**Committee: Legal**
**Issue: Exploring the legitimacy of measures taken in times of crises**
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## INTRODUCTION

With the COVID-19 pandemic causing States to take extreme measures to protect public health, a recent rise has been seen in the passing of emergency legislation. In times of crisis, it is customary for common legislative procedures to be overlooked, with governments valuing time more than procedure. Even though measures like these are usually taken in order to protect the public, they could later be proven to be damaging. Oftentimes, measures that are immediately implemented, can accommodate the needs of the public in the short term, but in the long run have devastating consequences to the economy or the structure of society. A rather common phenomenon when it comes to crisis management is for the measures taken or the legislation passed to be discriminatory against minorities or to be widening the class division. For example, during the 1980s AIDS epidemic, due to misinformation and the media's need to pinpoint the blame to a certain group, members of the LGBTQ+ community were further marginalized and stigmatized, resulting in a surge in homophobia and denial of services, such as medical care. Another example of the negative aftermath of rushed legislation is the K shaped recovery many nations have implemented during the COVID-19 pandemic. When using this type of financial recovery method, a government provides businesses with the money required to balance their losses during a crisis and keep the business world functional, while simultaneously not properly assisting low-income individuals. Even though this plan of action benefits a country's economy, it is not in the best interest of its citizens. That type of ideology is one of the many factors

contributing to the need for legitimate guidelines when it comes to governments making important decisions and taking measures during crises.

Poster from protest against the prioritization of the Economy in times of instability, USA

## DEFINITION OF KEY TERMS

### Crisis

Calling something a crisis means to frame an issue as an urgent, structural threat that necessitates an urgent course of action to avert the danger. Crucially, since the threat is structural, it means that the current status quo is not a sufficient way to deal with the threat. An alternative course of action is necessary.[1] Public authorities face a variety of crises, such as natural disasters and environmental threats, financial meltdowns and terrorist attacks, epidemics and explosions, and information and communication technology failures. Crises are not routine events (such as fires or traffic accidents). Crises are inconceivable events that often take both politicians and citizens by complete surprise. Crises occur when a community of people —an organization, a town, or a nation—perceives an urgent threat to core values or life-sustaining functions that must be urgently dealt with under conditions of deep uncertainty. [2]

### Legitimacy

According to the Oxford UK Dictionary the term legitimacy refers to the conformity to the law or rules, as well as to the ability for something to be defended with logic or justification and be valid.[3]

### Legislation

According to Merriam- legislation is the function of making have the force of Webster dictionary, exercise of the power and rules (such as laws) that authority by virtue of their



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[1] https://www.e-ir.info/2014/03/05/what-it-means-to-say-crisis-in-politics-and-law/

[2] https://www.britannica.com/topic/crisis-management-government

[3] https://www.lexico.com/definition/legitimacy

promulgation by an official organ of a state or other organization. [4]

**Crisis Management**

Crisis management, in government, are the processes, strategies, and techniques used to prevent, mitigate, and terminate crises. [5]

**BACKGROUND INFORMATION**

Throughout global history there has been an abundance of crises and in extension to those, a number of cases where they were mishandled by authority figures and legislative bodies. Many key events have been recorded in Modern History, as well as some contemporary crises, that serve as prime examples of the enforcement of illegitimate measures.

### The Wall Street Crash of 1929 and the Great Depression

On October 29, 1929, Wall Street investors traded about 16 million shares on the New York Stock Exchange in a single day. Thousands of investors were left penniless as billions of dollars were lost. Following that day, the U.S and the rest of the industrialized world plunged into the Great Depression (1929-39), the world's deepest and longest-lasting economic downturn. The exact causes of the Great Depression remain uncertain although, as economist Richard Timberlake noted in 2005, "virtually all contemporary economists[...]deny that a capitalist free-market economy in any way [could have] caused" it. [7] Americans at the time believed that the fundamental issue was the free market, and that the answer was government control and the restraint of bankers and financial markets. Today, it has been proven that the government's controls caused the Crash in the first place.

