

# NHSMUN

National High School Model United Nations

2023

## BACKGROUND GUIDE: LEGAL

**Topic A:** Ownership and Possession of Cultural Artifacts

**Topic B:** Regulating Transnational Corporations

**Secretary-General**  
**Ming-May Hu**

**Director-General**  
**Ana Margarita Gil**

**Chiefs of Staff**  
**Victor Miranda**  
**Kylie Watanabe**

**Conference Services**  
**Yohan Mutta**  
**Dennis Zhang**

**Delegate Experience**  
**Max Bross**  
**Yui Ogihara**

**Global Partnerships**  
**Pierre-Etienne**  
**Courrier**  
**Safa Elzanfali**

**Under-Secretaries-General**  
**Joseph Agarwal**  
**Hunter Atkins**  
**Ananya Chandra**  
**Samantha Chen**

**Christian Hernandez**  
**Brandon Lin**  
**Rekha Marcus**  
**Kara Murphy**  
**Rhea Raman**  
**Scarlett Royal**  
**Therese Salomone**  
**Meg Torres**  
**Sachee Vora**  
**Amy Zeng**

Dear Delegates,

I am so excited to welcome you to NHSMUN 2023! My name is Parthav Easwar (he/him/his), and I am pleased to serve as your Director for the Session I simulation of the Sixth Committee of the General Assembly, better known as the Legal Committee. This year, my wonderful Co-Director, Shanaya Harjai, and I have chosen and researched two topics about key issues related to international law: “Ownership and Possession of Cultural Artifacts” and “Regulating Transnational Corporations.” We look forward to seeing you develop amazing solutions and hold educational discussions throughout your time as a delegate, both in preparation and at the conference.

To give you a little information about myself, I am a junior at American University in Washington, DC, but I am originally from Portland, Oregon. I am a double major in Political Science and Environmental Science. I also will have just completed a semester abroad studying Food Sustainability in Copenhagen, Denmark, by the time the conference rolls around. I have always been very interested in understanding the world, history, and how countries interact. My classes and my history in Model UN have helped me achieve a more comprehensive understanding of the world.

I have been involved with MUN for seven years, serving as the Captain of my high school’s MUN team and Assistant Director of the Food and Agricultural Organization last year at NHSMUN 2022. I’ve also taken on various on-campus advocacy roles over my time at AU by participating in both Bhangra and Bollywood dance teams, serving as a Senator in AU’s Student Government, and working as a barista at an on-campus coffee shop. Outside of school, I enjoy cooking and food, exploring cafes and bookstores, and traveling and gardening.

Model UN can be scary, no doubt, and both Shanaya and I have been in your position as delegates, whether you are a seasoned delegate or this is your first conference. Please treat me as a resource, as I am dedicated to making this committee the most educational, enjoyable, and comfortable experience possible. Collaboration and learning are our goals at NHSMUN, and I hope to see all of you actively participating and enjoying your time in committee.

It may not feel like it right now, but it won’t be long before the Sixth Committee of the General Assembly convenes at the Hilton Midtown in March. When we do, I will be there as your biggest supporter and your greatest resource. I can’t wait to see what you will accomplish. If you have questions or concerns or simply want to reach out, please feel free to contact Shanaya or me. See you soon!

Best,

Parthav Easwar  
Director, Legal  
NHSMUN 2023, Session I  
[nhsmun.legal@imuna.org](mailto:nhsmun.legal@imuna.org)





**Secretary-General**  
**Ming-May Hu**

**Director-General**  
**Ana Margarita Gil**

**Chiefs of Staff**  
**Victor Miranda**  
**Kylie Watanabe**

**Conference Services**  
**Yohan Mutta**  
**Dennis Zhang**

**Delegate Experience**  
**Max Bross**  
**Yui Ogihara**

**Global Partnerships**  
**Pierre-Etienne**  
**Courrier**  
**Safa Elzanfali**

**Under-Secretaries-General**  
**Joseph Agarwal**  
**Hunter Atkins**  
**Ananya Chandra**  
**Samantha Chen**  
**Christian Hernandez**  
**Brandon Lin**  
**Rekha Marcus**  
**Kara Murphy**  
**Rhea Raman**  
**Scarlett Royal**  
**Therese Salomone**  
**Meg Torres**  
**Sachee Vora**  
**Amy Zeng**

Dear Delegates,

It is my honor and pleasure to welcome you to NHSMUN 2023! My name is Shanaya Harjai, and I am incredibly excited to be serving as the Director for the Session II simulation of The Legal Committee of the UN General Assembly. For this year's simulation, my Co-Director, Parthav Easwar, and I have handpicked our two topics: "Ownership and Possession of Cultural Artifacts" and "Regulating Transnational Corporations." With equally complex and fascinating topics, our simulation of the Legal committee is sure to be full of fruitful discussions.

Before going any further, I would love to formally introduce myself. I hail from Calgary, Canada, and am currently in my third year at the University of Calgary, where I am pursuing a degree in Social Work. Many of my courses have aided me in my Model United Nations journey as I continue to learn about social and legal policy with domestic, national, and international implications, and subsequently apply such learnings to my approach to MUN. Much of my time outside of my academic life revolves around public speaking with a focus on the intersection of law, international relations, and social work.

My MUN journey began six years ago in High School, where I was introduced to this exciting extracurricular. Over the years, I have had the immense pleasure of attending many conferences as a delegate, chair, and trainer alike. Last year, I served as the Assistant Director of the Union for the Mediterranean at NHSMUN 2022, and I am honored to continue my NHSMUN journey by leading the simulation of the Legal committee! Apart from Model UN, I serve as the Vice-President of Training in the University of Calgary Moot Court Society, Head of Marketing on the Executive Board of Directors at Canadian Law Review- Canada's official undergraduate legal journal, and the Chief Information Officer for the Moot Law Society of Canada. I love to read novels (specifically murder mysteries), listen to music, and binge any good show I can find on Netflix.

As you begin your journey through NHSMUN 2023, I want you all to know that I have been in your position a countless number of times. MUN can often be a daunting activity, both while leading up to a conference, and once the committee sessions have begun. Nonetheless, the entire dais team is here to make your NHSMUN experience as rewarding, exciting, and educational as possible. It is myself, and the rest of the dais teams' top goal that you make meaningful connections, enjoy interesting discussions, and look forward to coming back next year!

I am already counting down the days until I get to meet you all for our simulation of the Legal General Assembly. However, if you have any questions, concerns, or murder mystery recommendations in the meantime, I would love to hear from you, so please feel free to reach out!

Sincerely,

Shanaya Harjai  
Director, Legal  
NHSMUN 2023, Session II  
[nhsmun.legal@imuna.org](mailto:nhsmun.legal@imuna.org)



## **Table of Contents**

A Note on the NHSMUN Difference	5
A Note on Research and Preparation	7
Committee History	8

## **Ownership and Possession of Cultural Artifacts 9**

Introduction	10
History and Description of the Issue	11
Current Status	19
Bloc Analysis	24
Committee Mission	26

## **Regulating Transnational Corporations 28**

Introduction	29
History and Description of the Issue	29
Current Status	37
Bloc Analysis	42
Committee Mission	44

Research and Preparation Questions	46
Important Documents	47
Works Cited	48

## A Note on the NHSMUN Difference

Esteemed Faculty and Delegates,

Welcome to NHSMUN 2023! We are Ming-May Hu and Ana Margarita Gil, and we are this year's Secretary-General and Director-General. Thank you for choosing to attend NHSMUN, the world's largest and most diverse Model United Nations conference for secondary school students. We are thrilled to welcome you to New York City in March!

As a space for collaboration, consensus, and compromise, NHSMUN strives to transform today's brightest thinkers into tomorrow's leaders. Our organization provides a uniquely tailored experience for all in attendance through innovative and accessible programming. We believe that an emphasis on education through simulation is paramount to the Model UN experience, and this idea permeates throughout NHSMUN.

**Realism and accuracy:** Although a perfect simulation of the UN is never possible, we believe that one of the core educational responsibilities of MUN conferences is to educate students about how the UN System works. Each NHSMUN committee is a simulation of a real deliberative body so that delegates can research what their country has said in the committee. Our topics are chosen from the issues currently on the agenda of that committee (except historical committees, which take topics from the appropriate time period). This creates incredible opportunities for our delegates to conduct first-hand research by reading the actual statements their country has made and the resolutions they have supported. We also strive to invite real UN, NGO, and field experts into each committee through our committee speakers program. Moreover, we arrange meetings between students and the actual UN Permanent Mission of the country they are representing. No other conference goes so far to deeply immerse students into the UN System.

**Educational emphasis, even for awards:** At the heart of NHSMUN lies education and compromise. Part of what makes NHSMUN so special is its diverse delegate base. As such, when NHSMUN distributes awards, we de-emphasize their importance in comparison to the educational value of Model UN as an activity. NHSMUN seeks to reward students who excel in the arts of compromise and diplomacy. More importantly, we seek to develop an environment in which delegates can employ their critical thought processes and share ideas with their counterparts from around the world. Given our delegates' plurality of perspectives and experiences, we center our programming around the values of diplomacy and teamwork. In particular, our dais look for and promote constructive leadership that strives towards consensus, as real ambassadors do in the United Nations.

**Debate founded on strong knowledge and accessibility:** With knowledgeable staff members and delegates from over 70 countries, NHSMUN can facilitate an enriching experience reliant on substantively rigorous debate. To ensure this high quality of debate, our staff members produce detailed, accessible, and comprehensive topic guides (like the one below) to prepare delegates for the nuances inherent in each global issue. This process takes over six months, during which the Directors who lead our committees develop their topics with the valuable input of expert contributors. Because these topics are always changing and evolving, NHSMUN also produces update papers intended to bridge the gap of time between when the background guides are published and when committee starts in March. As such, this guide is designed to be a launching point from which delegates should delve further into their topics. The detailed knowledge that our Directors provide in this background guide through diligent research aims to increase critical thinking within delegates at NHSMUN.

**Extremely engaged staff:** At NHSMUN, our staffers care deeply about delegates' experiences and what they take away from their time at NHSMUN. Before the conference, our Directors and Assistant Directors are trained rigorously through hours of workshops and exercises both virtual and in-person to provide the best conference experience possible. At the conference, delegates will have the opportunity to meet their dais members prior to the first committee session, where they may engage

one-on-one to discuss their committees and topics. Our Directors and Assistant Directors are trained and empowered to be experts on their topics and they are always available to rapidly answer any questions delegates may have prior to the conference. Our Directors and Assistant Directors read every position paper submitted to NHSMUN and provide thoughtful comments on those submitted by the feedback deadline. Our staff aims not only to tailor the committee experience to delegates' reflections and research but also to facilitate an environment where all delegates' thoughts can be heard.

**Empowering participation:** The UN relies on the voices of all of its member states to create resolutions most likely to make a meaningful impact on the world. That is our philosophy at NHSMUN too. We believe that to properly delve into an issue and produce fruitful debate, it is crucial to focus the entire energy and attention of the room on the topic at hand. Our Rules of Procedure and our staff focus on making every voice in the committee heard, regardless of each delegate's country assignment or skill level. Additionally, unlike many other conferences, we also emphasize delegate participation after the conference. MUN delegates are well researched and aware of the UN's priorities, and they can serve as the vanguard for action on the Sustainable Development Goals (SDGs). Therefore, we are proud to connect students with other action-oriented organizations to encourage further work on the topics.

**Focused committee time:** We feel strongly that face-to-face interpersonal connections during debate are critical to producing superior committee experiences and allow for the free flow of ideas. Ensuring policies based on equality and inclusion is one way in which NHSMUN guarantees that every delegate has an equal opportunity to succeed in committee. In order to allow communication and collaboration to be maximized during committee, we have a very dedicated administrative team who work throughout the conference to type up, format, and print draft resolutions and working papers.

As always, we welcome any questions or concerns about the substantive program at NHSMUN 2023 and would be happy to discuss NHSMUN pedagogy with faculty or delegates.

Delegates, it is our sincerest hope that your time at NHSMUN will be thought-provoking and stimulating. NHSMUN is an incredible time to learn, grow, and embrace new opportunities. We look forward to seeing you work both as students and global citizens at the conference.

Best,

Ming-May Hu  
Secretary-General

Ana Margarita Gil  
Director-General

## A Note on Research and Preparation

Delegate research and preparation is a critical element of attending NHSMUN and enjoying the debate experience. We have provided this Background Guide to introduce the topics that will be discussed in your committee. We encourage and expect each of you to critically explore the selected topics and be able to identify and analyze their intricacies upon arrival to NHSMUN in March.

