHSMUN

National High School Model United Nations

2023

UPDATE PAPER: LEGAL

Topic A: Ownership and Possession of Cultural Artifacts

Topic B: Regulating Transnational Corporations

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Dear Delegates,

I am happy to welcome you all to NHSMUN 2023! My name is Sebastian Jimenez (he/him/his), and I am excited to serve as your Assistant Director for the Session I simulation of The Legal Committee of the UN General Assembly. This year, I wrote the update paper on “Regulating Multinational Corporations,” where I looked at Climate Actions, COP27, and the fast fashion industry in recent months. I hope that through the background guide and this update paper, you will feel more than prepared for new discussions and resolutions to come from these pressing global issues.

Before talking about my MUN experience or the update paper, I think it’s best I introduce myself. I am currently located in Orlando, Florida, United States, and I am in my first year at the University of Central Florida, where I am pursuing a degree in Political Science (Pre-Law track). I have already learned a lot in international affairs and law classes that have supported my knowledge of MUN concepts and the legal component that comes with this committee. Outside of my academic life, I have revolved around public services, law, and international classes, and overall trying new things that build off of my curiosity.

My experience with MUN came about three years ago in High School. MUN was an extracurricular at my school and I already was strongly interested in law and international affairs, so seeing this felt like the perfect fit for me. I represented Sweden in the NHSMUN NYC 2021 Conference in the SPECPOL Committee, and then in the NHSMUN NYC 2022 Conference, I represented Japan in the UNCTAD Committee. In the 2021–2022 school year (my senior year of high school), I was the president of my MUN club and was able to express my passion for international relations and understanding global issues more. After my senior year in high school finished, I felt that my connection with MUN and the happiness I felt being able to travel for the NYC conference was not over, so here I am! Being your Assistant Director is an amazing opportunity I’ve been given, and I can’t wait to meet all of you when the conference begins in March.

I hope my knowledge and passion for this committee and the topics being discussed will be helpful and informative for all of you. Apart from this, I also read a lot of novels in the sci-fi, fantasy, and horror genre and love listening to all genres of music (recommendations in the R&B and Pop categories are always welcome). I also play a lot of tennis (played it my whole life), ping-pong, swim, and recently picked up volleyball! I hope you enjoyed learning a little bit about me and the update paper, and I can’t wait to see what discussions come when the conference begins!

Sincerely,

Sebastian Jimenez
Assistant Director, Legal
NHSMUN 2023, Session I



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Dear Delegate,

Hello, and welcome to NHSMUN 2023!

I am very excited to meet all of you. My name is Carter Black (he/him/his), and I'm privileged to serve as Substantive Assistant Director of the Sixth Committee of the General Assembly, better known as the Legal Committee, for session II of NHSMUN 2023. For this session, my wonderful directors have chosen the subjects "Ownership and Possession of Cultural Artifacts" and "Regulating Transnational Corporations," two very important and interesting topics that I can't wait to hear more about. I'm thrilled to see what you come up with and how you break down these two different topics.

Before I continue, there are a few things I ought to share! I am a first-year molecular genetics major at The Ohio State University in hopes of becoming a research expert. I've used many of the debate and social experiences I've gathered through MUN to help me network and present myself academically. This will be my first year serving on NHSMUN staff, and I could not be more excited. In high school, I helped found my Model United Nations program and have continued my interest through IMUNA because of my wonderful experiences in the program.

I'm from Columbus, Ohio, and I was among the first set of students at my school to attend NHSMUN. I attended NHSMUN in 2021 and 2022, serving as a delegate representing Indonesia and of Uganda, respectively. My first conference was remote, which was wonderful but obviously not a standard experience. In 2022, I had the whole New York experience, which was the highlight of my senior year. If I can share even just a bit of the enjoyment I got from my experience, then my time here would be a success.

Your time at NHSMUN may seem daunting at first, but I encourage everyone to come in with an optimistic attitude. You will meet new people from across the globe, and that experience will permeate into your professional life. I myself became a much more experienced conversationalist and benefited greatly from the good-faith competitive attitudes that many of my peers shared. I cannot wait for you to share this experience with me, as I know it will be something worth remembering. Just enjoying the backdrop of New York will be something worth keeping pictures for!

I am beyond excited to meet you all! There is still so much to do before my time in New York; nonetheless, it excites me greatly. Do not hesitate to ask me any questions, queries, or qualms that you have about the upcoming event; I don't mind hearing your thought process. I hope to see you in the Legal Committee of the General Assembly!

Sincerely,

Carter Black
Assistant Director, Legal
NHSMUN 2023, Session II





LEGAL

NHSMUN 2023



TOPIC A:

OWNERSHIP AND POSSESSION OF CULTURAL ARTIFACTS

Photo Credit: Rictor Norton



Introduction

Indigenous people and former colonies have recently been attempting to reclaim pieces of their culture. Many cultures gain access to their heritage through repatriation. Repatriation is the act of returning something back to its own country. The return of these cultural artifacts marks an important point in the history of colonialism. This is because it demonstrates a change in how history is told. The producers of a cultural artifact are now able to own their stories. This is why it is essential, now more than ever, to remain informed about the nature of the legal landscape for these pieces of history.¹

Colonialism has had major consequences for many cultures which continue to be felt today. Financial, political, and linguistic landmarks of colonizers still exist. Colonized places such as Africa, Polynesia, and the Caribbean have made efforts to recover their history. Many lost artifacts existed long before the places were colonized. An important example of this is the Nigerian effort to repatriate the Benin Bronzes, which is covered at length in this update paper. Repatriation like this has helped return many cultural artifacts now being reclaimed.