Unfortunately, it was the lower income American families who were the hardest hit by the subsequent government cuts. The government laid off approximately one-third of its civil servants and lowered pay for the remaining employees. Simultaneously, it imposed new taxes that increased the cost of living by nearly 30%, cut down education and healthcare funding and tried to minimize public relief payments to the bare minimum. All the while, those funds were relocated to the strengthening of Police forces, in an effort to stop the working-class from protesting the measures. Ultimately, the U.S government managed to find an effective and

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[4] https://www.merriam-webster.com/dictionary/legislation
[5] https://www.britannica.com/topic/crisis-management-government

sustainable solution to its problems through the New Deal (1933-1939). Even though this plan managed to fully recover the U.S throughout the next decade, the working class had starved and suffered, due to the unequitable and hostile treatment of the government toward its very citizens.

## The Troubles in Ireland

The Troubles were a period of ethnic and nationalist conflict in Northern Ireland that lasted around 30 years (1968-1998). The conflict began in the late 1960s and is generally thought to have ended with an Agreement in 1998. Although the Troubles mostly raged in Northern Ireland, the violence occasionally crossed over into territories of the Republic of Ireland and England. The
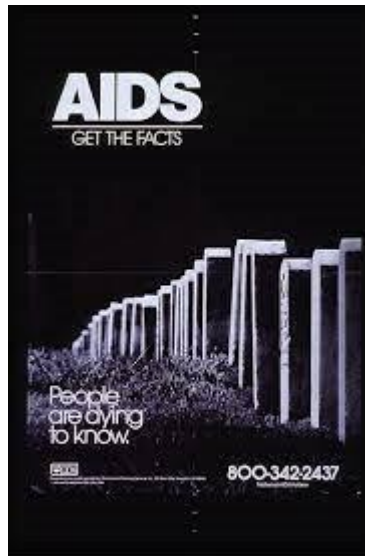


conflict erupted during a campaign by the Northern Ireland Civil Rights Association to eliminate discrimination against Northern Ireland's Catholic minority by the Protestant local government. The authorities used police brutality in an attempt to stop the protests, yet increasing tensions resulted in extreme violence in 1969 and the deployment of British troops in what became the longest ever operation of the British Army. The UK government's stance against the Catholic population and the violent tactics the Army followed not only resulted in the thirty-year deadly conflict, but they also further marginalized the minority. The consequences of these measures are still visible in today's political scene of the country, with Catholics rarely holding positions of power.

## AIDS Epidemic

In 1981, five young previously healthy homosexual men in Los Angeles were diagnosed with a rare pulmonary disease. Simultaneously, there were reports of a group of men in New York and

California suffering from extremely aggressive cancer. There had been 270 recorded cases of severe immunological insufficiency among gay men by the end of that year, with 121 of them dying. In 1982, a series of cases among gay males in California showed that the origin of the immune deficiency was sexual, and the disease was at the time dubbed gay-related immune deficiency. The word "AIDS" (acquired immune deficiency syndrome) was first used by the CDC a few months later. AIDS infections were also recorded in several European nations, and doctors in Uganda documented cases of a new, lethal wasting disease. In 1983, the Center for Disease Control and Prevention identified all primary channels of transmission and ruled out transmission via casual contact, food, drink, air, or surfaces. Later that year, the World Health Organization (WHO) held its first meeting to examine the global AIDS situation, and international monitoring was launched.

Sadly, during that time, fear mongering and misinformation ruled the media, contributing to false rumors regarding the transmission of the disease and ostracizing gay communities. With the epidemic mostly affecting the USA at the time, it would be expected that authorities would act to inform and protect people. However, no political figures of the country even mentioned AIDS, until 1985. In fact, up to that point, government officials contributed to the stigma of the disease, dodging reporter's questions via crude comedy.[8] This ignorance on the part of the government also brought about the underfunding of hospitals and the inability to conduct proper research on the disease, with healthcare workers helplessly facing an epidemic. As previously mentioned, President at the time Ronald Raegan first acknowledged AIDS during an interview in 1985, and soon after Congress allocated 190 million dollars to research. It is very important to note how government mandated measures came after tens of thousands of people had suffered from the disease. The AIDS epidemic is the perfect example of ignorance and avoiding responsibility. No measures being taken during a crisis is the most illegitimate course of action a State might take and not taking accountability is in itself a sign of malice. That is exactly why it is important for both short-term and long-term solutions to be offered, even when there is a danger of them proving to be problematic later on.