The task of preparing for the conference can be challenging, but to assist delegates, we have updated our [Beginner Delegate Guide](#) and [Advanced Delegate Guide](#). In particular, these guides contain more detailed instructions on how to prepare a position paper and excellent sources that delegates can use for research. Use these resources to your advantage. They can help transform a sometimes overwhelming task into what it should be: an engaging, interesting, and rewarding experience.

To accurately represent a country, delegates must be able to articulate its policies. Accordingly, NHSMUN requires each delegation (the one or two delegates representing a country in a committee) to write a position paper for each topic on the committee's agenda. In delegations with two students, we strongly encourage each student to research each topic to ensure that they are prepared to debate no matter which topic is selected first. More information about how to write and format position papers can be found in the NHSMUN Research Guide. To summarize, position papers should be structured into three sections:

**I: Topic Background** – This section should describe the history of the topic as it would be described by the delegate's country. Delegates do not need to give an exhaustive account of the topic, but rather focus on the details that are most important to the delegation's policy and proposed solutions.

**II: Country Policy** – This section should discuss the delegation's policy regarding the topic. Each paper should state the policy in plain terms and include the relevant statements, statistics, and research that support the effectiveness of the policy. Comparisons with other global issues are also appropriate here.

**III. Proposed Solutions** – This section should detail the delegation's proposed solutions to address the topic. Descriptions of each solution should be thorough. Each idea should clearly connect to the specific problem it aims to solve and identify potential obstacles to implementation and how they can be avoided. The solution should be a natural extension of the country's policy.

Each topic's position paper should be **no more than 10 pages** long double-spaced with standard margins and font size. **We recommend 3–5 pages per topic as a suitable length.** The paper must be written from the perspective of your assigned country and should articulate the policies you will espouse at the conference.

Each delegation is responsible for sending a copy of its papers to their committee Directors via [myDais](#) on or before **February 24, 2023**. If a delegate wishes to receive detailed feedback from the committee's dais, a position must be submitted on or before **February 3, 2023**. The papers received by this earlier deadline will be reviewed by the dais of each committee and returned prior to your arrival at the conference.

Complete instructions for how to submit position papers will be sent to faculty advisers via email. If delegations are unable to submit their position papers on time, please contact us at [info@imuna.org](mailto:info@imuna.org).

**Delegations that do not submit position papers will be ineligible for awards.**

## Committee History

The Legal Committee, otherwise known as the Sixth Committee of the United Nations General Assembly, was one of the original United Nations (UN) bodies founded in 1945. Following international disillusionment when the UN's forerunner, the League of Nations, failed to prevent World War II, the new UN was formed when 26 states pledged to fight against the Axis Powers of Italy, Germany, and Japan. On June 26, 1945, the Charter of the United Nations was signed by 50 states at the United Nations Conference on International Organization in San Francisco.<sup>1</sup> Included in the Charter of the United Nations was the description of the General Assembly, the primary body for international debate that includes six main committees, each with its own unique function. All member states are represented in the General Assembly and, consequently, on the Legal Committee.<sup>2</sup> All Member States of the United Nations are represented.

The Legal Committee is the United Nation's primary forum for legal considerations.<sup>3</sup> Article XIII of the UN Charter states that the "General Assembly shall initiate studies and make recommendations for the purpose of...encouraging the progressive development of international law and its codification."<sup>4</sup> The Legal Committee was established as the vehicle to fulfill this objective for the General Assembly. Since its formation, the Committee has created various other permanent bodies and ad hoc committees as a means to address issues of international law as they arise.<sup>5</sup> While these specialized bodies deal with very specific material, the Legal Committee as a whole tends to consider more general questions of international law. Like all General Assembly committees, the Legal Committee makes recommendations to the Security Council. Thus, the purview of the Committee is such that it has no power to mandate its recommended treaties and resolutions. Nonetheless, an affirmation of a certain policy by the Committee can help shape international norms and institutionalize policies.

While other committees address economic, political, or cultural issues, the Legal Committee provides and negotiates the legality of various economic, political, and cultural frameworks. The Legal Committee fills a unique role in the United Nations by developing the legal framework in which all other international initiatives operate.

Based on the reports of its subcommittees, the Legal Committee finds solutions to challenging international issues and makes recommendations to the Security Council and General Assembly. Some landmark resolutions drafted by the Legal Committee include the 1961 Vienna Convention on Diplomatic Relations, the 1979 International Convention Against the Taking of Hostages established in response to the Iran hostage crisis, and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism.<sup>6</sup> While many treaties and resolutions are formed after a specific event, such as the 1979 Iran hostage crisis, others are responses to ongoing legal concerns on the global stage.

The Legal Committee was formed under the assumption that, as the international environment shifts, international law must progress alongside it. With this idea in mind, the goal of the Committee's resolutions is to establish and adjust international law as new legal issues arise and gaps in current legal frameworks become apparent.

---

1 "History of the United Nations," *United Nations*, accessed 13 May 2011, <http://www.un.org/aboutun/history.htm>.

2 *Charter of the United Nations* (Geneva: United Nations, 1945).

3 "Sixth Committee," *United Nations*, accessed 13 May 2011, <http://www.un.org/en/ga/sixth/index.shtml>.

4 *Charter of the United Nations*. Geneva: United Nations, 1945.

5 "Sixth Committee."

6 "Sixth Committee."





LEGAL

NHSMUN 2023



TOPIC A:

**OWNERSHIP AND POSSESSION OF CULTURAL ARTIFACTS**

Photo Credit: Rictor Norton

## Introduction

The word “artifact” is often related to ideas of pottery, stone tablets, and sculptures from long ago. Artifacts are any human-made object that carries significance or historical value to a culture.<sup>1</sup> The importance of these items is not always noticed. However, artifacts play a big role in understanding our world’s past and present. Artifacts allow civilians and experts to look into history, understand it, and learn from it. This expands the learning experience beyond what you can receive from a textbook or classroom. Seeing and studying artifacts, such as crucial war weapons or ancient law tablets, can be a deeply meaningful experience for communities with access to them.<sup>2</sup>

People often create national myths or stories about the communities and countries they live in to praise their existence and past. In many countries, national myths are built around historical civilizations. This includes the Indus Valley in India, ancient Egypt and Greece, and the Romans in Italy. For example, archaeological digs at Indus cities have led to discoveries of fine bronze sculptures. This fine arts skill indicates that Indian workmanship was highly developed at the time, something uncommon for that era.<sup>3</sup> Historical artifacts and famous art pieces are often referred to as “cultural property.” These artifacts have cultural value, as they represent a culture’s history.<sup>4</sup>

These artifacts’ rarity, importance, and age make them highly desirable internationally. A country that created or discovered a certain artifact does not necessarily own it. This causes conflicts between the countries these artifacts come from and those that own them. The countries that created these artifacts believe they are the true owners because they are the place of origin. Countries whose artifacts have been stolen demand repatriation, which is the act of returning an artifact to its place or people of origin. Countries that own artifacts see them as their property. They believe that the history of the artifacts is no less valuable if the artifact is not in its country of origin.<sup>5</sup>

Countries may acquire cultural property through methods

<sup>1</sup> “Artifacts,” *National Geographic Society*, accessed August 28, 2022, <https://education.nationalgeographic.org/resource/artifacts>.

<sup>2</sup> “Artifacts.”

<sup>3</sup> Encyclopædia Britannica. “Craft, Technology, and Artifacts.” Accessed September 18, 2022. <https://www.britannica.com/topic/Indus-civilization/Craft-technology-and-artifacts>

<sup>4</sup> Evelien Campfens, “Whose Cultural Objects? Introducing Heritage Title for Cross-Border Cultural Property Claims,” *Netherlands International Law Review* 67, no. 2 (August 27, 2020): 257–95, <https://doi.org/10.1007/s40802-020-00174-3>.

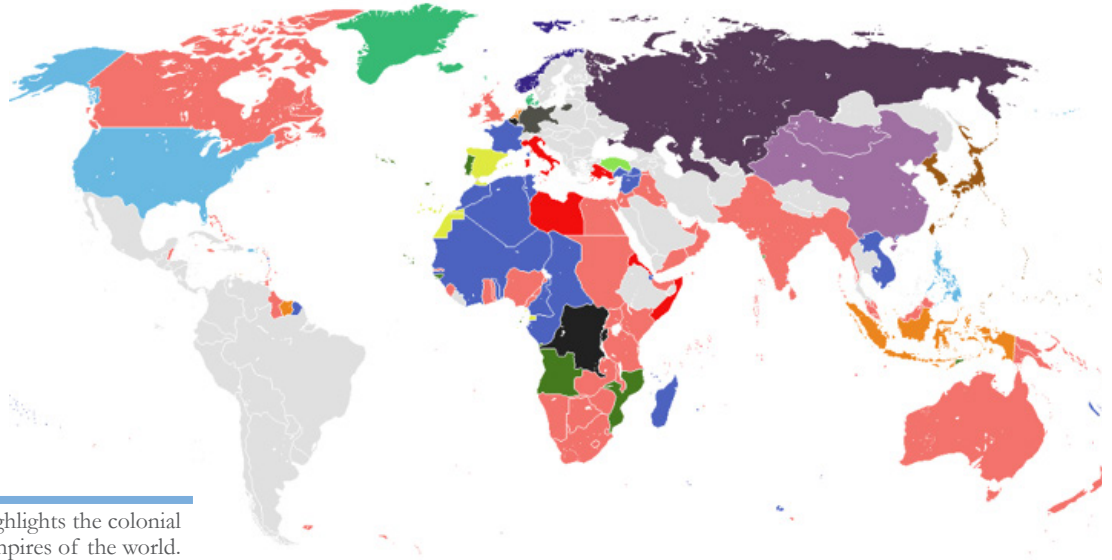
<sup>5</sup> “Art and Repatriation: The Ins and Outs of One of the Art World’s Most Contentious Topics,” *The Art Wanderer*, last modified October 14, 2020, <https://theartwanderer.co.uk/art-and-repatriation/>.

<sup>6</sup> *The Art Wanderer*, “Art and Repatriation.”

<sup>7</sup> “1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict,” United Nations Educational, Scientific and Cultural Organization, accessed August 18, 2022, <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>.

that are morally and legally suspicious. Compared to other international crimes, there is a general lack of international laws surrounding the ownership of cultural artifacts. Those in favor of repatriation (the return of artifacts to their country of origin) argue that artifacts that ended up abroad due to looting, the black market, colonialism, or war should not be legally owned by other countries.<sup>6</sup> However, the countries that have artifacts often claim that the artifacts have an educational value to their people, as they are often kept in museums or government collections. Countries vary widely in their approach to this issue, and the law is unclear. Today, there are conventions banning the removal of artifacts during war or without the permission of a country, as this is considered theft. However, they do not address how to deal with artifacts that were taken in the past. Historically, most artifacts were taken during the era of colonialism, when many modern countries did not exist.<sup>7</sup>

In this topic, delegates will debate the legal ownership and protection of cultural property. This includes expanding existing laws and advocating for a more comprehensive international legal framework. This framework should focus on clarifying ownership of cultural property. It is also necessary to determine clear legal guidelines for when repatriation is necessary. Topics such as colonialism, war and wartime looting, the black market, and ownership must be considered. Ultimately, delegates must collaborate to develop



A map of the world in 1920 that highlights the colonial empires of the world.

Credit: Wikimedia Commons

recommendations for future action through resolutions.

## History and Description of the Issue

### Impacts of Colonialism on Cultural Property

Today's museums are full of ancient coins, sacred artifacts, and ceremonial jewels. People from around the world travel to see these spectacular pieces. However, museums hide or ignore how these artifacts were obtained. Museums often dismiss and disguise the uncomfortable history of colonialism behind these artifacts. However, this problematic history must be confronted to properly address how these artifacts fell into the hands of museums and collectors.

Colonialism is when a region is explored, conquered, settled, and exploited by foreign powers.<sup>8</sup> The experience of being colonized varied widely across numerous centuries and among the various colonial powers. Some colonizers took brutal and overtly violent approaches to their colonies, while others implemented a style of domination via administration. However, the people and natural resources in colonized areas were

<sup>8</sup> Richard Webster, "Western Colonialism," *Encyclopædia Britannica*, Accessed September 18, 2022, <https://www.britannica.com/topic/Western-colonialism>.