Cultural Artifacts in the Wake of Queen Elizabeth's Death

Queen Elizabeth II reigned over the United Kingdom for more than seventy years. Her reign lasted longer than any monarch in the history of the British monarchy.² Queen Elizabeth II saw the decolonization of multiple countries under British rule, including India, Jamaica, South Africa, Australia, and Canada. The nature of her rule over these countries is controversial.³

At one point in time, the United Kingdom colonized over a quarter of the entire world by area. During the time of Queen Elizabeth, much of this land claimed independence from the British Empire. For this reason, Queen Elizabeth II's death led to significant cultural unrest. Many of the Queen's personal items belonged to colonized countries prior to their occupation by the British. For some countries, the Queen's death may represent a new beginning. For this reason, many

countries have been calling for the return of these artifacts after her passing.

The Koh-i-Noor diamond, for example, is one of the most valuable items in the late Queen's cultural collection. The diamond has moved across multiple different cultures over the course of many years, and multiple countries have laid claim to it. The British acquired the piece by taking it from Duleep Singh, the newly crowned eleven-year-old king of the Sikh empire, as a result of political disruption. Queen Victoria got the diamond from Duleep in 1849, claiming it was an indication of their sovereignty over India.⁴

Currently, the Koh-i-Noor diamond sits among the Queen's crown jewels as a testament to the beauty of the royal family. These crown jewels represent Queen Elizabeth II and other important women within the royal family, including Camilla Parker-Bowles, the Queen Consort.⁴ Despite what it may represent, the jewel was left untouched for many years at the Tower of London. Some may argue that the diamond does not and has never belonged to the royal family at all. Due to the underdeveloped nature of the legal paradigm which protects cultural ownership of such artifacts, there is little precedent that can aid in our interpretation of such affairs.⁵ This has led to unrest in multiple countries that have laid claim to the diamond.

The Koh-i-Noor diamond is certainly not the only piece of debated cultural ownership. The Benin Bronzes are also a

1 Moira Simpson, "Museums and Restorative Justice: Heritage, Repatriation and Cultural Education," *Museum International* 61, no. 1-2 (2018): 241 - 242, https://www.brown.edu/Departments/Joukowsky_Institute/courses/worldofmuseums09/files/9704876.pdf.

2 George Bowden, "Queen Elizabeth II Has Died," *BBC News*, September 8, 2022, <https://www.bbc.com/news/uk-61585886>.

3 "How Big Was the British Empire and Why Did It Collapse?," *The Week UK*, November 26, 2019, <https://www.theweek.co.uk/tags/british-empire>.

4 Lorraine Boissoneault, "The True Story of the Koh-i-Noor Diamond-and Why the British Won't Give It Back," *Smithsonian*, August 30, 2017, <https://www.smithsonianmag.com/history/true-story-koh-i-noor-diamondand-why-british-wont-give-it-back-180964660/>.

5 Kateryna Iakovenko, *Eyewitness the Russian War in Ukraine: The matter of Loss and Arts*, (United Kingdom: University College London, 2022), <https://sociologica.unibo.it/article/view/15272/14827>.



Queen Elizabeth II passed away on September 8, 2022 at the age of 96.

Credit: BBC

hotly debated topic across the world. The Benin Bronzes are a collection of bronze statues that belonged to the Kingdom of Benin until 1897, when British forces looted the kingdom. A few years ago, the Dutch returned over a hundred of their Benin Bronzes to Nigeria.⁶ In the summer of 2022, Berlin began returning theirs as well. After the death of Queen Elizabeth II, the Smithsonian Museum pushed to repatriate the bronzes.⁷ This amplified the pressure felt by the British museums to return their artifacts. Despite this, the British Museum still has not made significant progress in their return, and this has led to growing cultural unrest, as the British still maintain one of the largest and most controversial collections of these bronzes.

The Kingdom of Benin was located in modern-day Nigeria, so the people of Nigeria have claimed cultural ownership of the bronzes. However, the legal precedent for such situations has not yet been developed. As a result of the repatriation by other museums, and the history of the bronzes, some have claimed that the British should feel pressure to return the artifacts.⁸ The loss of the Queen has made these efforts more potent, as

a turning point is met on the validity of colonial ownership, and one of the few culturally influential recipients of such artifacts is no longer living.⁹ With respect to the bronzes, this could mean that influential figures in Nigeria could overpower British royal influence or that other countries could lay enough pressure on the British government to repatriate.