### 9/11 and the Afghanistan Evasion

On September 11, 2001, militants affiliated with the Islamic extremist group Al Qaeda hijacked planes and conducted suicide attacks against US targets. Two of the aircrafts were crashed into the World Trade Center twin towers in New York City, a third plane was flown into the Pentagon outside of Washington, D.C., and the final plane crashed in the Pennsylvania countryside. Almost 3,000 lives were lost in the 9/11 terrorist attacks, which prompted substantial counter-terrorism policies in the United States and in extension, the rest of the world. Due to these attacks, the fight on terrorism intensified and useful legislation was passed. Most measures taken in the following years have been extremely helpful and crucial in combating dangers posed by extremist groups. For example, airport and airline security has been strengthened across the globe and travelling has become safer for all.

However, some actions taken by the US government during the 9/11 retaliation years have been harmful to innocent communities. A few months after the attacks, the U.S. launched an operation to oust the Taliban regime from Afghanistan, which had Al Qaeda under its protection. This operation is still running, even though its goals have been achieved. During the U.S. army's stay in the country, its economy has come to largely rely on the troops, meaning that their complete withdrawal could have fatal consequences to the nation. In addition to the economy being vulnerable due to the U.S. forces, it is also important to mention that in March of last year,

the International Criminal Court (ICC) launched an investigation into potential war crimes committed by both sides in Afghanistan. The US forces went into the country as liberators, avengers, to stop a terrorist regime from holding power. Twenty years later, it is clear that measures taken by one nation in times of crisis, can potentially be catastrophic to another.

## Global Financial Crisis 2007

The Global Financial Crisis (GFC) was a time of intense stress in global financial markets and banking networks that lasted from late 2007 to early 2009. During the GFC, a slump in the U.S. housing market served as a spark that ignited a financial crisis that expanded from the U.S. to the rest of the world via global financial system interconnections. In some countries, effects of the GFC are still palpable today, due to measures taken during it. In the wake of the crisis, EU agencies and banking giants enforced loaning policies, assisting nations make it through with as little damage as possible. Despite that, countless jobs were lost and the emergency measures taken ended up indebting some EU Member States to the point of bankruptcy. This development ultimately resulted in the European Debt Crisis, which mostly affected smaller EU countries, in the years following the GFC.

## Refugee Crisis in the Mediterranean

Starting in 2014, large groups of people have come to seek refuge or a brighter future in European countries. Refugees mostly start their journeys from war ridden countries and politically unstable regions in Asia or Africa. Another cause of mass migration in recent years has been climate change, which causes previously prosperous areas to become uninhabitable. With EU host countries often being overwhelmed by the sudden rise in population, many rash and unreasonable measures have been taken by governments. These measures have also resulted in outrage on the part of the global community, asking for fair and humane treatment of refugees, a request that under different circumstances would have been self-evident. Unfortunately, the still economically recovering EU nations at the front lines of the Refugee Crisis (Greece, Italy, Spain and others) have oftentimes been proven to be unable to properly provide humanitarian help to migrants and have resulted in ineffective and harsh measures such as blocking their borders or creating unsanitary camps. In times of crisis, it is customary for authorities to struggle before they find an effective solution, but the Mediterranean Refugee Crisis has proven to also

be highly affected by financial disability on the part of the hosts, as well as xenophobia, Islamophobia and racism deeply rooted in society.

