

Topic 1: Protection of personality rights in the context of virtual reality and deepfakes

INTRODUCTION



1: Jang Ji-sung meeting her deceased daughter Na-yeon

https://www.koreatimes.co.kr/www/art/2020/04/688_287372.html

In 2020, the documentary Meeting You tells the story of a grieving mother reconnected to her child, whom she recently lost to sudden illness. South Korean startup Vive Studios digitally rendered an image of the deceased daughter using 3D imaging of her little sister, recreating her voice with basic AI algorithms. The mother is overcome with emotion when she meets the virtual reality rendering of her daughter, and has what she describes as a good experience, giving her closure over the death of her child (Hayden, 2020).

Like in the story depicted in Meeting You, technologies like

virtual reality (an immersive simulated experience meant to feel like real environments) and deepfakes (media in which existing video or images are altered to contain others' likenesses or contain highly convincing altered content) provide abundant opportunity for positive effects on the human condition. Like any other tool however, they can also be used maliciously and can drastically diminish people's well-being or freedoms, whether intentionally or not. Though in the instance of the mother from the documentary it seems a singularly beneficial use of the technology, the act of so realistically recreating the likeness of any person brings no shortage of ethical questions. For example, who can authorize such renderings of a minor, or of a deceased person? Who owns the likeness of the likeness, and what can the firm rendering it do with it?

Though there has been some public attention directed toward platforms that give audience to deepfakes and illicit likenesses, including virtual reality applications, much of the effort has been to mitigate the harm of widespread misinformation. While a serious issue, the principle harm to the individual is the unlawful and non-consensual use of a person's "image, mannerisms, voice, and other traits [resulting] in a loss of autonomy and dignity", a harm for which existing penalties for appropriating personality should be applied (Judge & Korhani, 2021).

At the heart of these questions is the right to own one's own personality. Though this right is defined and protected variably across the globe, its existence is acknowledged by the United Nations in the 1948 universal declaration of human rights. Article 22 guarantees “the



2: Eleanor Roosevelt holding the declaration

right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” (United Nations, 2022) Through its inclusion in the fundamental declaration, upholding the right to personality is mandated by the United Nations.

<https://www.thoughtco.com/eleanor-roosevelt-universal-declaration-of-human-rights-3528095>

TOPIC HISTORY

Unlike the thought of convincing fake realities, the concept of personality as an inalienable right was first recorded centuries ago. First mention of a right to personality in European law is made in 1804 Article 1382 of France's *Code Napoléon*. Influence from rights given here progressed through neighboring states, and in 1877, three German scholars of law, Gareis, Gierke, and Kohler, developed the idea of a generalized right to personality, which would give way to specific protections such as physical integrity, freedom, and dignity of personality. In his work, Gierke distinguished personality rights as private, non-patrimonial, and connected to the personality of an individual, terminating at their death (*Personality rights: A comparative overview*, 2022). The ideas contained in their works would later appear implicitly in the legal system of several states, and is explicitly referred to in Germany's civil code.

Soon after similar endowments were championed for in the United States of America in the form of two interrelated rights. In 1890, Brandeis and Warren published “The Right to Privacy”, asserting of ones innate right to be left alone, and that those who infringe on this right ought to be liable for the harm doing so causes (Heugas, 2021). From the right to privacy, a right to publicity—which grants ownership of commercialization of a personality and authorizes action against those who infringe on this right—was derived in the 1953 case of *Haelan Lab. V. Topps Chewing Gum, Inc.* In this groundbreaking case the American court allowed the image of a famous baseball player to be used by multiple chewing gum companies, affirming that an individuals right to privacy is “personal, not assignable”, and that such a contract was a release of liability for using the players image, rather than a grant of ownership or exclusivity (Haelan Laboratories, 2021). This case cemented “The Right of Publicity”, as it was later dubbed in the 1954 article bearing the same name by Nimmer.

While the development of jurisprudence is gradual and slow, technology has proliferated exponentially with time. The use of aspects of ones personality first came from endorsement of massively recognized corporate brands made possible by incredible technological advancements. The advent of mass media and commercialization made possible the prevalence of celebrities whose likenesses obtained tangible value.