<sup>9</sup> Erin Blakemore, "What is colonialism?" National Geographic, last modified February 19, 2019, <https://www.nationalgeographic.com/culture/article/colonialism>.

<sup>10</sup> "Imperialism," *Encyclopedia Britannica*, accessed August 26, 2022, <https://www.britannica.com/topic/Blois-countship-France>.

<sup>11</sup> *Encyclopedia Britannica*, "Imperialism."

consistently exploited for the wealth and benefit of the colonizing power. Colonization was common between the 15th and 20th centuries when primarily European countries colonized the Americas, Asia, Oceania, and Africa.<sup>9</sup>

Colonialism is closely related to imperialism, which is when a country exerts political and economic control over another. European control over colonized countries was considered imperialism.<sup>10</sup> Historically, colonists looked down on the people they were colonizing. Colonizers also justified their rule by arguing they had a legal and religious obligation. They believed it was their duty to take over Indigenous Peoples' lands. They wanted to convert them from what they believed was a "savage" lifestyle to their Western lifestyle. Many Indigenous Peoples rejected this, but they were often forced to become a part of a colony. Over time, their identity was eroded away by the colonizer's policies and the loss of their cultural history.<sup>11</sup>

During the colonial era, countless valuable artifacts and artwork were removed from the colonies and shipped back to the colonizer's homelands. This was a method of extracting wealth, but it was also a way to give citi-

zens at home a glimpse into the “exotic” territories they occupied. When colonies gained their independence, these artifacts were not usually returned. Today, decades after the end of the colonial era, these artifacts are still controlled by former colonizers, often in museums or private collections. Many of these pieces have significant cultural, religious, and economic value to the cultures and countries they were taken from. More importantly, they were mostly taken without their consent. Many cultural groups and formerly colonized countries frequently request that these artifacts be repatriated.<sup>12</sup> Yet many Western powers still possess the goods and artifacts stolen from their colonized countries.

One famous example is the Rosetta Stone, a large granite stone engraved with a written decree. It describes the generosity and power of one of Egypt’s rulers. However, the real importance of the Rosetta stone is that the decree is engraved in three different scripts: hieroglyphics, ancient Greek, and demotics. This stone was a crucial discovery that allowed modern scholars to start understanding hieroglyphics.<sup>13</sup> The Rosetta Stone would likely have been displayed in an Egyptian temple but was taken by French forces in 1799 during Napoleon’s invasion of Egypt. The United Kingdom then acquired it from France in 1801. Without consulting Egyptians, this artifact was moved out of Egypt to the British Museum. The stone is still in the museum today. Egypt’s Supreme Council of Antiquities has requested the return of the Rosetta Stone to Egypt. They argue that it is an icon of the Egyptian identity. However, England refuses any loans or repatriation.<sup>14</sup>

Another famous example of a stolen artifact is the Koh-i-Noor diamond. One of the largest cut diamonds in the world, the Koh-i-Noor diamond was taken from India by the United Kingdom in 1849. It is now considered part of the British crown jewels. Even

before being taken by the British, the diamond had changed hands through trickery, theft, and violence. It was considered a spoil of war by several conquering empires throughout the eighteenth and nineteenth centuries. However, in 1849, the British Empire finally landed in British hands through the Treaty of Lahore, seized from then 10-year-old Maharaja Sir Duleep Singh. Despite calls for repatriation of the diamond, the British monarchy has refused to return it.<sup>15</sup>

Colonists also stole many artifacts from Indigenous populations. One example is a kayak created by the Inuvialuit First Nations in Canada. It is currently on display in a museum in Vatican City. This kayak is called the “Pope’s Kayak.” It was taken by the Catholic Church when the Indigenous Peoples were colonized. Because of this, the Canadian Truth and Reconciliation Committee requested its repatriation.<sup>16</sup> Given the role of the Catholic Church in the death of thousands of Indigenous children in Canada, this display is considered insensitive.<sup>17</sup> However, this is just one example of many Indigenous art pieces that were stolen during the colonial period in Canada. Regarding Indigenous artifacts, the United Nations Declaration on the Rights of Indigenous People establishes that “Indigenous communities have the right to revitalize and practice their cultures in the ways they see fit.”<sup>18</sup> However, repatriation requests from Indigenous communities are complicated even within single countries. Repatriation becomes even more difficult when other countries are involved.

These are just a few of the hundreds of thousands of important cultural artifacts that were stolen. These artifacts are being shown, without the consent of their origin countries, in museums and treasuries around the world.<sup>19</sup> Countries are still taking inventory of the important artifacts taken from them. These artifacts are

12 The Art Wanderer, “Art and Repatriation.”

13 Elizabeth Nix, “What Is the Rosetta Stone?” History, last modified October 27, 2021, <https://www.history.com/news/what-is-the-rosetta-stone>.

14 Miranda Moure, “9 Famous Stolen Artifacts That Are Still on Display in Museums Today,” Matador Network, last modified July 20, 2020, <https://matadornetwork.com/read/stolen-artifacts-museums/>.

15 Lorraine Boissoneault, “The True Story of the Koh-i-Noor Diamond—and Why the British Won’t Give It Back,” Smithsonian Magazine, last modified August 30, 2017, <https://www.smithsonianmag.com/history/true-story-koh-i-noor-diamondand-why-british-wont-give-it-back-180964660/>.

16 Shaina Willison, “An Artifact of Colonialism: The Canadian Government’s Obligation to Assist Indigenous Repatriation Efforts,” The McGill International Review, last modified March 31, 2022, <https://www.mironline.ca/an-artifact-of-colonialism-the-canadian-governments-obligation-to-assist-indigenous-repatriation-efforts/>.

17 Clara Pasieka, “Inuvialuit want their kayak back from Vatican Museums,” CBC News, last modified December 8, 2021, <https://www.cbc.ca/news/canada/north/inuvialuit-want-kayak-back-vatican-1.6277121>.

18 Willison, “An Artifact.”

19 “Koh-i-noor,” Encyclopedia Britannica, accessed August 26, 2022, <https://www.britannica.com/topic/Koh-i-noor>.



crucial in restoring justice. They are also important in addressing the negative impacts of colonialism.

## Arguments on Repatriation

Repatriation is an important concept in this debate. Most origin countries consider artifacts created on their land as rightfully theirs. Governments have demanded the return of artifacts produced in their country, roughly arguing that if an item has been stolen, it should be returned. Additionally, most museum artifacts are from colonized countries, often far from the lands they were found in. Therefore, only people with the means to travel to these museums can see their country's artifacts. This is often unattainable, so the artifacts and the history associated with them are lost to their home country.<sup>20</sup>

Arguments surrounding repatriation and how it should be done encompass many interests. The first of which is the cultural significance of the object. Some hold such a large symbolic value that their loss is irreparable. There is also an interest in preserving the work of art from destruction so that the original integrity can be appreciated. Lastly, parties must consider access to the artifacts. Whether this access is to the country of origin or the country which currently owns the item is often a point of contention.<sup>21</sup>

Opposition to repatriation claims that cultural artifacts are safer in current locations. They argue that these countries are wealthier and have more resources to study and preserve artifacts. They also argue that countries requesting repatriation do not have the resources needed to take care of these objects. Indeed, the countries requesting repatriation are often not as wealthy by measures like GDP, and some countries requesting repatriation may be in the midst of armed conflict or natural disasters.<sup>22</sup> Terrorism and armed groups also put artifacts in danger. In a country with widespread armed conflict, artifacts can easily be destroyed. For example, the UN Security Council

resolution 2199 urged countries to stop trading artifacts with Iraq and Syria due to increased terrorist presence.<sup>23</sup> This complicates the discussion of repatriation even more.

An example of this argument is the protection of the Elgin Marbles. They are a set of ancient sculptures from the Parthenon—an ancient Greek temple—currently located in the UK. The UK argues they should keep them because of the air pollution in Athens, where the Parthenon is located. In fact, the Parthenon itself is currently being damaged by air pollution, so this concern is not unfounded. In the eyes of the British caretakers, not returning the Elgin Marbles is the best way to preserve them.<sup>24</sup>

Some argue that repatriation will not truly address the consequences of colonialism. They believe displaying these objects in former colonial countries is more beneficial because the display can help bring awareness to the history of colonialism. They insist this can only be achieved when artifacts are displayed correctly. Museums can help educate the people of former colonial powers about the richness and value of foreign cultures.<sup>25</sup>

Aside from ethical concerns, many artifacts have poorly documented origins that would complicate repatriation. The Archaeological Institute of America estimated in 2013 that 85–90 percent of museum-displayed artifacts do not have a known country of origin. In other cases, museums may know which empire an artifact was from, but that empire may be part of the cultural history of multiple countries. Identifying which country is most entitled to the artifact would present its own ethical challenge. As a result, many museums fear that requests for repatriation may be invalid or contested.<sup>26</sup>

Proponents of repatriation reject these arguments. They want to strengthen their own culture and heritage in a postcolonial context. These countries contend that it is morally unjust to display and keep artifacts that were stolen from them.

20 Senta German, "Repatriating artworks," Khan Academy, accessed August 26, 2022, <https://www.khanacademy.org/humanities/special-topics-art-history/arches-at-risk-cultural-heritage-education-series/whose-art/a/repatriating-artworks>.

21 Michael Taylor, *Evolving International Law for the Protection of Art*, North Carolina Journal of International Law 131 (1997), <https://scholarship.law.unc.edu/ncilj/vol2/iss2/5>.

22 German, "Repatriating Artworks."

23 Jennifer Venus, "New laws and guidelines tackle repatriation of colonial-era artifacts," International Bar Association, last modified March 12, 2021, <https://www.ibanet.org/article/05DD150F-BF18-4B1E-A431-911EA2A1561A>.

24 Merryman, "Two Ways," 831-853.

25 German, "Repatriating Artworks."

26 Nidhi Ponshe, "Why Artifacts in Museums Should Be Repatriated," *Seisen International School*, March 2, 2022. <https://www.seisen.com/student-life/seisen-post/features/~board/seisen-post/post/why-artifacts-in-museums-should-be-repatriated>.

According to most property laws, stolen or looted property should be returned to its owner. They also argue that in not returning items, the idea of formerly colonized people as being inferior is perpetuated. Museums with these objects are also often in more developed countries, which are largely inaccessible to origin countries that may want to visit their history.<sup>27</sup> To address the concern of inadequate resources, many origin countries seek financial support from international organizations or other countries to improve their museums.<sup>28</sup>

Proponents of repatriation also claim that museums are more concerned about their financial profits than justice. The British Museum made an estimated 4.3 billion pounds in just two years. This success was driven by a diverse collection that the British Empire acquired. If these artifacts were given up, the British Museum would not be such a desirable place to visit. Therefore, some accuse the museums themselves of being unwilling to give up the source of their success.<sup>29</sup>

Furthermore, while the museums that house artifacts may be safe, the history of museums is often immoral. One such example is the origin story of the British Museum. The Museum was formed after the death of Hans Sloane, who, when he died, asked the British Parliament to display his EUR 20,000 worth of artifacts to the public. In his work to find these items, he spent a year and a half in Jamaica. He worked as a plantation doctor and wrote a book enabled by slavery. He married a Jamaican heiress whose money largely came from slave plantations. Some of the objects in his collection included clothing, nooses, and whips used for slaves and skull and skin specimens. Slavery was the foundation for his ultimate success. Some may argue that a museum with such a dark history must correct its wrongs by repatriating its collected objects.<sup>30</sup>

Some progress has been made to address the concerns of repatriation. A collection of bronze statues housed in France

<sup>27</sup> German, “Repatriating Artworks.”

<sup>28</sup> Ponskshe, “Why Artifacts in Museums Should Be Repatriated.”

<sup>29</sup> Ponskshe, “Why Artifacts in Museums Should Be Repatriated.”

<sup>30</sup> Lorraine Boissoneault, “The British Museum Was a Wonder of Its Time—but Also a Product of Slavery,” *Smithsonian Magazine*, Last modified October 30, 2017, <https://www.smithsonianmag.com/history/british-museum-was-wonder-its-time-also-product-slavery-180966997/>.

<sup>31</sup> Ponskshe, “Why Artifacts in Museums Should Be Repatriated.”