## COVID-19 Pandemic

In December 2019, the first human infections of COVID-19 were reported in Wuhan, China. In January 2020, the WHO labeled the COVID-19 outbreak a Public Health Emergency of International Concern, and in March 2020, it was declared a pandemic. The pandemic caused most countries to take extreme measures to protect public health, such as going into complete lockdown, temporarily closing businesses and attempting to digitize education. With the global spread of the virus in mere months, authorities had to act quickly and pass legislation that would protect citizens without violating their personal rights. Such a health crisis hadn't come about in years and in many countries, measures taken were received as extreme and constricting. Questions about the authority of a government to mandate mask use and how it infringes on bodily autonomy came about, as well as protests about protecting the free market. Another very important factor to take into consideration is how the pandemic has affected the world economy. With businesses having to relocate the bulk of their work online and restaurants, entertainment and art houses losing most of theirs, the rates of unemployment once again increased. Also, with school children staying home all day, the need for extra food and caretaking became urgent. Thus, most governments decided to provide their citizens with stimulus checks that, after months of lockdown, were proven to be insufficient. Many nations chose to compensate businesses for their projected losses during COVID, resulting in the business world remaining intact but for lower-class families to find themselves struggling to survive. This sort of recovery plan is called K-shaped recovery and presents the perfect example of a government prioritizing financial prosperity over people. All the aforementioned measures were taken in good faith and in great haste, but they have been met with legitimate concerns and protests globally.

## MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

## United States of America (USA)

The USA is one of the countries with the most controversial sets of measures taken in times of crisis. We should always bear in mind that the policies are directly correlated with the respective

party in office. Two main issues that developed into becoming major crises in the USA are the Black Lives Matter movement and the US-Mexico borders policies.

The deaths of George Floyd, Breonna Taylor, and Tony McDade are the most recent examples of institutionalized police discrimination and consequently violence against people of color and especially African Americans. The United States makes decisions and criticizes protests on the prospect that they are a legitimate nation, and in this particular case a fair one, as well. Hence, founding their rationale in this argument, the citizens shall obey the laws and the only permissible protests are non-violent ones. The point in this discussion is to pose the question: What kind of protests are justified in a non-legitimate and fair state? The aforementioned was the first part of the analysis. In the current US reality, police brutality is an issue that caused powerful movements by millions of people worldwide. From the point of view of the US government, these protests were a crisis; and thus, necessitated a careful and diplomatic response. There were a lot of cases, in which the police responded with more violence or there were efforts to discourage the citizens from expressing themselves freely. These incidents raise serious questions about the legitimacy of measures taken by the state during the BLM movements.

The second issue revolves around immigration and more specifically asylum seekers from Central America trying to enter US soil. Donald Trump, during his presidency, imposed strict legislations to hinder migration from Mexico and significantly reduce the number of asylum seekers. Although Joe Biden was expected to withdraw these measures, he chose to let them be. Migration in the US could certainly be characterized as a crisis. It has been a controversial issue for years now and it has inflamed polarization in the realm of politics. Migrants in the borders have faced homelessness, violence, kidnappings, rapings, and assaults, while often children have been separated from their families. The Supreme Court is now questioning the legitimacy of these measures taken, as forcing asylum seekers to wait in Mexico was contrary to the text of law called Immigration and Nationality Act and could also violate the principle of non-refoulement.

**France**

The issue of the legitimacy of measures taken in times of crisis applies in the case of France as well. A heated discussion revolves around the policies of the government on the COVID-19 crisis.

More specifically, the French government imposed surveillance with drones in public places to ensure easier detection of coronavirus cases and their contacts and compliance with the safety rules. This is a characteristic example of a measure taken in a time of a severe national crisis; hence, the controversy is formed. The French government's aim is to alleviate the magnitude of the pandemic and in that sense we can attribute some sense to their decision to implement the policy. On the contrary, it is inevitable that there was a reaction by the citizens and particularly activist groups. Drone surveillance is a direct violation of the right to privacy and by extension freedom of movement and action. Moreover, the trust in the government may be compromised, as their motives may be questioned.

Recently, the French highest court, the Conseil d'Etat, reached the conclusion that this measure is illegitimate, after La Quadrature du Net (LGDN), a French activist group initiated proceedings. The court ruled that the footage collected by the drones flying in low altitudes was personal data, since the individuals were identifiable. Thus, the activities of the policy amounted to data processing, and the procedures fell within the French data protection law. This law requires certain authorization steps, which were not fulfilled by the state. The Court ordered that all drone surveillance activities are suspended until the state meets the necessary requirements to run this operation.