Recent advances in technology allow for the imperceptible impersonation of someone’s voice or image, even allowing for the creation of long videos. These videos, termed “deepfakes” in a 2017 reddit post, are made possible by machine learning algorithms that create artificial neural networks and are a product of enhanced computing power in recent years (Somers, 2020). In addition to legitimate business, educational, and scientific uses, deep fakes provide opportunity for illegitimate use of aspects of personality, including personal image and brand.

In addition to more sophisticated digital editing and deep fakes, recent progress in computing and graphic rendering has allowed for the development of virtual reality (VR) systems that are both affordable and desirable. VR first came



3: Picture of Vern Bickford used to promote Topps Chewing Gum



4: Deepfake of Richard Nixon, using AI to approximate facial expression and speech

<https://www.mic.com/impact/in-a-chillingly-realistic-deepfake-nixon-mourns-the-loss-of-the-apollo-11-astronauts-29538904>

into public consciousness in the 1990's, popularized by depiction in media and early attempts at implementation that date back to the 1950's (B, S., 2017). More recently in the 21st century, large tech companies and start ups alike began to adopt the idea, with notable contributions from Google and Oculus. Starting in 2015, VR appliances became widely available to the general public with hundreds of companies world wide developing their own VR products (Barnard, 2019).

CURRENT SITUATION

With the rising prevalence in use of VR technology, digital likenesses of all aspects of personalities are becoming more valuable with novel uses appearing increasingly often. Technology has outpaced legislation and the expansion of protections.

The success of states and their judicial institutions in upholding this right in the wake of the internet age has frequently been held into question. In comparison of English protection of personality rights in the age of deepfakes to a possible "golden standard" found in California, researchers determined that neither model is sufficient in this protection. Though the two legal frameworks are distinct, they both fail to provide a solution to a deepfake threat. The authors suggested that each unique legal body could be expanded and amended in ways specific to the preexisting body (Farish, 2019). Rather than implement a universal framework, it may be the role of the international legal community to incorporate necessary protections into current legislation and jurisprudence.

In a study of the rights of personality in the digital front, researchers identified a contrast between the difficulty with which judicial processes can regulate availability of information on the internet, and the relative ease with which search engines and web pages can remove information when such request are made directly or internally. Further it was found that though information can be deleted, doing so may be complicated or useless given the nature of the information; if other users have the same information saved elsewhere it may be impossible to remove entirely. Such complexity was taken into account in the 2014 Court of Justice of the European Union case in which the CJEU ruled that Google was obligated to remove certain irrelevant and negative search results pertaining to a Spanish citizen, Mr. Costeja, and that from then on search engines would be obligated to remove personal information that is no longer relevant to public interest (Right to be Forgotten, 2022). In so doing Google and other search engines were given the role of judge of information as it pertains to the personal right to be forgotten. Similarly, it may fall to the companies that provide rendering of personal likenesses in the VR age to judge information as it pertains to the right to personality and to the countries in which they operate to hold companies to this obligation.

DIRECTIVE

It is the role of this committee to address the gap between new threats to given rights of personality and current legal systems. In proposing solutions delegates should work together to identify how rights may be violated by unpredictable technologies, how to prevent such violations, and how to hold accountable the violators. In addition to responding to novel threats as they emerge, delegates should incorporate solutions that increases adaptability of legal

safeguards and accountability of corporations that realize the negative implications of new technologies.

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Topic 2: Mitigation of Bioterrorism within Displaced Communities