<sup>32</sup> John G. Sprankling, “The Global Right to Property,” *Columbia Journal of Transnational Law* 52, no. 2 (April 2013): 1-31, <https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?article=1094&context=facultyarticles>; “Universal Declaration of Human Rights,” United Nations, accessed August 26, 2022, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>33</sup> “Treaties, States Parties and Commentaries,” International Committee of the Red Cross, accessed August 20, 2022, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/195-200033?OpenDocument>; Sprankling, “The Global,” 1-31.

were returned to Nigeria in 2021. Additionally, a 4520-year-old gold ewer in Turkey in a London collection was discovered to have been illegally looted and smuggled out of the country. As a result of these findings, it was rightfully returned to Turkey.<sup>31</sup>

Cultural artifacts and colonialism have a complex history. This has led to many modern-day issues related to the ownership of these artifacts. Countries that currently have the artifacts insist they can preserve them better. Meanwhile, origin countries argue they are the rightful owners. Delegates should work to find a solution allowing the rightful repatriation of stolen artifacts. They also need to preserve these critical pieces of history and culture.

## Legality and Ownership of Cultural Artifacts

Property, and the right to it, are not clearly defined. There is no international legal framework that defines ownership or property. The United Nations Declaration of Human Rights establishes goals for the moral status of the world. Article 17 states that “everyone has the right to own property alone as well as in association with others.” It also says no one should be deprived of their property.<sup>32</sup> Interpretations of this article can be used in an argument regarding the ownership of artifacts.

International law does not define what ownership is. However, it recognizes that ownership of property is a fundamental right. In the 1950s and 1960s, the UN Human Rights Committee conventions attempted to codify the right to property. Ultimately, these attempts were unsuccessful. No legally-binding agreement has been achieved.<sup>33</sup> The lack of a legal definition of ownership leads to a lack of agreement about cultural property ownership. Due to this, it is hard to reach a common ground in disputes over ownership of artifacts. So far, most attempts at mediation have been unsuccessful.

International law sets some standards for the treatment of cultural property. The 1907 Hague Convention was the first international legal document about ownership of cultural property. This Convention is a document that broadly sets rules of behavior in wars. Article 23 states that destroying or seizing the property of an enemy country is illegal during conflicts.<sup>14</sup> Unfortunately, this document only relates to warfare and is not comprehensive for other situations. Regardless, this article was the first legal document addressing cultural artifacts.

In 1935, the Roerich Pact or Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments was signed by the US and 20 other American states. It protects monuments, museums, and scientific, artistic, educational, and cultural institutions during wartime. The signatories committed to enacting legislation that would give these places their protection. This was another step forward in the protection of cultural buildings and artifacts during wartime.<sup>34</sup>

The Hague Treaty was expanded in the 1950s after World War II and the Korean War ended. The 1954 Hague Convention banned the theft of cultural property. It also stated that cultural property should not be exposed to potential harm or risks of destruction. In addition, it said that all occupying forces should safeguard cultural property.<sup>35</sup> The Convention expands upon the original 1907 rendition by stating in Article 8 that refuges for cultural property are immune from attack if they are not being used for military purposes. These refuges can be registered with the United Nations Educational, Scientific and Cultural Organization (UNESCO).<sup>36</sup>

Moreover, in 1970, UNESCO adopted the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. It established that cultural property found in a country must remain in that country. The Convention encourages

34 Nicholas Roerich Museum, "Roerich Pact and Banner of Peace," Accessed September 18, 2022, <https://www.roerich.org/roerich-pact.php>.

35 "1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict," United Nations Educational, Scientific and Cultural Organization, accessed August 18, 2022, <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>.

36 Taylor, *Evolving International Law for the Protection of Art*.

37 Karen S. Jore, "The Illicit Movement of Art and Artifact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property?" *Brooklyn Journal of International Law* 13 (1987): 55–81, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/bjil13&div=8&id=&page=>.

38 "About the UNESCO 1970 Convention," United Nations Educational, Scientific and Cultural Organization, accessed August 18, 2022, <https://en.unesco.org/fighttrafficking/1970>.

39 Taylor, *Evolving International Law for the Protection of Art*.

laws: a service for the protection of artifacts, use of export certificates, rules for museums regarding illegally acquired artifacts, development of procedures for the recovery and return of stolen items, and creation of penalties for the violation of any of these laws.<sup>37</sup> UNESCO also created an agreement to require export certificates. These are documents stating that the artifact is allowed to be sent to another country. UNESCO created these export certificates in 1970 to prevent artifact theft.<sup>38</sup>

These laws have made strides in protecting artifacts. Despite their success, they do contain several problems. In general, existing international law has not considered the effects of colonialism on the transfer and ownership of cultural artifacts. It says nothing about the artifacts stolen in the preceding centuries, which could be seen as effectively legitimizing the colonial powers' actions. Additionally, there is no protocol for prosecuting the theft of cultural artifacts and returning them to their countries of origin. International law also does not consider the protection of artifacts in disputed or occupied territories. These all complicate the repatriation process.<sup>39</sup>

Furthermore, there is still a lack of focus on properly defining property ownership in international law. This means existing rules about the repatriation of artifacts cannot effectively end ownership conflicts between countries. Something else to be considered is that origin countries were colonized when most artifacts were stolen. Because of this, they have no legal authority over the artifact. So it is difficult to enforce repatriation to the country of origin when it does not legally own the artifact.

In addition to international law, many countries have entered into bilateral agreements on the subject matter. These tend to be more specific and binding than international law. They can be used as a great example of where international law can improve. The United States and Mexico signed The Treaty

of Cooperation Providing for the Recovery and Return of Stole Archaeological, Historical, and Cultural Properties in 1970. It established rules for the return of artifacts stolen pre-Columbus. It also included provisions for loans of artifacts between museums. To enforce this legally, the U.S. considers items as stolen under the United States Stolen Properties Act, allowing sanctions to be imposed in the case of violations.<sup>40</sup>

There are still issues that stop repatriation on an international level. But several countries have adopted their own policies about it. For example, in 2021, the Netherlands passed new guidelines for repatriating artifacts stolen from its former colonies. These guidelines stated that if an object was stolen from a colony, “it will be returned unconditionally.”<sup>41</sup> France also passed a law in 2020 approving the repatriation of 27 artifacts to former colonies. However, this decision was criticized because France did not consult with the countries involved during the process.<sup>42</sup>

The Legal Committee should use these examples as a basis for their resolutions. It should also consider how to translate these achievements to the international level. Furthermore, this committee should evaluate existing international agreements and find ways to adapt them to resolve ownership disputes.

## Impacts of War and Theft

Colonialism played a prominent role in stealing cultural objects. However, there are other ways these artifacts are lost now. Due to war, many objects were removed from their country of origin or destroyed. Organized crime groups also steal many cultural artifacts. Then, they would sell them on the black market for profit. To fully address this issue, war must also be taken into consideration.

War has played a major role in removing cultural artifacts from their countries of origin. Conflict and instability make it easier

40 Jore, “The Illicit Movement of Art and Artifact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property?”

41 Venus, “New laws.”

42 Venus, “New laws.”

43 Taylor, *Evolving International Law for the Protection of Art*.

44 Jore, “The Illicit Movement of Art and Artifact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property?”

45 “Homo Erectus,” The Smithsonian Institution’s Human Origins Program, last modified June 30, 2022, <https://humanorigins.si.edu/evidence/human-fossils/species/homo-erectus>; “Peking man,” Encyclopedia Britannica, accessed August 26, 2022, <https://www.britannica.com/topic/Peking-man>.

46 Encyclopedia Britannica, “Peking man.”

47 Almohamad, “The destruction,” 221-260.

48 Taylor, *Evolving International Law for the Protection of Art*.

to steal artifacts. Before the 18th century, the theft of artifacts was considered a legitimate military strategy. The idea “to the victor belongs the spoils” governed historical warfare.<sup>43</sup> This was one of the many ways in which countries learned about other peoples, despite their hostile nature.<sup>44</sup> One example of theft due to war is the bones of the Peking man. These bones were thought to belong to the species *Homo erectus*. They were the first known humans to have modern features. The bones were discovered in China in 1923.<sup>45</sup> However, the bones were stolen during the Japanese invasion of China in 1941. The Allied Forces had plans to transport these to the USA for their protection. However, these bones were lost in transit and were never recovered.<sup>46</sup>

In Syria, ISIS often looted directly from archeological sites. However, due to the Syrian Civil War, infrastructure in the country was greatly weakened. As a result, it became much easier for ISIS to steal straight from museums. One such museum was the Aleppo Museum, a national museum in Syria’s second-largest city. It was heavily looted because the government was unable to protect the museum. Additionally, the Civil War allowed the Syrian government to steal and sell artifacts on the black market.<sup>47</sup> War destabilizes legal structures and manners of accountability. This makes it more difficult to protect cultural artifacts.

Similarly, Europe is still recovering from the loss of historical artifacts to Germany during World War II. Despite the establishment of the Hague Convention of 1907, World War II was the largest plunder of art in history. Under Hitler, the Center for National Socialist Ideological and Educational Research followed a mission to establish a research library. In doing so, they proceeded to loot cultural items from all of Europe. Between March 1941 and July 1944, the special staff for pictorial art brought in 4,174 cases of artwork in over 137 freight cars.<sup>48</sup> Nazi forces took around 20 percent of all of





The Tetrapylon, a site in the Classical era city of Palmyra in Syria, which was looted and destroyed during the Syrian Civil War by ISIS.

Credit: High Contrast

Europe’s artwork. Many of the stolen artworks have still not been found. In fact, this was one of the main causes of the creation of the 1954 Hague Convention.<sup>49</sup>

Although there are laws and conventions against it, the practice continues today. The US is the site of thousands of looted artifacts taken from museums and archaeological sites in Iraq. During the Iraq War, some soldiers would bring artifacts back as trophies signifying their service. The US has tried to return as many as possible. However, regulations on transporting artifacts within the country only apply to items worth more than USD 5,000, so the movement of items can often go unnoticed.<sup>50</sup> Furthermore, museums with stolen artifacts struggle to determine which artifacts they must return. Private collectors that have stolen artifacts are even more difficult to regulate.<sup>51</sup>

Cultural property can be stolen outside of wartime as well. One example is Greece’s largest antiquity theft which occurred in 1990. A gang of thieves broke into the Archaeological Museum of Ancient Corinth. The thieves stole 271 objects and the equivalent of USD 6,100 in drachmas—the currency

of ancient Greece. The stolen items included ceramics, reliefs, sculptures, and vases. One of the artifacts was the Early Severe Style Archaic head of a Kouros dating back to 470 BC. Much of Corinth’s documented history was lost on this day. Preceding the Corinth theft, 231 previous thefts had occurred within the previous six months. The motivation to steal from museums has increased as the quality of objects can increase their price on the black market.<sup>52</sup>

UNESCO also keeps a running list of stolen artifacts. Chile reported to UNESCO that over 80 pre-Columbian gold items were stolen from its Museo Andino in June 2022. On January 14, 2020, five cultural objects were stolen from Mexico’s Iglesia Catolica de San Mateo Tlacoacalco. Guatemala alerted UNESCO about the theft of 23 artifacts from a private collection in Antigua in September 2019. In Greece, two icons from the Dormition of the Virgin Mary were stolen in September 2018. It is clear that looting and theft are still an issue worldwide. These reported objects remain unfound, and there is no clear legal framework for how to prevent, solve, and punish these actions.<sup>53</sup>

49 Gabrielle Sierra, “Treasures Looted in War,” Council on Foreign Relations, last modified August 25, 2020, <https://www.cfr.org/podcasts/treasures-looted-war>.

50 “National Stolen Property Act,” Federal Bureau of Investigation (Department of Justice), accessed August 29, 2022, <https://coast.noaa.gov/data/Documents/OceanLawSearch/Summary%20of%20Law%20-%20National%20Stolen%20Property%20Act.pdf?redirect=301ocm>.

51 Samuel, “It’s Disturbingly.”

52 Timothy Kaiser, “The Antiquities Market,” *Journal of Field Archaeology* 18, no.1 (1991): 87–103, <https://doi.org/10.2307/530152>.

53 United Nations Educational, Scientific and Cultural Organization, “International Alerts - Stolen Artefacts,” Accessed September 18,

Much of the current discussion about looting and theft of artifacts surrounds more effective laws and mobilizing broad anti-looting initiatives. The problems of theft are not well understood by the public or even archaeologists themselves. The Federal Archeology Report (1990) emphasized that education is “the centerpiece of anti-looting initiatives,” which must be tackled by various government agencies, including federal, state, tribal, municipal, and county.<sup>54</sup> Increased awareness of the situation can lead to more lobbying for laws that address the issue and can address the problem from its roots.