The United Kingdom holds many other important artifacts of cultural significance from the colonial era. While influential, Queen Elizabeth II's passing will likely not be the only push the United Kingdom receives toward repatriation. Many museums are similar to British museums in this way. They do not currently have the incentive, the pressure, or the necessary information to return artifacts. The Queen's influence over this subject is undoubtedly significant, but it does not mark the end or the beginning of repatriation. It is the responsibility of the Legal committee to evaluate the importance of repatriation in the wake of the Queen's passing. Developing relevant solutions will rely on understanding this controversial history.

6 Yosola Olorunshola, "Dutch Museum Commits to Returning Looted Colonial Artefacts," *Museums Association*, August 14, 2020, <https://www.museumsassociation.org/museums-journal/news/2019/03/13032019-dutch-museum-commits-to-returning-looted-artefacts/>.

7 Jacquelyne Germain, "The Smithsonian Returns a Trove of Benin Bronzes to Nigeria," *Smithsonian.com*, October 11, 2022, <https://www.smithsonianmag.com/smithsonian-institution/benin-bronzes-going-back-to-nigeria-180980917/>.

8 Thomas Mallard, "Damaged Cultural Sites in Ukraine Verified by UNESCO," *UNESCO*, December 12, 2022, <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>.

9 Martin Bailey, "Will the Queen Return Her Benin Bronze? How the African Treasure Was Looted Not Once, but Twice," *The Art Newspaper*, September 28, 2021, <https://www.theartnewspaper.com/2021/06/14/will-the-queen-return-her-benin-bronze-how-the-african-treasure-was-looted-not-once-but-twice>.

Raided Artifacts of Ukraine by Russia

The recent conflict in Ukraine has led to the destruction of countless cultural artifacts. The war has already been recognized as a violation of the United Nations Charter. Thus, it will have a longstanding influence on the people of Ukraine and their cultural identity.¹⁰ This war is not just about military influence, but also ideological influence. The Russian military is taking more than just land through their occupation of Ukraine; they are destroying schools, museums, factories, and many other culturally relevant institutions.¹¹ By destroying Ukrainian cultural identifiers, they are hoping to disconnect the Ukrainian people from their homeland. Understanding the ramifications of such endeavors could be vital to understanding how we should move forward in discussions about heritage and ownership. Destroying schools, factories, and more indicates a lack of respect for Ukrainian culture. Destroying such buildings will hurt any chance that Ukraine has to culturally recover in the aftermath of this conflict.

¹⁰ “Russia’s Invasion of Ukraine Is a Violation of the UN Charter, UN Chief Tells Security Council,” United Nations 2022, <https://unsdg.un.org/latest/announcements/russias-invasion-ukraine-violation-un-charter-un-chief-tells-security-council>.

¹¹ Jonathan Masters, “Ukraine: Conflict at the Crossroads of Europe and Russia,” Council on Foreign Relations, last updated October 11, 2022, https://indianstrategicknowledgeonline.com/web/Ukraine_%20Conflict%20at%20the%20Crossroads%20of%20Europe%20and%20Russia%20_%20Council%20on%20.

¹² Mallard, “Damaged Cultural Sites in Ukraine Verified by UNESCO.”

¹³ Dan La Botz, “Putin’s Annexation of More Ukrainian Territory Is Part of Pattern of Ethnocide and Genocide. Stand with Ukraine,” *Medium*, October 2, 2022, <https://danlabotz.medium.com/putins-annexation-of-more-ukrainian-territory-is-part-of-pattern-of-ethnocide-and-genocide-bd45d3bf8639>.

¹⁴ Mallard, “Damaged Cultural Sites in Ukraine Verified by UNESCO.”

Since the onset of the war in February 2022, UNESCO has verified the destruction of 227 cultural sites across Ukraine.¹² Many other sites may be damaged or destroyed; the officially counted sites are those which have been categorically verified. These sites represent places of religious, artistic, economic, and overall cultural significance. The toll of war on the country of Ukraine has led to what could be considered ethnocide.¹³ There are methods of recovering certain artifacts, but the destruction of architectural monuments is irreversible. UNESCO asserts that this level of destruction may very well eradicate much of the physical identity of the country of Ukraine.¹⁴ The escalation of the conflict has led to considerable disintegration of European and Russian dialogue. Thus, it is unlikely that Russia will adhere to policies regarding cultural sensitivity. Differences in cultural ideologies have made it more challenging to diplomatically discuss such issues, so legal progress needs to be made. Creating international laws which protect cultural heritage is essential to counter such issues.

Taras Kuzio, a British academic expert on Ukrainian politics,

A damaged statue in Ukraine.

Credit: UNESCO, Alexandre Larcen



has claimed that Russia may be attempting to erode the sense of Ukrainian national identity to rouse public support for their war. Russian policy has long claimed that Ukrainian identity is a small part of a broader Russian identity.¹⁵ This would motivate them to destroy uniquely Ukrainian cultural artifacts to unite the Ukrainian people under a more uniform Russian identity. Therefore, Russians may perceive the destruction of artifacts as defeating a cultural rebellion against Russian identity rather than a wholly different culture. This message is corroborated by dual media campaigns that Russia runs through digital and conventional media channels.¹⁶

Nonetheless, it is vital that wartime law be observed for the sake of these artifacts. In the future, more firm legal standards should be established for the sake of cultural protection. In the case of Russia, it may be important to delineate whether a culture is part of a larger whole, as subcultures can still have cultural artifacts and sites that are important to their history.