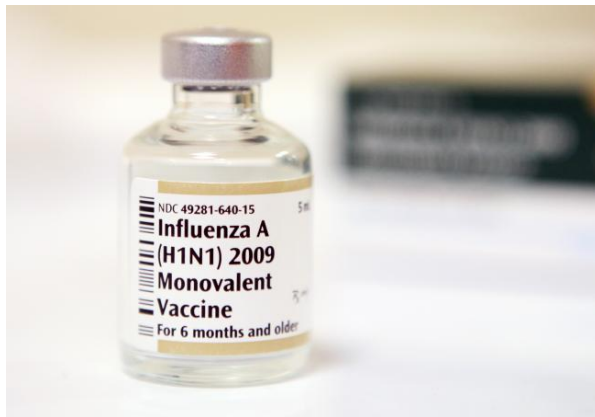
INTRODUCTION

In an age of unprecedented interconnectedness, the global community faces extreme risk of world wide pandemic. The same impressive logistics channels through which a good can be manufactured and then distributed across the world in a matter of days can also transmit a number of highly communicable diseases. In 2009, the H1N1 avian influenza, for which the world had been preparing for nearly a decade, developed into a full pandemic. Though the global public health community had been preparing for its arrival, the pattern of emergence did not align with anticipated patterns, and governments were left unprepared and uninformed. School closures in the United States and strict social isolation and quarantine measures in China were labeled as overly disruptive. Ultimately the dissemination of information, social mitigation practices and eventually vaccines would bring the World Health Organizations official declaration that the pandemic had ended (N, L).

With an increased risk of global infection comes an increase in the malicious exploitation of this susceptibility. This act, Bioterrorism, can be broadly defined as the use of microorganisms

or pathogen infected samples to threaten or instill fear in a large group of people. Though most states have agreed to the nonproliferation of such biological weapons, a sufficiently skilled non state actor could develop and widely distribute an effective biological weapon.

In the wake of the 2009 H1N1 pandemic and the more recent COVID-19 pandemic, measures considered most successful in mitigating global public health crises are a combination of social and medical mitigation efforts. Theses include strong and prepared public health infrastructure and the rapid development of best practices for individuals that can then be brought to the public. Both of



5: Vaccine for the 2009 H1N1 Influenza Pandemic

<https://www.skepticalraptor.com/skepticalraptorblog.php/h1n1-flu-vaccine-eff>



6: Displaced community in Uganda

<https://theconversation.com/how-music-helps-us-understand-displaced-communities-in-uganda-129390>

the aspects of crisis mitigation are greatly limited in communities of displaced peoples, who have diminished access to health care and diminished ability to receive and understand governmental information campaigns. Because of this, and the greater level of poverty associated with displaced communities, they are particularly susceptible to acts of biological terrorism, and conventional measures for mitigating bioterrorism may not include certain displaced communities. Additionally, one factor considered when deciding whether to resettle displaced people is the impact doing so can have on the health of local citizens. In addition to the potential spread of previously localized illnesses, local communities may fear the added strain on health infrastructure (Pournima, 2018). For these reasons added prevention and mitigation measures should be established for these communities, with care given to the risk of the communities themselves, and those they indirectly impact.

TOPIC HISTORY

Bioterrorism dates back centuries, and the earliest well documented example involves 14th century before common era (BCE) Hittites delivering diseased rams to their enemies. Similar examples of biological warfare litter the millennia leading up to the age of microbiology, from 1346 CE when Mongols launched deceased plague victims into a sieged city, to 1863 CE when American Confederates sold cloth infected with yellow fever and small pox to Union soldiers. The discoveries of 20th century science would elucidate the mechanisms through which such biological strategies acted, allowing for the development of strategic biological weapons (*History of biological warfare and bioterrorism*). The culmination of public fears surrounding new biological weapons development programs in World War I were encompassed in the first Geneva Convention in the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Biological Methods of Warfare in 1925 (Legal Information Institute).

Research into biological weapons continued in the interwar period through to the cold war, notably in Germany, the United States, the Soviet Union, the United Kingdom and Japan had all developed robust biological weapons programs. In response to aggressive research and rising fears, the World Health Organization pressured the ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC), enacted in 1975 (*Convention on the prohibition*

of the development, production and...). Today the convention has nearly unanimous support, with 183 States Parties, the stated support of Taiwan, and 4 signatories who have not yet ratified the convention, to include Egypt, Haiti, Somalia, and Syria (*Facts sheets & breifs*). The convention prohibits having biological agents except for peaceful purposes, developing new biological technologies for



7: BWC parties at review meeting

<https://www.armscontrol.org/act/2016-01/news/bwc-parties-prepare-review-meeting>

military action, and destroying current stockpiles of biological agents. Despite the efforts of the convention, some state sponsored development of biological weapons has continued, as in Iraq under the leadership of Saddam Hussein (*History of biological warfare and bioterrorism*).