In a 1989 UNESCO meeting, the delegation of Turkey stated, “The theft of cultural property has become a kind of epidemic, and there are few measures available to confront it.”<sup>55</sup> As a result of these factors, the black market and looting are overlooked in current legal frameworks about ownership of cultural property. However, they are significant to this issue. Cultural artifacts cannot effectively be returned without dealing with this. It is important to consider this part of the cultural property trade when recommending actions to decision-making bodies.

## The Artifact Market

Cultural artifacts are important to every party involved. Countries where cultural artifacts originate see artifacts as a part of their heritage. Artifacts are also a physical reminder of their history. Every country and culture today has cultural artifacts, but some are considered “origin countries” because of how many artifacts have been extracted from them. India, Egypt, and Greece are all examples of artifact origin countries. Unsurprisingly, these countries also have long histories of continuous colonization.

Other countries are considered to be consumers of these artifacts.<sup>56</sup> Typically, these are former colonizers, and the

name refers to how they interact with cultural property. These countries have acquired foreign artifacts throughout history and display them in museums. More importantly, they display them without recognition or compensation to the producers. Consumer countries include France, Germany, the UK, and the US.<sup>57</sup>

Cultural property is often treated like any other product in a marketplace.<sup>58</sup> However, this is not an apt comparison since cultural property is often sold without the consent of its owner. The artifact market does not take into consideration the origin countries. Also, origin countries cannot create more cultural artifacts to meet the demand. Therefore, cultural artifacts cannot be justly traded by the same rules as international markets for corn or textiles. Artifacts are very valuable for origin countries, while consumer countries create a high demand.<sup>59</sup>

This does not mean that artifacts cannot be fairly traded and shared. Within the multitude of parties involved in the movement of artifacts, some may argue for its benefits. In the UNESCO Convention of 1970, it states, “[T]he interchange of cultural property among nations for scientific, cultural, and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples, and inspires mutual respect and appreciation among nations.” However, markets that treat cultural property like an infinite resource or operate without the consent of origin countries are inherently unethical.

Regardless of any benefits a well-regulated market can have, much more needs to be done to control the current movement of cultural property.<sup>60</sup> Many countries interpret the language of the Convention in controlling the movement of art very loosely. The United States stated that it “understood” the provisions of the Convention but that it did not “require” any

---

2022, <https://en.unesco.org/international-alerts>.

54 Kaiser, “The Antiquities Market.”

55 Kaiser, “The Antiquities Market.”

56 Kaiser, “The Antiquities Market.”

57 NPR, “A Trove of Stolen Treasure,” May 17, 2006, <https://www.npr.org/transcripts/5411644>.

58 John Henry Merryman, “Two Ways of Thinking About Cultural Property,” *The American Journal of International Law* 80, no. 4 (October 1986): 831-853, <https://doi.org/10.2307/2202065>.

59 Jore, “The Illicit Movement of Art and Artifact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property?”

60 Jore, “The Illicit Movement of Art and Artifact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property?”

legal action.<sup>61</sup> As a result, the black market for artifacts still runs rampant as countries continue to refuse to enact legislation. Due to the ambiguity of international law, smugglers can often get away with selling artifacts once it is removed from their origin country.

War and theft drive many artifacts into the black market. Because it is illegal to remove artifacts from a country without a permit, the only way to sell them is in unofficial markets.<sup>62</sup> Rich consumers in developed countries will pay high prices for artifacts, despite their stolen status. Unfortunately, the success of the black market has also further increased instances of theft. As cultural artifacts sell for higher and higher amounts, thieves are incentivized to steal bigger prizes. Naturally, because many consumer countries are wealthier than origin countries, the black market can also worsen economic divides as well.<sup>63</sup>

The mechanisms of the black market can be seen through the Islamic State of Iraq and Syria (ISIS). ISIS is a militant group that wants to form a theocratic state in Iraq and Syria. During the Syrian Civil War, they realized that occupying land with a rich heritage meant they could steal and sell artifacts. The profits from this would help create funds to continue the war.<sup>64</sup> As a result, ISIS looted many important cultural history sites in Syria and Iraq.

In 2016, it was discovered that hundreds of Sumerian clay tablets from Iraq were bought by Hobby Lobby. Hobby Lobby is an American craft supply company that purchased the tablets for its Museum of the Bible in the US. They had been smuggled in through the United Arab Emirates and Israel to hide the fact that they were from Iraq.<sup>65</sup> It is important to note that this is only one example where the buyers have been caught. However, a lot of illegal trade goes unnoticed.

Trade is common since artifacts are sold on many online marketplaces. This is the perfect place to sell them because

of the 1970 UNESCO Convention. It does not require a certificate of approval for the online transport of these goods.<sup>66</sup> Similarly, when smuggled artifacts are sold, their origin can easily be faked. Many sellers claim that items that were smuggled belonged to private collections. This happened before regulations about the export of cultural artifacts existed.<sup>67</sup>

The black market for artifacts may be hard to trace, but it is an important part of repatriation which must be addressed. Factors that contribute to artifact demand should be decreased, and the selling of stolen artifacts should be legally addressed. Only then artifacts can be treated correctly and returned to their rightful owners.

## Current Status

### Shortcomings in Existing Laws

Current laws related to cultural property are very limited. Existing laws revolve around when it is legal to remove an artifact from its country of origin. These laws are also relatively loose. They have few means for enforcement. Fundamentally, the largest issue with existing laws is that they fail to define ownership and property. Without an explicit definition of ownership, no objective legal framework can be created to determine who owns contested artifacts. Without a way to determine who is the rightful owner, disputes over ownership cannot be resolved. Likewise, artifacts occupy a unique space as a physical representation of history and heritage. This means they should not be treated as purely commercial items.

For example, in 2018, there was a dispute over the ownership of a Chinese Buddha statue. It dates back to the Song Dynasty in the 11th century and contains the remains of a mummified monk. It was stolen from a temple in 1995 and later obtained by a Dutch collector in Hong Kong. This collector then

61 Jore, "The Illicit Movement of Art and Artifact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property?"

62 United Nations Educational, Scientific and Cultural Organization, "About 1970."

63 Taylor, *Evolving International Law for the Protection of Art*.

64 Adnan Almohamad, "The destruction and looting of cultural heritage sites by ISIS in Syria: The case of Manbij and its countryside," *Cambridge University Press* 28, no. 2 (May 2021): 221-260, <https://doi.org/10.1017/S0940739121000114>.

65 Jane Arraf, "Hobby Lobby's Illegal Antiquities Shed Light On A Lost, Looted Ancient City In Iraq," NPR, last modified June 28, 2018, <https://www.npr.org/2018/06/28/623537440/hobby-lobbys-illegal-antiquities-shed-light-on-a-lost-looted-ancient-city-in-ira>.

66 Sigal Samuel, "It's Disturbingly Easy to Buy Iraq's Archeological Treasures," *The Atlantic*, last modified March 19, 2018, <https://www.theatlantic.com/international/archive/2018/03/iraq-war-archeology-invasion/555200/>.

67 Samuel, "It's Disturbingly."



loaned the statue to a museum in Hungary in 2014. The Chinese villagers in the town of origin made a legal claim to the statue before the Amsterdam District Court. However, the theft occurred before the Netherlands implemented the 1970 UNESCO Convention on artifact ownership. Therefore, the court deferred to Dutch law. Their law did not clearly define ownership of cultural artifacts. For this reason, the Dutch court gave ownership to the private collector, who insisted he was unaware the artifact was stolen when he bought it. They also gave him ownership because a lot of time had passed since it was stolen from China.<sup>68</sup> This example shows why it is important to have clearly defined artifact ownership rights and regulatory frameworks at an international level.

The next important issue regarding current laws is determining what country can claim an object. Many ancient artifacts were created by cultures of the past. Some cultures, like the Babylonians, do not have direct successors in modern ethnicities. Other artifacts belong to cultures that still exist but do not have a country that represents them, such as the Assyrians, who are split mostly between Iraq and Syria.

Finally, some artifacts have a long history with multiple cultures. For example, the Koh-i-Noor diamond was owned

by the Raja of Malwa, the Sultan of Delhi, the Mughal Royal Family, and the Shah of Iran, among others. Even if the United Kingdom were willing to return it, without clear ownership laws, the modern-day claims on the diamond could not be resolved. Today, Afghanistan, Pakistan, and India all claim the Koh-i-Noor Diamond. This dispute will remain unresolved until there are laws that clearly define artifact ownership. In the meantime, India will be estranged from this crucial royal artifact for longer.<sup>69</sup>

There are also unclear rules about repatriation internationally. Specifically, no international law states whether or not it should happen. If it should, there are no laws explaining under what circumstances. Existing laws account for repatriation to an extent. However, they usually do not apply retroactively. Current laws also focus mainly on the black market.

An example of this is the 1970 UNESCO Convention. It requires the return of inventoried items from museums or other public institutions. A major flaw in this convention is that it only accounts for inventoried items. Meaning that if an item has not been cataloged yet, it might not get returned. Another major flaw is that the exact wording of “museum, public or religious monument, or similar institution” can be

<sup>68</sup> Campfens, “Whose Cultural Objects? Introducing Heritage Title for Cross-Border Cultural Property Claims.”

<sup>69</sup> Encyclopedia Britannica, “Koh-i-noor.”



The Koh-i-Noor Diamond set in the Crown of Queen Mary, a part of the English Crown Jewels.

Credit: Cyril Davenport



interpreted to exclude archaeological sites. These sites are also vulnerable to theft, such as those looted by ISIS.<sup>70</sup>

Current legislation also does not refer to how cultural property can be protected in conflict areas without removing it from its country of origin. Additionally, there are concerns that some museums may have to return most of their collections if repatriation is mandatory. It is unclear how museums can continue to operate.<sup>71</sup> As was previously mentioned, they help educate the general public. No one knows what they will do if most of their collections are missing. Some solutions include cooperating with museums in artifacts' countries of origin. Loaning artifacts they want to display is also an option.

Repatriation is an extremely politicized and polarizing issue. Debate surrounding it is usually not based on law. However, building a legal framework can help solve the issue. It is important to develop legal solutions to hold museums and collectors accountable.

## Repatriation Disputes

### *Benin Bronzes*

<sup>70</sup> United Nations Educational, Scientific and Cultural Organization, "About 1970."

<sup>71</sup> German, "Repatriating Artworks."

<sup>72</sup> Alberge, "British Museum."

<sup>73</sup> "Contested objects from the collection," The British Museum, accessed August 27, 2022, <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection>.

<sup>74</sup> "Benin Bronzes: Contested objects from the collection," The British Museum, accessed August 27, 2022, <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/benin-bronzes>.

Currently, there are many disputes over artifacts. The British Museum remains the biggest recipient of stolen artifacts in the world.<sup>72</sup> It has many artifacts that were taken during wars and that were stolen during colonialism. This includes the Benin Bronzes, a series of masks and sculptures from the Kingdom of Benin in present-day Nigeria. They have great cultural and religious significance to the Edo people, as they symbolize the Kingdom's power and skill.<sup>73</sup>

The Benin Bronzes have a bloody history. In 1897 the King of Benin was conducting a religious ritual. It was interrupted by James Phillips, a British explorer. The King killed Phillips and members of his expedition in retaliation. In response, the British government sent its military to Benin to avenge the deaths of Phillips and his crew. During the invasion, the British military stole the Benin Bronzes. The current king of Edo State, Oba Ewure II, has requested the return of the Benin Bronzes. Since then, the British Museum has publicly stated that it is open to cooperation. However, it has not returned them yet.<sup>74</sup> Many museums worldwide own Benin Bronzes, such as the Metropolitan Museum of Art in New York and the Ethnological Museum in Berlin. However, only

Benin Bronzes displayed at the British Museum.

Credit: Joyofmuseums





The Elgin Marbles, displayed in the British Museum.

Credit: Andrew Dunn

seven museums in Nigeria, the country of origin, own Benin Bronzes.<sup>75</sup>

#### *The Parthenon Marbles (The Elgin Marbles)*

Another set of stolen artifacts housed in the British Museum is the Elgin Marbles. The Elgin Marbles are sculptures from the Parthenon in Athens. They were stolen in 1801 by a British ambassador to the Ottoman Empire (which then ruled over Greece), Lord Elgin.<sup>76</sup> Elgin, a self-proclaimed admirer of the arts, wanted to create a replica of the Parthenon in London. He wanted to use real sculptures from the Parthenon in his replica.