Personal and Cultural Ownership of Artifacts

Establishing a universal legal precedent for cultural ownership is something that international law has strived to achieve for a long time. However, this has proven to be incredibly challenging. This is because cultural ownership is an ill-defined concept. In the Americas, Indigenous groups lay claims to signs of their ancestors, icons of identity, ritual objects, objects of social power, or sources of income, all of which have fairly broad and vague definitions.¹¹ Much of the time, establishing cultural ownership of such artifacts requires legal argument on a per-artifact basis because each artifact has unique characteristics and ties to culture.¹¹ Just as every culture is unique, so too is every cultural artifact. Thus, establishing a legal right for (or over) something is complicated.

This method of defining cultural ownership is often not sufficient enough. Often, ownership arguments are balanced between similar heritages of different scales, and because of

this, it is becoming harder to establish rigid cultural guidelines for ownership. The same stakeholders may represent similar groups at the regional, national, and international levels. Establishing a precedent where an artifact is ruled more culturally relevant to one culture or group than another is inherently challenging.¹⁷ Certain groups can find themselves fighting for artifacts that simultaneously belong to multiple cultural identities since culture is not such an exclusive concept in and of itself.

There is also the case of protest art, where items representing cultural identities are made to protest a political or economic system. In these cases, art is created quickly and with certain themes so as to support a cause. Cultural ownership of such artwork can be hard to determine because, in many cases, this art is made to be destroyed. This raises the question of whether the organization behind the protests or the artist becomes the artwork's owner.

It is important to recognize that stakeholders are not often in a legal position to counteract such efforts. It is vital for organizations, countries, and communities to argue for the rights of certain groups that may lack the capacity to be heard on such large scales. Without violence or adequate funding, these voices may lack the faculty to argue for their ownership. Arguing for those without a voice is a vital part of any representative's job, and understanding such cultural fights and how they may relate to different people is vital to any understanding of history. Additionally, including communities in discussions and providing a platform for the oppressed is of paramount importance.

Issues of cultural ownership are very common. Cultural sensitivity is a vital skill to have in the modern world. Understanding the ways in which we can support one another with respect to cultural identities is the best way to ensure that we have a healthy historical future. Efforts have been made across the globe to ensure that every community has a voice, but there is still a great deal of work to be done. It is important to speak up when given the opportunity because access to

15 Taras Kunzio, "Imperial Nationalism as the Driver behind Russia's Invasion of Ukraine," *Nations and Nationalism* (September 26, 2022): 1-9, <https://onlinelibrary.wiley.com/doi/full/10.1111/nana.12875>.

16 Dominique Geissler et al., "Russian Propaganda on Social Media during the 2022 Invasion of Ukraine," *Cornell University*, November 8, 2022, <https://arxiv.org/abs/2211.04154>.

17 Ian Hodder, "Cultural Heritage Rights: From Ownership and Descent to Justice and Well-Being," *Anthropological Quarterly* 83, no. 4 (2010): 861-882, <https://www.jstor.org/stable/40890842>.

cultural knowledge is found through cultural artifacts, and without legal backing, these cultures may never have access to their belongings.

Conclusion

Cultural ownership is a hard subject to grapple with from multiple perspectives. In the case of Queen Elizabeth II's death, it is important to understand how her passing influences and is part of the history of these artifacts. Different cultural artifacts require different laws, and navigating this is important. In both Ukraine today and Nigeria many years ago, artifacts were stolen and destroyed, so understanding wartime law over the protection of such artifacts is important. Protecting such artifacts is important to history altogether, so creating legal guidelines in the modern day is essential to debate and discourse. Culture is becoming more vast and influential every day, so creating legal guidelines for their protection is essential for the preservation of history.



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**TOPIC B:
REGULATING TRANSNATIONAL CORPORATIONS**

Photo Credit: Fahad Faisal

Introduction

In recent months, the idea of regulating multinational corporations (MNCs) has gained popularity. Many have brought up the idea of corporate social responsibility and the need for greater regulation in these organizations. COP27, which was held recently in November of 2022, brought these ideas to light. The discussions at this conference reinforced the responsibility of the international community to regulate these corporations. It brought particular attention to the idea of environmental responsibility. However, many industries have yet to take on these responsibilities. The fashion industry, in particular, is notorious for its environmental and social impacts. Taking ideas from COP27 while examining industries more closely is an important step in regulating MNCs internationally.

The Individualization of Climate Action and COP27

Climate change is often discussed when it comes to MNCs. The 27th annual Conference of the Parties of the UN Framework Convention on Climate Change brought some of these topics to light. Primarily, they discussed how MNCs could carry out climate actions to reduce the effects of climate change. Additionally, the use of private aviation has gained attention in recent months. These conversations bring awareness to many of the issues related to climate change and how MNCs can play a role in reducing it.