Contemporarily, the main concern of bioterrorism is the use of biological weapons by non-state actors. Since WWII few instances of bioterrorism have occurred, to include attacks from religious groups in 1984 in Oregon, and in 1995 in Tokyo. Most recently, postal packages containing samples of *Bacillus anthracis*, or Anthrax, were delivered to various news media sources and politicians, infecting 22 and killing 5 (*History of biological warfare and bioterrorism*). Though no large scale instance of bioterrorism has occurred in recent history, the threat still looms as an exceptionally exploitable weakness in ill prepared communities.

CURRENT SITUATION

Displaced peoples comprise communities that are especially ill prepared and susceptible to biological terrorism. Currently an estimated 26.6 million refugees and 50.9 internally displaced people make up these incredibly susceptible populations(*Refugee statistics*). Because displaced communities often share ethnic, cultural, or geographic origin, they may be targets of non-state terrorist groups acting in nationalistic, religious, or racial extremism. The recent European refugee crisis in 2015-2016 provides through example information on how an influx of migrants can affect public health infrastructure, and on the health of the migrants themselves. It is well documented that local populations are not greatly threatened by incoming migrants, but that migrant populations have diminished health prospects, with higher rates of communicable illness and deaths (Springer Netherlands).

Further, it has been suggested that migrant populations have a causal relationship with domestic terrorism in host states. In a 2016 study of migration patterns and their effect on terrorism, researchers concluded that migration from terrorist-prone states “are indeed an important vehicle through which terrorism does diffuse”, but that “migrant inflows per se actually lead to a lower level of terrorist attacks” (Bove, 2016). The relationship explored by the study is a complicated one, and though host populations may be in some ways negatively affected by immigration of displaced communities, the well-being of both parties should be prioritized, allowing for safe integration of migrant populations when possible.

The 2019 global pandemic has again alerted the global community to the collective susceptibility humanity faces to pathogens. Increased globalization has enhanced the efficacy of bioterrorism, and necessary improvements to global public health infrastructure have not been made. In 2020 the United Nations Office on Drugs and Crime (UNODC) hosted an event entitled “The International Legal Framework against Biological Terrorism” to highlight existing legal instruments available in combatting biological terrorism. In the event, Chief of UNODC’s Terrorism Prevention Branch emphasized the “need for strengthened capacity to respond effectively to bioterrorism”, a need recently highlighted by the Secretary General. In strengthening preparedness, international cooperation, adherence to existing legal framework, and creation of effective threat assessment tools are all essential in mitigating bioterrorism (2020 *International legal framework against...*). Among important legal frameworks are International Maritime Organization (IMO) and International Civil Aviation Organization (ICAO) legislation that mandates criminalization of bioterrorism acts in global communication sectors. Additionally, UN Security Council resolution 1540 requires states to have adequate

legislation in place, and cooperate with one another to counter proliferation of biological weapons from non-state actors.

DIRECTIVE

It is the role of this committee to consider the unique threats to global health that displaced communities in conjunction with bioterrorism pose. Delegates should collaborate to hold member states to existing standards, while expanding bioterrorism mitigation efforts to include protections for the significant portion of the global population who live in displaced communities. In doing so, delegates should balance the well being of all global citizens and the safety of displaced communities against the cost associated with the unique challenge this creates. Delegates should bear in mind successes of the past, focusing attention on interstate cooperation, adherence to intergovernmental legal frameworks, and risk assessment tools.

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Pournima Sridarrana Kaushal Keraminiyagea Nishara Fernandob, A. links open overlay, Pournima Sridarrana, a, Kaushal Keraminiyagea, Nishara Fernandob, b, & Abstract The rate of internal displacements and consequent resettlements are increasing rapidly and drawing the attention of the world. More often than not. (2018, February 22). *Acceptance to be the host of a resettlement programme: A literature review*. Procedia Engineering. Retrieved August 19, 2022.

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