The British Museum insists that the Ottoman Sultan permitted Lord Elgin to remove the sculptures via letter. Therefore, they claim that the sculptures are legal property of the museum. However, the wording of the letter is quite ambiguous, leaving it unclear whether permission was truly granted for the replicas, archaeological finds, or the famous Marbles.<sup>77</sup> To this day, the issue is highly contested.

<sup>75</sup> Alex Greenberger, “The Benin Bronzes, Explained: Why a Group of Plundered Artworks Continues to Generate Controversy,” ARTnews, last modified April 2, 2021, <https://www.artnews.com/feature/benin-bronzes-explained-repatriation-british-museum-humboldt-forum-1234588588/>.

<sup>76</sup> Tessa Solomon, “How Did the Parthenon Marbles End Up in the British Museum?” ARTnews, last modified October 7, 2021, <https://www.artnews.com/art-news/news/parthenon-marbles-british-museum-restitution-1234605904/>.

<sup>77</sup> Solomon, “How Did the Parthenon.”

<sup>78</sup> Solomon, “How Did the Parthenon.”

<sup>79</sup> “The Parthenon Sculptures: Contested objects from the collection,” The British Museum, accessed August 30, 2022, <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/parthenon-sculptures>.

Although he obtained the sculptures, Elgin could not use them to create his replica of the Parthenon. The artists he commissioned refused to work with him, believing Elgin’s removal of the Marbles was offensive to history and unethical. Unable to use them for his replica, Elgin sold the sculptures to the British government in 1816. The government then displayed the sculptures in the British Museum, where they have been ever since.<sup>78</sup>

In 1821, soon after Elgin sold these sculptures to the museum, Greece gained its independence from the Ottoman Empire. Since then, Greece has claimed ownership of the sculptures. The Greek government continues to formally request the return of the Marbles. The museum has offered to loan the sculptures back, but the Greek government refused this offer. They say they do not legally recognize the British Museum’s ownership of the sculptures.<sup>79</sup> In October 2021, a UNESCO advisory committee recommended that the British Museum reconsider repatriating these sculptures. UNESCO wants them to reopen the discussion with Greece on the matter. The British Museum, however, has refused this suggestion from





The ruins of the Parthenon in Athens, Greece.

Credit: Steve Swayne

UNESCO and still has the sculptures.<sup>80</sup>

Another complicating factor is that the Ottomans were themselves a colonial power. It is undecided how international law should address communities that did not have political representation when the artifacts were stolen. It is uncertain whether Greece would have allowed Elgin to remove the Marbles from the Parthenon had it been an independent country. This can be assumed due to how insistent they have been for their repatriation. This issue is also paired with the ambiguous nature of the “permission” in the first place. Therefore, there are numerous legal hurdles that prevent this case from being resolved.<sup>81</sup>

#### *Bust of Nefertiti*

A third example of a contested artifact is the Bust of Nefertiti, an ancient Egyptian sculpture. The bust has strong cultural and spiritual significance. History describes Nefertiti as a powerful queen who was considered to have “semi-divine magical fertility.”<sup>82</sup> The bust, sculpted around 1340 B.C. by

the court sculptor, was a beacon of The Amarna Period, a period of Egyptian art characterized by naturalism, emotion, and fluidity.<sup>83</sup> As such, the piece has deep cultural significance for Egypt and ancient world history.

It was looted from an ancient archaeological site by the German Oriental Company in 1912. After that, it was given to the expedition’s commissioner, who gave it to the Berlin Museum. Due to the nature of the bust’s removal, the commissioner asked the museum not to display them. In 1924, the bust was showcased, and Egypt has requested its return ever since then. These requests have been unsuccessful. Currently, it is at the Neues Museum in Berlin<sup>84</sup>. The Neues Museum actively refuses to return the bust because it is an “ambassador of Egypt in Berlin.”<sup>85</sup>

These examples illustrate that the repatriation of cultural artifacts is very complicated. Furthermore, they show how colonialism complicates disputes over ownership, especially due to conflicting power dynamics and histories of oppression. These examples emphasize the need for an international legal

<sup>80</sup> Solomon, “How Did the Parthenon.”

<sup>81</sup> Solomon, “How Did the Parthenon.”

<sup>82</sup> Valerie Vande Panne, “Nefertiti as Sensual Goddess,” *Harvard Gazette*, November 18, 2013, <https://news.harvard.edu/gazette/story/2013/11/nefertiti-as-sensual-goddess/>.

<sup>83</sup> Elsie McLaughlin, “The Art of the Amarna Period,” *World History Encyclopedia*, Last modified September 22, 2017, <https://www.worldhistory.org/article/1110/the-art-of-the-amarna-period/>.

<sup>84</sup> Moure, “9 Famous.”

<sup>85</sup> “German foundation refuses to return Nefertiti bust,” Reuters, last modified January 24, 2011, <https://www.reuters.com/article/us-germany-egypt-nefertiti/german-foundation-refuses-to-return-nefertiti-bust-idUSTRE70N6N220110124>.

framework clearly defining ownership. The framework should detail how repatriation should be approached in a respectful and fair way, taking into account the wrongs of the past.

## Sustainable Development Goals

In 2015, member states of the United Nations adopted the 2030 Sustainable Development Agenda. This international agreement lays out a framework for resolving humanitarian issues. This includes issues like poverty, hunger, inequality, and climate change. They hope to achieve these goals by the year 2030. It includes 17 Sustainable Development Goals (SDGs). Each SDG addresses an important target that the United Nations wants to achieve.<sup>86</sup>

In museums abroad, artifacts help visitors understand the history of many countries and civilizations, providing details of the past and how the people lived. The educational value of cultural property is key to understanding why these debates are so important to producer countries, whose property was taken during colonialism. The following SDGs are the most closely linked to these topics and issues.

SDG 4: Quality Education. It involves securing resources and opportunities for learning for all ages.<sup>87</sup> Protecting cultural artifacts and resolving ownership disputes are important for education. Cultural heritage offers people an opportunity to tangibly interact with history. These objects can offer a glimpse of the past in the origin countries. It can help populations understand their ancestors who once created the artifacts.

SDG 10: Reduced Inequalities aims to reduce inequalities within and between nations.<sup>88</sup> Although it is talked about less, cultural property has an inherent value. Artifacts contain actual monetary value through the money they can make for whoever displays them. For example, the British Museum made GBP 2.3 million from artifacts they collected during the colonial period.<sup>89</sup> Therefore, if artifacts are returned, countries of origin and their museums will benefit from this. They will begin to make money from exhibits with their own artifacts

<sup>86</sup> “The 17 Goals | Sustainable Development,” United Nations: Department of Economic and Social Affairs, accessed August 21, 2022, <https://sdgs.un.org/goals>.

<sup>87</sup> United Nations, “The 17 Goals.”

<sup>88</sup> United Nations, “The 17 Goals.”

<sup>89</sup> Ponshe, “Why Artifacts in Museums Should Be Repatriated.”

<sup>90</sup> United Nations, “The 17 Goals.”

<sup>91</sup> United Nations, “The 17 Goals.”

and the guests they can draw to their museums. Many of these countries whose artifacts were stolen are affected by global wealth inequalities, part of which can be addressed with the wealth made from its artifacts.

SDG 12: Responsible Consumption and Production addresses important aspects of the repatriation of artifacts. This SDG focuses on fostering patterns of creation and usage of resources that are not damaging to human life.<sup>90</sup> Ultimately, cultural property is treated like any other property in the modern world. Therefore, the ownership and display of artifacts are a form of consumption. This means it is important to understand that if artifacts are only found in consumer countries, their consumption is not fair. Since they were obtained due to these countries’ wealth, their consumption is not equitable or sustainable. It is important to consider this when suggesting legal actions to relevant decision-making bodies. Laws should keep the goal of responsible and equitable consumption in mind.

SDG 16: Peace, Justice, and Strong Institutions must be taken into consideration when discussing the repatriation of artifacts. This SDG seeks to promote inclusive societies for sustainable development.<sup>91</sup> Justice is a key factor in discussions of repatriation and cultural property. This is because laws that comprehensively discuss this topic have not been created. Therefore, decision-makers have control over how laws are created. The Legal committee has a large effect on the actions that will be taken due to their responsibility to lay the foundations for these laws.

## Bloc Analysis

### Points of Division

In debating a topic that can be plagued by arguments about repatriation, display, and ownership of artifacts, it is only natural that certain blocs will form within the committee. Blocs can be divided by a country’s status as artifact-producing



or artifact-consuming. Artifact-producing countries have long histories with cultural artifacts that have been stolen. On the other hand, artifact-consuming countries mainly display artifacts from other countries. Most modern countries exist between these two definitions. Delegates need to navigate these differences and find their country's overall stance.

Generally, producers often share colonial histories and regional ties with one another. This can aid or prevent cooperation. On the other hand, many consumers are old colonizers. Many still maintain neo-colonial relations. Delegates must research the effects of colonialism on artifact repatriation as well as how colonialism affects current relations between countries.

Further division exists between artifact-consuming countries. Some support active repatriation, while others do not. Different notions of nationalism and patriotism between countries are at the heart of this division. The continued presence of neocolonial relationships with former colonies also plays a large role in this division.

Countries also have different positions about the artifact black market and repatriation. Many artifacts in consumer countries were obtained illegally. Artifacts were rarely received through a formal exchange. This means many countries like the UK ban repatriation.<sup>92</sup> On the other hand, countries like the US repatriate black market goods because of their illegal nature. Immigration and Customs Enforcement (ICE) says the US is willing to return stolen artifacts taken during the War on Terror and the Vietnam War.<sup>93</sup>

It is also important to consider the prevalent role of the black market regarding private art collections. The black market trade of art and artifacts is valued at roughly USD 10 billion.<sup>94</sup> When forming blocs, delegates should consider legal limitations and the gray areas associated with international artifact consumption.

92 Hannah R. Godwin, "Legal Complications of Repatriation at the British Museum," *Washington International Law Journal* 30, no. 1 (December 2020): 144-170, <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1857&context=wilj>.

93 "US returns stolen ancient artifacts to Iraq in repatriation ceremony," U.S. Immigration and Customs Enforcement, last modified September 24, 2021, <https://www.ice.gov/news/releases/us-returns-stolen-ancient-artifacts-iraq-repatriation-ceremony>.

94 Kai Schultz and Upmanyu Trivedi, "These Art Sleuths Are Taking on Traffickers in a \$10 Billion Black Market," Bloomberg, last modified April 18, 2022, <https://www.bloomberg.com/news/features/2022-04-19/these-art-sleuths-are-taking-on-traffickers-in-a-10-billion-black-market>.

95 Carlie Porterfield, "Europe's Museums, Collectors Are Returning Artifacts To Countries Of Origin Amid Fresh Scrutiny," Forbes, last modified October 27, 2021, <https://www.forbes.com/sites/carlieporterfield/2021/10/27/europes-museums-collectors-are-returning-artifacts-to-countries-of-origin-amid-fresh-scrutiny/?sh=60388821675b>.

96 "Repatriation Office," National Museum of Natural History. Smithsonian, accessed August 30, 2022, <https://naturalhistory.si.edu/>

The following section contains a breakdown of these bloc positions. This can work as a loose framework on how to navigate the committee. The following breakdown is a suggestion. It is meant to help the research process. During committee, delegates are encouraged to modify blocs but should keep in mind these divisions.

## Consumer Countries Favoring Repatriation

Certain countries which own stolen artifacts are currently in favor of repatriation. Country policy has not been consistent over time. Over time, these countries have changed their policies to support the return of stolen goods. This includes consumer countries like France and the Netherlands. They are in total support of repatriation. In fact, they have approved major repatriation projects to Benin, Guatemala, and Ukraine.

A country's historic policy towards the producer country is a large factor in repatriation policies. French President Emmanuel Macron has consistently favored repatriation toward West African countries. He does this because they were former French colonies. These countries have historically served as regions of national interest for France. Macron uses repatriation to maintain good relationships with them. The Netherlands has been quick to support repatriation efforts to Ukraine. However, they have been hesitant to return artifacts to other countries. This may prove the Netherlands views Ukraine as an ally and is doing this to maintain its bond.<sup>95</sup> This suggests that, in many cases, repatriation is conditional. It serves as a political tool rather than an ideological or moral rule. The United States has also broadly supported repatriation as a major consumer country. They are inclined to begin repatriation due to the political climate, which includes greater pushes for recognizing Indigenous history. This has caused its national museum, the Smithsonian, to repatriate Indigenous artifacts.<sup>96</sup>

Countries in this bloc may disagree about accepting collective responsibility, particularly regarding the processes that led to artifact consumption. There are also disagreements on how broad and fast repatriation should occur. Political considerations also play a large role in repatriation. A country's values for the effects of repatriation on security and allyship interests will affect their opinion.