A major focus of the conference has been mandating wider transparency from the private sector to achieve sustainability goals. During COP27, Antonio Guterres, UN Secretary-General, asked countries to put more pressure on businesses to work towards net-zero emissions.¹ A UN report released during the event also called on countries to “draw a red line around greenwashing.”² Greenwashing is the use of misleading information by companies to appear more environmentally friendly without taking real action toward more sustainable practices.³ A report by the UN continued by stating that non-state actors cannot carry on claiming to be

net zero. Most of these corporations also invest in fossil fuels, lobby to undermine climate policies and fail to reduce their own emissions.⁴

The UN recommended that businesses “need to move from voluntary initiatives to regulated requirements.”⁵ While voluntary efforts are hard to verify, regulation allows for unified efforts toward sustainable goals. One of the most important steps to take is standardizing responsibilities. While many countries already mandate that companies based in their territory report emissions, others voluntarily choose to do so. This means there is no common reporting format, so performance between different MNCs cannot be compared.⁶ Recently, the International Organization for Standardization (ISO) launched its Net Zero Guidelines, which aim to provide a common understanding for measuring net zero governance.⁷ This is one potential guideline that could be used to measure MNCs around the world.

While the COP does not necessarily create international law, it often inspires legislation. This was the case with the Paris Agreement at COP21.⁸ Many MNCs attend the conference, which indicates that they are open to discussing climate policies. After COP27, the EU officially adopted the Corporate

1 Aron Vallinder and Evan Farbstein, “For large businesses, COP27 brought developments in decarbonization, standardization, and legislation,” *Normative*, November 21, 2022, <https://normative.io/insight/cop27-business-debrief/>.

2 “Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions,” High-Level Expert Group on the Net Zero Emissions Commitments of Non-State Entities, https://www.un.org/sites/un2.un.org/files/high-level_expert_group_n7b.pdf?_gl=1*13kej7*_ga*MTgxMjksNjIyOC4xNjU3NTQxNDM3*_ga_TK9BQL5X7Z*_MTY2ODQzNTcwMi4xLjEuMTY2ODQzNjIyMS4wLjAuMA...

3 Sarah Gibbens, “Is your favorite ‘green’ product as eco-friendly as it claims to be?,” *National Geographic*, November 22, 2022, <https://www.nationalgeographic.com/environment/article/what-is-greenwashing-how-to-spot>.

4 “Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions.”

5 “Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions.”

6 Vallinder and Farbstein, “For large businesses, COP27 brought developments in decarbonization, standardization, and legislation.”

7 Vallinder and Farbstein, “For large businesses, COP27 brought developments in decarbonization, standardization, and legislation.”

8 “Paris Agreement,” *United Nations Framework Convention on Climate Change*, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

Sustainability Reporting Directive. This directive introduced new climate reporting rules for companies.⁹ The United States also introduced a new proposal that would require oil and gas operators to disclose and reduce their emissions.¹⁰ However, these are only small steps in solving a large problem. The decision to internationally standardize these regulations is still being debated. Many developing countries don't have the capacity or funding to carry out these regulations. Additionally, many may rely on MNCs to work with governments. The international community needs to create a fair transition for these countries without creating an imbalance of resources.¹¹

Some countries have difficulties regulating MNCs in areas beyond carbon emissions, such as pollution. A new study discovered that exposure to microplastics in people living in lower-income countries is significantly higher than in developed countries. Lower-income countries faced, on average, deposits almost three times higher than those that medium and high-income countries faced. Additionally, young

children were at the greatest risk of exposure.¹² As a result, the countries least at fault for the production and disposal of microplastics face its largest effects. In recent months, many MNCs have made promises to counter the growing problem of pollution on Earth. They reported that their plastic packaging would be 100 percent reusable and recyclable by 2025.¹³ However, the Plastic Pollution Coalition shares in its Global Commitment 2022 Progress Report that many of these corporations have, in fact, not attempted to do so.¹⁴ They are not on track to complete this goal. Rather, they are attempting to please environmentalists worldwide to avoid losing valuable customers.

As the debate continues around the need to introduce increased regulation over MNCs, a recent spotlight has been given to private business aviation. Since air travel reopened following the COVID-19 pandemic, monthly private jet usage has increased by 30 percent and now accounts for a quarter of US flights.¹⁵ Although individuals and celebrity groups

9 Vallinder and Farbstein, "For large businesses, COP27 brought developments in decarbonization, standardization, and legislation."

10 "COP27: Overview and Key Takeaways," *Latham & Watkins*, December 7, 2022, <https://www.lw.com/admin/upload/SiteAttachments/Alert-3041-1378520821.pdf>.

11 "Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions."

12 Mark Taylor, Neda Soltani, and Scott P. Wilson, "Microplastics are common in homes across 29 countries. New research shows who's most at risk," *The Conversation*, September 6, 2022, <https://theconversation.com/microplastics-are-common-in-homes-across-29-countries-new-research-shows-whos-most-at-risk-189051>.