## Norway

As expected, the most fruitful discussions about government legitimacy relate nowadays to the COVID-19 pandemic. In the case of Norway, contrary to France, for example, the state managed to implement measures to combat the effects of the pandemic in a legitimate and effective manner, according to expert reports. The authorities managed to avoid the more absolute and 'draconian' measures, such as curfews, full shutdown, border closure, by appealing to the citizens' solidarity and sense of social duty. The government imposed a joint strategy of advice, guidelines, and mandatory directives, which was followed by potential sanctions for non-compliance. The general response of the public was positive and loyal. In this particular case, government capacity and legitimacy were successfully combined to counter a crisis with minimum costs. Hence, this proves that if authorities work in cooperation with the public, having its best interests at heart, the response will be collaboration from its part, as well. If we were to

compare country responses to the pandemic, it would be made clear that between France, which to some extent imposed illegitimate measures, and Norway, the policies of which were legitimate in their vast majority, the latter was significantly more efficient.

## United Kingdom (UK)

In recent years, the United Kingdom, and especially Great Britain and Northern Ireland, have been facing challenges in internal and foreign affairs, because of the Brexit deals and its impact on British society and economy. In that case, as well, the issue of governmental legitimacy arises. British exit from the European Union (EU) has been discussed since the 'Margaret-Thatcher-era', and yet the actions were initiated during the term of current UK prime minister Boris Johnson. The question of legitimacy is one of the reasons why Brexit could be seen as problematic. In 2016, the UK conducted a referendum on the theme of European Union membership and according to the official results, the 'Remainers' prevailed. The government, though, still proceeded with leaving the EU.

First and foremost, it is reasonable to assume that Brexit constituted a crisis, not only for the British people, but rather for the whole of Europe and Britain's major trade partners. So, the state had valid reasons to take active measures to alleviate the crisis. The crucial question is: 'Are they legally justified to ignore the results of the referendum and decide on the future of the UK on their own?' or 'In the face of disagreement or opposition, who has the right and power to make political decisions?' Bearing in mind that the UK has a representative system, this in comparison to a referendum, which projects the elicited will of the people, could be disruptive. The answer, then, to the above questions must be simple; it is the government or legislature, acting based on the mandate brought about by an election or plebiscite (=referendum). In the case of the UK, though, after the referendum there was significant unrest and accusations that individuals or institutions were tampering with legitimate proceedings were common. As a result, the question of whether it was legitimate for the state to undermine the wish of the people was legitimate still remains unanswered.

## Afghanistan

The case of Afghanistan is rather complicated. As a generally centralized government, the state holds immense power and influence over the people. The efforts towards a more democratic

nation have been deficient, especially nowadays with the Taliban domination. Since the Taliban have not yet formed a government in the traditional sense, it would be more meaningful to examine the actions of the Afghan state before the change in the regime.

There has been a plethora of controversial policies and measures that constitute human rights violations or signs of inefficient governance. The current conflict in Afghanistan has been causing violence and a great number of casualties for approximately 20 years. However, the Talibans and other armed forces continue their attacks and aggression. This phenomenon raises important questions on whether the state was really trying to combat the issue or impunity prevailed. The recent developments prove the latter. All these armed groups specifically target civilians and their properties, bringing about great unrest and by extension human rights violations. Thus, when the government remains inactive towards such events that certainly constitute a crisis it is natural that the issue of illegitimacy may arise. Moreover, women and girls are being targeted and consistently face violence, harassment, intimidation, and marginalization. They are deprived of equal opportunities and basic human rights. Additionally, due to the COVID-19 pandemic the Afghan health system has been overwhelmed and it necessitated revitalization and state support. The government's response has been widely criticized with allegations of corruption and discrimination. Reports claim the fact that poorer households were excluded from the bread distribution lists due to their lack of membership to the community mosque. As a result, the issue of state illegitimacy plays a key role in the explanation of such incidents. Lastly, Afghan asylum-seekers continued to be forcibly repatriated, especially from Iran, where they were attacked by the local security forces. To sum up, the Afghan government has either proved to be unable to handle the severe issues tormenting the country, or completely disregarded the interests of the people in comparison to their own.