Countries in this bloc will likely work with producer countries to return stolen artifacts. Their points of focus will be restructuring the legal framework to include provisions for repatriation and working with consumer countries to repatriate their artifacts. They will work to resolve disagreements within the bloc itself to streamline the repatriation process.

### Consumer Countries Opposing Repatriation

The United Kingdom is a major consumer country that has consistently opposed repatriation. The UK is a unique case because its common law bans the repatriation of artifacts. They refuse to acknowledge the extent of Britain's colonial history. They also believe these artifacts are rightfully British due to colonial legal power. This is codified in the British Museum Act of 1963. It states that unless an object they own is a duplicate, the museum cannot get rid of any artifacts.<sup>97</sup>

Opposition towards repatriation also happens within a country. An example would be settler-colonial countries such as Australia. Australia does not want to repatriate artifacts back to Indigenous communities.<sup>98</sup> Countries in this category believe cultural artifacts are not inherently the property of any country. These countries also state that basing property ownership on the land it was produced is nationalistic.<sup>99</sup>

It is important to note that even countries favoring repatriation may contain museums that insist on keeping their collection, such as the Louvre in France. Countries may favor repatriation only when it is convenient for their interests. Their support for repatriation may only be as deep as their national interests,

rather than being an accepted ideology. Delegates must consider not only their national policy but also the activities within their own country concerning artifacts.

Countries in this bloc may focus on the importance of their museums to their national culture. They may work to create museum and artifact laws that oppose repatriation. It is important, though, that these countries take into account the ideologies of the other blocs and begin understanding the importance of artifacts to other countries.

### Origin Countries

Producer countries generally have policies that favor repatriation efforts. Many of these countries have suffered under colonialism or war, which have resulted in instability and the loss of their cultural artifacts. This loss means that the educational value of these artifacts is robbed from the people of origin. Artifacts mean the most to these people, and they do not have access to them. Therefore, these countries often argue in favor of repatriation because artifacts are important to their history. High-profile artifacts located in consumer countries often become a part of national myths. Countries create this to encourage patriotism or nationalism in their people.<sup>100</sup> Some examples of countries in this bloc include Egypt, Iran, Afghanistan, and many countries in Africa.

Potential divisions in this bloc are based on regional conflicts and unclear ownership of stolen artifacts. Members of this bloc need to outline a clear set of rules for artifact repatriation. These rules must align with their country's interests. They will likely work closely with producer countries to convince them that repatriation is important. They can recommend their interests to decision-makers like UNESCO.

### Committee Mission

The Legal Committee is a place for every country to address

research/anthropology/programs/repatriation-office.

97 "British Museum Act 1963," British Museum Royal Assent, last modified July 10, 1963, <https://www.britishmuseum.org/sites/default/files/2019-10/British-Museum-Act-1963.pdf>.

98 Timmah Ball, "Unceded land, unpublic use: settler colonial construction on stolen land," *The Architectural Review*, last modified July 28, 2022, [https://www.architectural-review.com/essays/unceded-land-unpublic-use-settler-colonial-construction-on-stolen-land?utm\\_source=WordPress&utm\\_medium=Recommendation&utm\\_campaign=Recommended\\_Articles](https://www.architectural-review.com/essays/unceded-land-unpublic-use-settler-colonial-construction-on-stolen-land?utm_source=WordPress&utm_medium=Recommendation&utm_campaign=Recommended_Articles).

99 James Cuno, "Culture War: The Case Against Repatriating Museum Artifacts," *Foreign Affairs* 93, no. 6 (December 2014): 119-129, <https://www.jstor.org/stable/24483927>.

100 Cuno, "Culture War," 119-129.

concerns with and challenge current legal norms. It is meant to help close the loopholes that allow injustices to occur. The topics of discussion can be any possible legal question. This makes the Legal Committee an extremely powerful forum for international cooperation and progress.<sup>101</sup>

The question of cultural artifacts and their repatriation is key. It is a topic where legal regulations are limited. These regulations mainly discuss wartime looting. This means that delegates have the opportunity to advise international decision-making bodies and countries. They can develop new regulations to fill in oversights. These oversights include topics such as looting that happened before the creation of existing regulations. They should also cover the controversial removal of cultural property during colonialism.

A resolution from the Legal Committee can be a powerful motivator for international action. However, delegates must acknowledge that the Legal Committee does not have any decision-making powers on its own. It can only implore more equipped bodies, such as Interpol, UNESCO, or national governments, to act within their own mandates. With this in mind, delegates must create substantive suggestions for new legal frameworks surrounding the repatriation of artifacts worldwide.

---

101 “Sixth Committee (Legal),” United Nations, General Assembly of the United Nations, accessed August 28, 2022, <https://www.un.org/en/ga/sixth/#>.



LEGAL

NHSMUN 2023

**TOPIC B:  
REGULATING TRANSNATIONAL CORPORATIONS**

Photo Credit: Fahad Faisal



## Introduction

The industrial revolution in the early 1800s marked a shift in the global community. Increased use of machinery in local economies gave rise to the factory system.<sup>1</sup> Since then, the global community has shifted towards a reliance on corporations. As corporations have grown over time, so has their influence and role in national and international affairs. While large corporations date back to as early as 1602, the industrial revolution wholly restructured trade and development on a global scale. Today, multinational corporations (MNCs) are an integral part of the global economy. MNCs can be defined as any company that invests, produces goods and services, or owns assets outside of its country of origin.<sup>2</sup> This status gives MNCs a platform to greatly impact the global community economically, socially, and environmentally. Nonetheless, the immense power granted to MNCs is largely unregulated. As a result, many MNCs exploit economic systems, people, and the environment. Furthermore, policies that aim to address sustainability concerns often force middle and low-income individuals to make sacrifices rather than hold MNCs accountable for the damage they cause.

MNCs with great social and political capital have operated with little accountability since they originated. Currently, international law does not have regulations for corporations or mechanisms to ensure compliance. With MNCs based in many countries and outsourcing to many more, jurisdiction is difficult to establish for these corporations. Despite being international bodies, MNCs frequently fall under national labor codes. Because there is no consistency across national laws, they also fail to regulate MNCs. As a result, MNCs can evade both national and international regulations. Consequently, corporations carry out practices that negatively affect climate change and exploit workers. Despite committing countless crimes that are economic and social in nature, few international proceedings have held these corporations liable. Although corporations are often seen as “legal persons” in the eye of the law through what is known as corporate personhood, they are not held to the same standards as individuals when it comes to illegal actions.

While certain countries are starting to take strides toward regulating the actions of their MNCs, the international stance remains unclear. This allows the damage caused by such corporations to grow exponentially and worsen as time goes on. Although MNCs have revolutionized the global community and play an integral role in our world, international

law must be restructured.

This topic explores the complex concerns that arise when considering the regulation of MNCs. Questions of national vs. international interests, failures of the past, and substantive changes for the future must be carefully considered. Whether through successful legislation from national parties, or the creation of brand new legal frameworks, resolving this issue will require a strong knowledge of the history of corporations, national stake in such an issue, and other considerations. Throughout this discussion, delegates will navigate questions of corporate personhood, current environmental measures, and the international courts’ effectiveness on this topic. Ultimately, delegates should work towards creating substantive recommendations and advisory notices that relevant UN bodies and committees can then act upon.

## History and Description of the Issue

### The Rise and Exploitative Nature of MNCs

The turn of the 17th century brought advancement, social upheaval, and the first transnational corporation. The Dutch East India Company (DEIC) is widely accepted as the first company to widely promote the trade of goods far from

1 Charles W. Carey, “An Essay from 19th Century U.S. Newspapers Database,” Gale Cengage Learning, accessed August 12, 2022, [https://www.gale.com/binaries/content/assets/gale-us-en/primary-sources/newsvault/gps\\_newsvault\\_19thcentury\\_usnewspapers\\_corporations\\_essay.pdf](https://www.gale.com/binaries/content/assets/gale-us-en/primary-sources/newsvault/gps_newsvault_19thcentury_usnewspapers_corporations_essay.pdf).

2 Alan Hedley, “Transnational Corporations,” Encyclopedia, accessed August 18, 2022, <https://www.encyclopedia.com/social-sciences/encyclopedias-almanacs-transcripts-and-maps/transnational-corporations>.



The flag of the DEIC (VOC) on a replica of the East Indiaman, a ship used by the corporation to transport goods.

Credit: McKarri

its home base. This company was the first of its kind and revolutionized the global market. Although the definition of a transnational corporation has developed over time, the DEIC fell into this category when it emerged in 1602. Originating in the present-day Netherlands, the DEIC primarily traded goods such as spices, textiles, gems, and weapons.<sup>3</sup> The DEIC was formed by the sponsorship of the Dutch government, which desired a global trade system to monopolize Asian markets.<sup>4</sup> Monopolization occurs when one group holds exclusive control over a certain good or service. In the DEIC, the government desired that the company gain sole control over Eurasian trades and communications, which they succeeded in doing. Historical scholars have cited that “[the DEIC] was larger than several nations. It was essentially the *de facto* emperor of large portions of India, which was one of the most productive economies in the world at that point”.<sup>5</sup> These statements solidified the Dutch East India Company as the first of its kind, which became the blueprint for MNCs

that developed after it. As such, many corporate concepts established by the DEIC exist in many MNCs today. For example, ideas of corporate personhood and the separation of ownership and management formed under the DEIC and continue to be used.<sup>6</sup> Upon the success of the first MNC, competing companies like the British East India and Hudson’s Bay Company were soon established in England during the mid-1620s and 1670s, respectively.<sup>7</sup> Following the DEIC, many of these organizations were defined by the monopoly power the government gave them. The monopoly of the DEIC allowed it to leave workers unprotected, as there were few other options for employment and profit. With statistics estimating the DEIC’s use of up to 60 thousand slaves from India and Africa for just one trade location in South Africa, it is clear that this corporation was built on exploitation.<sup>8</sup>

The colonial history behind MNCs are the foundation for their exploitative practices today.<sup>9</sup> With semi-governmental

3 “Dutch East India Company, Trade Network, 18th Century,” The Geography of Transport Systems, accessed August 21, 2022, <https://transportgeography.org/contents/chapter1/emergence-of-mechanized-transportation-systems/dutch-east-india-company-trade-network/>.

4 “Dutch East India Company,” New World Encyclopedia, last modified October 5, 2017, [https://www.newworldencyclopedia.org/entry/Dutch\\_East\\_India\\_Company](https://www.newworldencyclopedia.org/entry/Dutch_East_India_Company).

5 Dave Roos, “How the East India Company Became the World’s Most Powerful Monopoly,” History, last modified October 23, 2020, <https://www.history.com/news/east-india-company-england-trade>.

6 Alish Lalor, “What Was the VOC? The Dutch East India Company Explained,” DutchReview, last modified June 8, 2021, <https://dutchreview.com/culture/history/voc-dutch-east-india-company-explained/>.

7 Jed Geer and Kavaljit Singh, “A Brief History of Transnational Corporations,” Global Policy Forum, last modified 2000, <https://archive.globalpolicy.org/component/content/article/221-transnational-corporations/47068-a-brief-history-of-transnational-corporations.html>.

8 Jan Lucassen, “A Multinational and Its Labor Force: The Dutch East India Company, 1595–1795,” *International Labor and Working-Class History* 66 (2005): 12-39, <https://doi.org/10.1017/s0147547904000158>.

9 Amanda Briney, “The Rise and Decline of the Dutch East India Company,” ThoughtCo, last modified April 10, 2019, <https://www>.

powers and complete support from the monarch, the DEIC could wield its power strategically. Such freedom allowed for the easy exploitation of employees and the general public while Dutch officials accumulated wealth. Any time the DEIC faced shortages of supply, it “dramatically lower[ed] salaries for all of the already underpaid agents, regardless of rank”.<sup>10</sup> A supply shortage occurs when the demand for a product exceeds the supply of that product. Further costs to produce more products are taken from employee wages and may lead to inadequate compensation. As such, slave labor was crucial in allowing the MNC to accumulate wealth without losing profit. It is widely accepted that The Dutch East India Company’s peak worth reached an amount equivalent to USD 7.9 trillion today through such business practices.<sup>11</sup> Through the exploitation of workers in other countries, the ability to cut wages without explanation, and semi-governmental power, the DEIC set the stage for the future behaviors of multinational corporations.