13 "100% Reusable, Recyclable Or Compostable Plastic By 2025," *BioCycle*, September 22, 2020, <https://www.biocycle.net/100-reusable-recyclable-or-compostable-plastic-by-2025/>.

14 "Scientists urge cut in use of chemicals in plastic production," Plastic Pollution Coalition, accessed December 9, 2022, <https://www.plasticpollutioncoalition.org/tag/global-plastics-treaty>.

15 Gabby Shaknai, "How Companies Are Handling Excessive Corporate Jet Use," *Fortune*, August 26, 2022, <https://fortune.com>.



A photo of American President Joe Biden at COP27.

Credit: White House

have also increased their use of private travel, individual businesses have had the biggest role in this phenomenon. The efficiency which private aviation provides to individual corporations is considered vital to many business models, as they allow companies to plan and schedule their own trips, but the environmental footprint they create has come under public scrutiny.¹⁶

Recently, the National Secretary of France's Green Party called for a ban on private jets.¹⁷ However, these ideas did not receive much government support. Analysts have claimed that banning private flights is impossible and might even be counterproductive to sustainable efforts. The advances needed to decarbonize aviation will likely be seen in smaller planes before they are applied to large airlines.¹⁸ However, some environmentalist organizations have expanded campaigning to limit private travel. One of the suggestions to reduce the burning of fossil fuels while allowing businesses to thrive responsibly is to increase the regulation of private jets. This could reduce wasteful journeys and promote lower-carbon aircraft.¹⁹ France's Minister of Transport supported this idea. This demonstrates that although the regulation of MNCs can produce enormous benefits and prevent damages, these regulations must still be reasonable to produce the desired results.

Around the world, many corporations were given excessive powers to block government policies that did not favor them.²⁰ In this case, COP27 benefitted the investors, companies, and other capital-market participants. The focus on climate change in COP27 caused conversations on oil to be ignored. This raised questions about whether the goals that these countries have committed to will be achieved. An article by Jennie Stephens, professor of sustainability at Northeastern

University, stated that all major oil companies are on track to increase oil production by 2026. This means that there is “no way” countries will be able to meet any of the goals without interfering with oil corporations.²¹ There was no mention of a requirement for companies to cut emissions either. The discussions at COP27 must lead to international laws and policies for these to be effective.

COP27 strongly called for transitioning to a low-carbon economy and establishing funds for developing countries that are most affected by global warming.²² Corporate climate pledges will play an essential role in achieving this goal. The Legal Committee can help to develop these international laws and policies to limit MNCs. Incorporating lessons from COP27 and other international discussions will play a vital role in finding solutions to this rising issue.

The Fast Fashion Industry and Corporate Inaction

Fast fashion is a technique used in many clothing companies that relies on producing a high volume of clothes in a relatively short time. Due to short timelines, these clothes tend to be cheaply made and of low quality. These companies produce a whole new collection of clothing per week.²³ This industry is made up of companies such as H&M, Zara, Forever 21, Shein, and other retail stores. As the industry grows and gains revenue, it raises concerns about the effects it may be causing on an individual and environmental level. These fashion MNCs dominate the markets on a global scale, affecting the economies of many countries. Many core aspects of these companies—fast production, low prices, and low quality—are only achievable through the exploitation of individuals and

com/2022/08/26/modern-board-corporate-private-jet-flights/.

¹⁶ Shakhnai, “How Companies Are Handling Excessive Corporate Jet Use.”

¹⁷ Guy Duthel, “Private jet regulations could take off,” *Le Monde*, August 28, 2022, https://www.lemonde.fr/en/economy/article/2022/08/28/the-idea-of-regulating-private-jets-is-gaining-ground_5995054_19.html.

¹⁸ Chirs Bryant, “Cancel Private Jets? Here's a Better Idea,” *The Washington Post*, August 30, 2022, https://www.washingtonpost.com/business/energy/cancel-private-jets-heres-a-better-idea/2022/08/30/6dd516dc-2821-11ed-a90a-fce4015dfc8f_story.html.

¹⁹ Bryant, “Cancel Private Jets? Here's a Better Idea.”

²⁰ “COP27: Corporate Courts versus Developing World,” Mronline, November 19, 2022, <https://mronline.org/2022/11/19/cop27-corporate-courts-versus-developing-world/>.

²¹ Kate Yoder, “It's Not Just Coke: Corporations Have Co-Opted the UN Climate Talks,” *Grist*, November 15, 2022, <https://grist.org/cop27/corporations-have-co-opted-the-un-climate-talks-coca-col/>.

²² Sylvain Vanston et al., “What COP27 Means for Companies and Investors,” *MSCI*, November 21, 2022, <https://www.msci.com/www/blog-posts/what-cop27-means-for-companies/03507029203>.