## TIMELINE OF EVENTS

| Date | Description of Event |
|------|----------------------|
| 1929 | Wall Street Crash, Collapse of Global Economy |

| 1933 | US New Deal marks the start of financial recovery and marks new era of stability |
| --- | --- |
| 1969 | UK deploys troops to Northern Ireland in an attempt to curb civil rights uprisings |
| 1981 | First recorded cases of AIDS in the US |
| 1985 | Ronald Reagan discusses AIDS epidemic for the first time, measures are taken to protect public health |
| 2001 | Al-Qaeda attack to the Twin Towers in New York City |
| 2007-2008 | Global Economy collapses |
| 2014 | Migration through the Mediterranean Sea sees rise, as people from Asian and African countries seek refuge in EU |
| 2020 | Countries go into lockdown following the breakout of the COVID-19 Pandemic |

## POSSIBLE SOLUTIONS

This topic is multifaceted and being able to provide feasible and specific solutions to it is quite difficult. However, there are some basic components of the issue that are vital to finding a solution and should serve as the foundation of all propositions put forward in the committee.

### Accountability

Governments taking accountability for their past and present actions is of great importance. When measures taken by a State are proven to be illegitimate, the government owes its people to own up to their mistakes and try to correct them instead of concealing them. However, in matters as important as the crises we are currently exploring, accountability in the public eye is not enough. It is critical for illegitimate actions to be brought to organizations such as the United Nations, the EU and the ICJ, which could determine the most effective course of action when it comes to recovery and retaliation.

**Specific Guidelines**

A way of preventing the implementation of illegitimate measures to be taken in times of crisis is for Nations to agree on a set of Guidelines to be followed. Of course, it is important for each state to be able to determine their own policies and we must always take into account the different governmental systems that are in place in each country. Thus, it is vital that countries discuss and agree on a set of rules on how to react in each individual crisis scenario (epidemics, natural disasters, economic recessions etc.). This would not only benefit governments by creating ready-to-use emergency plans, but it would also serve as a way for them to be held accountable if found guilty of violating such basic principles.

**Public Opinion**

In times of crisis, the public's opinion on the measures taken to protect it is not a factor to be taken into consideration by authorities. Even though it is justifiable for governments not to have the time to educate citizens on a matter and consult them before acting, public opinion is often voiced in ways that can actually reach legislative bodies. Recognizing that a reasonable crisis management is not in the hands of the people, they still have a say in the future of their country. While being able to act under pressure is a very important quality for authority figures to have, another trait that should be valued is being able to listen. Oftentimes, in times of crisis, there is public outcry regarding the course of action governments take. As long as the people's demands are legitimate, non-harmful and expressed in a clear way, they should be valued by governments, seeing as the ones impacted by the crisis should not also be silenced by their very representatives.



Protesters in Germany urging the government to accept more immigrants during the

Mediterranean Refugee Crisis

**Anti-Discrimination Policies**

When making any decision, politicians must always ensure equality between all the people they are responsible for. In times of crisis, social issues are often overlooked in the name of fast and effective recovery of the state. However, it is important for minorities, low-income individuals and other vulnerable groups not to suffer in the name of the public good. Taking this into consideration, it would be beneficial if anti-discrimination policies were mandated in all Member States, protecting citizens in times of crises. For example, during a financial crisis, authorities should distribute equitable financial assistance to all, not forcing people into debt or poverty, etc.

**UN Consultation**

A sustainable method of ensuring the legitimacy of measures taken in times of crisis would be for Member States to directly voice their concerns to the UN. The UN already has a Crisis Management team, mostly focusing on Humanitarian Crises, but another Council aiming to assist Nations react in the best way possible in emergency situations would be beneficial. Having a neutral and peace-centered advisor would definitely ensure that governments take legitimate and effective steps in the right direction. In your resolution you should mention how such a body can be created, including funding, ensuring credibility and objectivity and legitimacy.

**Utilizing Technology**

Circling back to the importance of public approval, an easy way for governments to educate and consult their citizens in times of crisis, would be to reach out using modern technologies. During the COVID-19 pandemic, we have seen a dramatic surge in the digitalization of resources and public services, with authorities even giving important updates about new restrictions via text message. Thus, it wouldn't be impossible for this new age of government to strengthen democracies by creating platforms where citizens are safe to voice their opinions and actively participate in decision-making processes during crises. Revolutionizing the system of governance, especially during difficult times, might be daunting, but could potentially lead to a more sustainable recovery plan.

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