²³ Audrey Stanton, “What does Fast Fashion mean, anyway?” *The Good Trade*, January 2, 2023, <https://www.thegoodtrade.com/features/what-is-fast-fashion>.

the environment.²⁴

The fast fashion industry makes up 10 percent of total global carbon emissions. The production of clothing also dries up water sources, pollutes rivers and streams, and releases harmful chemicals into the environment.²⁵ Textile manufacturing has been a large contributor to anthropogenic climate change. In 2018, the UN Framework Convention on Climate Change (UNFCCC) predicted that textile manufacturing emissions would rise to 60 percent by 2030.²⁶

Many aspects of the manufacturing process are detrimental to the environment. Dying the clothing requires 43 million tons of chemicals each year, adding to the sizable emissions footprint of the industry.²⁷ Additionally, The Council of Fashion Designers of America (CFDA) showed that polyester is the most commonly used fabric in fashion. Polyester is estimated to take 342 million barrels of oil each year, producing immense greenhouse gas emissions.²⁸ Polyester is a plastic-based fiber that takes over 200 years to decompose when in landfills. These cheaply made clothes are often thrown out after only a few months of use, as their poor quality makes them hard to save. In fact, 85 percent of all textiles go to a landfill every year. Also, washing these clothes often produces microplastics that are passed into rivers or oceans.²⁹ Multinational corporations in the fast fashion industry are major contributors to microplastic waste in the ocean, making up to 35 percent of microplastics from their clothing products.³⁰

In addition to the emissions that the fast fashion industry creates, its harmful methods of production and pollution make water accessibility a major problem. This is especially

true in lower-income countries; however, countries around the world are seeing these effects. In China, the number one exporter of textiles worldwide, 32 percent of the country's water faces pollution risks. Water scarcity and pollution have increased in the last 25 years. However, eliminating the industry would affect the jobs and livelihood of many families, making it difficult to ban outright.³¹

Class action lawsuits have been utilized in discussions on how to regulate and counteract multinational corporations. A class action lawsuit is where one individual brings forward a claim that represents many individuals.³² In November of 2022, popular retail company H&M faced a class action lawsuit for claims of greenwashing, for presenting their actions or products as environmentally friendly while not actually being environmentally friendly. In this case, it was argued that customers paid increased prices for the "Conscious Choice" clothing line. This was said to be made of at least 50 percent recycled materials and was labeled as "sustainable." However, clothes in this line were found to have up to 71 percent synthetic, non-recycled materials. Additionally, the materials labeled as "recycled" were primarily non-recyclable polyester and often ended up in landfills or shedding microplastics.³³ Although the outcome of this lawsuit is yet uncertain, MNCs such as H&M often have strong attorneys backing them. This indicates that class action lawsuits are not always successful in regulating such actions. Instead, the responsibility falls upon members of the Legal Committee to implement legislation within their own countries.

The fashion industry has "dangerous working conditions due to unsafe processes and hazardous substances," as stated

24 Stanton, "What does Fast Fashion mean, anyway?"

25 Rashmila Maiti, "Fast Fashion and Its Environmental Impact," *Earth.org*, June 12, 2022, <https://earth.org/fast-fashion-detrimental-effect-on-the-environment/>.

26 "Fashion Industry, UN Pursue Climate Action for Sustainable Development." UNFCCC, January 22, 2018. <https://unfccc.int/news/fashion-industry-un-pursue-climate-action-for-sustainable-development>.

27 "Fast Fashion Is a Climate and Justice Nightmare." Climate Reality Project, accessed December 16, 2022, <https://www.climaterealityproject.org/blog/fast-fashion-climate-and-justice-nightmare>.

28 "Polyester," CFDA, 2019, <https://cfda.com/resources/materials/detail/polyester>.

29 "The Environmental Cost of Fast Fashion," Geneva Environment Network, last updated December 16, 2022, <https://www.genevaenvironmentnetwork.org/resources/updates/sustainable-fashion/>.

30 "The State of Fashion 2020," McKinsey and Company, 2020, <https://www.mckinsey.com/~media/McKinsey/Industries/Retail/Our%20Insights/The%20state%20of%20fashion%202020%20Navigating%20uncertainty/The-State-of-Fashion-2020-final.pdf>.

31 Kerrice Bailey, Aman Basu and Sapna Sharma, "The Environmental Impacts of Fast Fashion on Water Quality: A Systematic Review," *Water* 14, no. 7 (2022), <https://doi.org/10.3390/w14071073>.

32 Jason Murray, "Class actions in British Columbia," People's Law School, accessed January 16, 2023, <https://dialalaw.peopleslawschool.ca/class-actions/>.

33 "Green and Bear it: Class Action Alleges 'Greenwashing' By Fast Fashion Company," *JDSupra*, December 12, 2022, <https://www.jdsupra.com/legalnews/green-and-bear-it-class-action-alleges-6243015/>.

by the UN.³⁴ In addition, the fast fashion industry has been notorious for providing low wages for its employees. Workers in the garment industry are estimated to earn only 55 percent of a living wage, which is reflected across many countries.³⁵ Further, 80 percent of garment workers are women who continue to be underpaid and are victims of verbal, physical, and sexual abuse from their male counterparts.³⁶ Not only this, but UNICEF has also reported in the past that roughly 160 million children work as child laborers worldwide, many producing textiles and garments. Progress in ending child labor was stalled due to COVID-19, which put millions of children at risk of being forced back into garment factories and textile mills.³⁷

There have been several initiatives to place regulations on the fast fashion industry. Good Clothes, Fair Pay is an initiative created by the European Citizens' Initiative, which calls for fair pay regulations regarding fashion companies. This initiative calls on companies to create a plan to target wage gaps among garment workers. This regulation would cover companies that both operate and sell within the EU. This includes many companies around the world. When identifying these issues,

34 "UN Alliance Aims to Put Fashion on Path to Sustainability" UNECE, July 12, 2018, <https://unece.org/forestry/press/un-alliance-aims-put-fashion-path-sustainability>.
 35 Rachel Deeley, "Garment Worker Pay at 45% Gap from Living Wage, report finds," *Business of Fashion*, February 21, 2022, www.businessoffashion.com/news/sustainability/garment-worker-pay-at-45-gap-from-living-wage-report-finds/.
 36 Deeley, "Garment Worker Pay at 45% Gap from Living Wage, report finds."
 37 Josephine Moulds, "Child Labour in the Fashion Supply Chain," *The Guardian*, accessed January 19, 2023, <https://labs.theguardian.com/unicef-child-labour/>.

it is important to note that MNCs have been able to get away with these problems for too long. Many governments no longer regulate businesses, especially in developing countries. Developing countries have been taken advantage of by these industries. The cheap labor and lack of regulations facilitated the growth of these companies. This creates a rapid cycle of unethical labor practices. The industry's focus on financial gain and ignoring social responsibilities causes it to turn a blind eye to the conditions it causes. This raises concerns in developing countries and continues the exploitation of human lives. When finding solutions to these growing issues, understanding the actions of these multinational corporations and the role of individual countries will better support solutions.

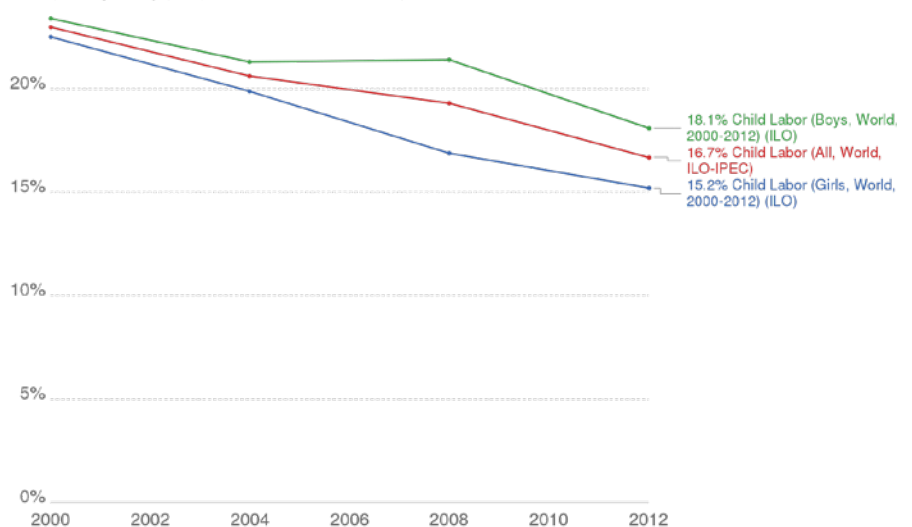
Socially, fast fashion has a large impact. Cheap source material from developing countries allows the production of many products that can adapt to trends quickly. This creates social pressure to change your wardrobe almost every week, producing more revenue for these multinational corporations. This allows for their dominance in the clothing industry and the market economy. However, these companies can also cave to social pressure from their consumers. The surge of

This graph depicts a decline in child labor from 2000 to 2012. However, child labor is still a prevalent issue in many countries.

Credit: ILO

Global incidence of child labor

Share of children ages 5-17 involved in economic activity for at least one hour in the reference week of the corresponding survey (irrespective of school attendance)



Source: ILO - Marking Progress Against Child Labor

the fast fashion industry in recent years has created an excess of low-quality clothing, which has significant impacts on the environment. With the increase in awareness of the poor conditions within garment factories, consumers are turning to more ethical and sustainable retailers. It is the responsibility of the Legal Committee to help create change, both socially and legally, within each of their own countries.

Conclusion

The growth of multinational corporations in recent months begs the question of when regulations will finally begin to affect actions. With the advent of large conferences such as COP27, there is hope that the environmental violations presented by MNCs will finally see an end. However, individual companies within a certain industry can present different challenges. As the fast fashion industry affects individuals and entire countries, delegates should move swiftly to address the international and global community. To properly regulate these industries, it is vital to better understand the extent of their actions. An extensive look at the laws and policies that could be suggested to resolve these pressing topics is also essential to proposing holistic solutions. Through the use of the Legal Committee's mandate, delegates should come together to help regulate MNCs before it is too late.

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The National High School Model United Nations Conference (NHSMUN) is a project of IMUNA, a non-profit organization formally associated with the United Nations Department of Global Communications (UNDGC). IMUNA is dedicated to promoting global issues education through simulation.

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