Modern MNCs parallel the business practices of the past while also facing barriers of the present. Wealth disparity continues to increase as MNCs pay less than livable wages and avoid paying taxes. The combined wealth of the eight richest men in the world is the same as the combined wealth of the poorest half of the world. Despite this large inequality, few measures have been taken to correct it.<sup>12</sup> All eight of these men own and lead the current largest MNCs in the world, which includes names such as Warren Buffet (Berkshire Hathway), Jeff Bezos (Amazon), Mark Zuckerberg (Facebook), and Michael Bloomberg (Bloomberg L.P.).<sup>13</sup> By moving production to developing countries, MNCs can “own a majority stake in factories with *sweatshop* conditions” without worrying about their corporate responsibility.<sup>14</sup> In 2014, the International Labor Organization estimated that USD 150 billion is generated annually through forced labor<sup>15</sup>. Just as the Dutch East India Company exploited workers and used forced labor for production, current MNCs use similar business practices.

thoughtco.com/the-dutch-east-india-company-1434566.

10 Zachary Meszell, “Perishing under Corruption: A Cautionary Tale from the Dutch East India Company,” GAB | The Global Anticorruption Blog, last modified June 9, 2021, <https://globalanticorruptionblog.com/2021/07/09/perishing-under-corruption-a-cautionary-tale-from-the-dutch-east-india-company/>.

11 Jeff Desjardins, “The Most Valuable Companies of All Time,” Visual Capitalist, last modified December 8, 2017, <https://www.visualcapitalist.com/most-valuable-companies-all-time/>.

12 Deborah Hardoon, “An Economy for the 99%,” Oxfam International, last modified January 2017, [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/bp-economy-for-99-percent-160117-en.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/bp-economy-for-99-percent-160117-en.pdf).

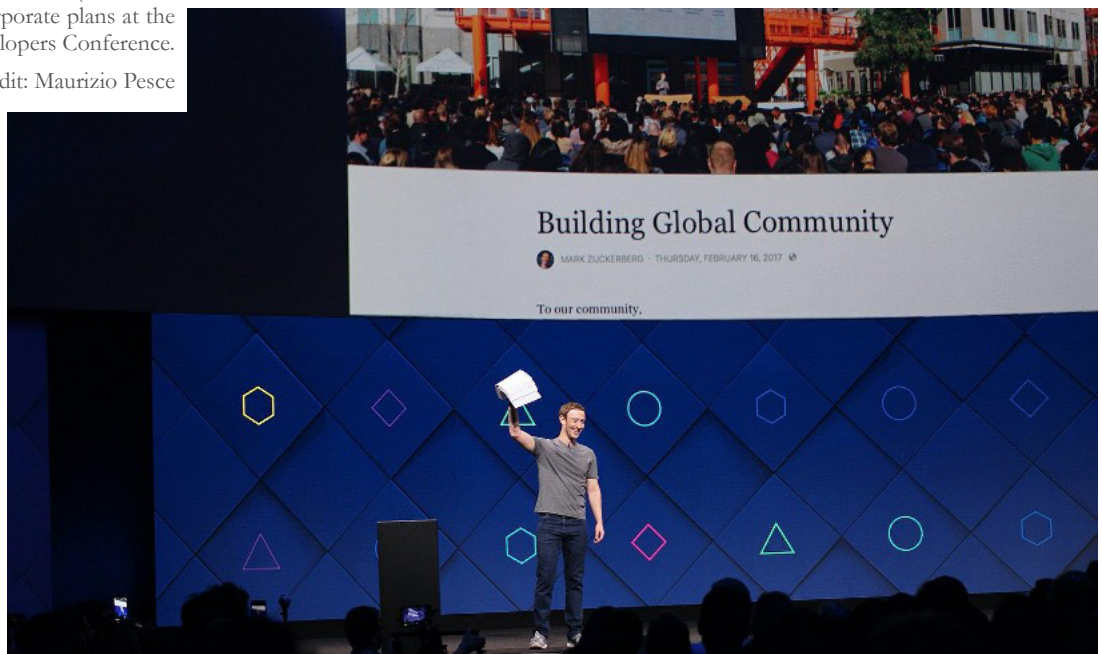
13 Larry Elliott, “World’s Eight Richest People Have Same Wealth as Poorest 50%,” The Guardian, last modified January 16, 2017, <https://www.theguardian.com/global-development/2017/jan/16/worlds-eight-richest-people-have-same-wealth-as-poorest-50>.

14 Ans Kolk et al., *Transnational Corporations* 14, no. 3 (New York: United Nations Conference on Trade and Development, 2005), 1-101, [https://unctad.org/system/files/official-document/iteit20059\\_en.pdf](https://unctad.org/system/files/official-document/iteit20059_en.pdf).

15 “Economics of forced labor: ILO Says Forced Labour Generates Annual Profits of US\$ 150 Billion,” (nternational Labour

Mark Zuckerberg, the founder of Facebook (now Meta Platforms Inc.) discussing future corporate plans at the F8 2017 Developers Conference.

Credit: Maurizio Pesce





While the DEIC paved the way for principal business concepts, it also served as a model of corruption for future MNCs to follow. Exploitative practices continue to surround MNCs, but they are no longer the sole areas to redress. In the current global community, MNCs have often ignored their economic responsibility. Several MNCs find ways to evade and lessen their tax payments by taking advantage of ambiguous tax laws. Often, federal governments prioritize corporate interests over the general public. In 2017, corporate tax was lowered from 35 percent to 21 percent in the United States of America, which hurt low and middle-income households.<sup>16</sup> Although MNCs are integral to the trade of goods and services, there is a large gap in who benefits from it economically. Whether it is through the exploitation of workers or ways of evading economic responsibility, modern MNCs require reform, and current legislation must be examined to address such problems.

### The Scope of International Law

Today, scholars widely accept that MNCs are an incredibly “important actor in contemporary international relations.”<sup>17</sup> Widely influential legal professionals, including Professor Seymour Rubin of the American Society of International Law, echo these beliefs. By analyzing economic patterns, historical examples, and the relationships between MNCs and governments, academics and leading professors find consensus on this understanding. While the DEIC outwardly broadcasted its semi-governmental powers, current MNCs hide their similar levels of authority and control. Despite playing a large role in international relations, no international legal authority governs MNCs. Corporations are currently seen as “incorporated under the laws of a particular country, undertaking business activities beyond the borders of that particular country.”<sup>18</sup> This means there are no international

laws in place to restrict MNCs. This system does not allow countries to hold their corporations accountable for their actions overseas. While federal governments can supervise corporate behavior in their own country, it becomes increasingly difficult in other countries. Questions also arise over which labor codes should be enforced. If an MNC based out of the United States or Sweden has factories in Bangladesh, which country’s employment standards must be met? Similarly, should wages be determined based on the country of work or the home of the MNC? Such questions have no real answer in international law. As a result, MNCs can pay low wages and avoid the restrictive labor codes of their countries. By outsourcing work to developing countries, MNCs reduce costs for information technology (IT) and similar services by up to 60 percent.<sup>19</sup> Although outsourcing may benefit the economies of underdeveloped countries, further regulations would create a universal standard for MNCs and protect workers’ rights.

Modern history has allowed MNCs to grow in global reach, influence, and economic strength. In 2002, ExxonMobil was worth around USD 63 billion—comparable to the GDP of Chile and Pakistan.<sup>20</sup> The benefits of outsourcing for MNCs far exceed the benefits to these countries’ economies. MNCs often allow interference from their home countries in corporate affairs. This practice allows them to maintain strong relations with their home countries if they experience difficulties in their outsourcing countries. Corporations still operate as separate bodies and evade blame from their home countries when it is beneficial. The current system allows MNCs to claim national status when it may assist them and reject it when the international status is more appealing. It is therefore evident that “until a coherent body of laws is created by [countries], [MNCs] will continue to operate in a

Organization, last modified May 20, 2014, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_243201/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm).

16 “United States Corporate: Taxes on corporate income,” Worldwide Tax Summaries, PWC, Last modified August 1, 2022, <https://taxsummaries.pwc.com/united-states/corporate/taxes-on-corporate-income>.

17 Akindale Babatunde Oyeboode, “International Regulation of the Multinational Corporation: A Look at Some Recent Proposals,” *National Black Law Journal* 5, no. 2 (1977): 232-248, <https://escholarship.org/content/qt3nz79708/qt3nz79708.pdf?t=nrwo7z>.

18 Oyeboode, “International Regulation,” 232-248.

19 Abidemi Akinyemi, “Outsourcing to the Developing Economy: Its Impacts on GDP and Unemployment. A Case Study of India and the United States of America,” *Electronic Theses and Dissertations* 1014, (2016): 1-63, <https://openprairie.sdstate.edu/cgi/viewcontent.cgi?article=2012&context=etd>.

20 “Are Transnationals Bigger than Countries?,” United Nations Conference on Trade and Development, last modified 2002, <https://unctad.org/press-material/are-transnationals-bigger-countries>.



confusing spine of legal conflict.”<sup>21</sup>

While many have suggested international regulatory agencies and other forms of restricting MNCs, the global community hasn’t agreed on any single framework. Creating laws to regulate MNCs will help lessen the currently ignored problems. Without legal powers over MNCs, exploitation and economic shortcuts will continue. The International Labor Organization (ILO) ensures that human rights are protected. However, without legal frameworks to control MNCs, human rights protections have no standing over corporations. Similarly, while the UN Tax Committee focuses on forming proper tax systems, MNCs easily avoid taxes through lobbying and, at times, corruption. The few international regulations that have been enacted have been unable to cover the full reach of these companies. Past efforts (including the ILO Tripartite Declaration of Principles Concerning Multilateral Enterprises and Social Policy) could not restrict MNCs. In 1977, the ILO first approved the Tripartite Declaration of Principles Concerning Multilateral Enterprises and Social Policy (also known as the MNE Declaration). This Declaration was amended on several occasions to account for the rapidly-changing status of MNCs. However, its main goal of encouraging “the positive contribution which [transnational] enterprises can make to economic and social progress and the realization of decent work for all” never changed.<sup>22</sup> Despite having a clear goal, the MNE Declaration did not require a precise definition for MNCs. Similarly, the Declaration had no framework to decide what qualified as child labor, unlivable wages, equal opportunity, and many other important terms. As such, the Declaration failed to create a strong framework to restrict MNCs from exploiting their workers. Additionally, the MNE Declaration proposed no way to make sure that MNCs would comply with its goals.

The most important aspects missing from past efforts—including the MNE Declaration—are “mandatory and verifiable reporting systems, mechanisms for monitoring corporate

activity and compliance, and enforcement mechanisms which are effective beyond national boundaries.”<sup>23</sup> Reporting systems must be widely implemented and required for MNCs. Similarly, they must be verifiable to ensure accountability. Such systems would allow MNC activity, wages, and working conditions to be verified. Implementing accountability systems may combat MNCs’ exploitative practices. Mechanisms for monitoring corporate activity would allow a greater look into the dealings of corporate officials. These measures may assist in monitoring MNCs’ economic operations and tax-related behaviors. Finally, enforcement mechanisms will allow the accountability system to be widely accepted. Without forms of enforcement, MNCs will continue to exploit workers and avoid their corporate responsibilities. These proposed measures are just the first steps for creating a legal framework to regulate MNCs. Further measures can be taken to ensure corporate responsibility. Loopholes in past regulations have allowed MNCs to continue their harmful practices without facing any consequences. Because current international laws are loosely defined, they are unsuccessful in regulating MNCs. As such, it is important to clearly define MNCs in future legislation.

## Corporate Personhood

The legal theory of corporate personhood gives corporations the same standing as a person. Implementation of corporate personhood allows corporations several rights and responsibilities. Most notable are the rights to own property, sue and be sued, be punished for illegal activity, and be subject to taxation.<sup>24</sup> By treating corporations as legal persons, bodies of law also hold them accountable for the legal responsibilities of a human being. This means that the legal responsibilities of corporations fall on the company itself rather than its employees. Employees cannot be held liable for civil and criminal acts committed by their corporation. The actions of corporations are not considered the faults of the individuals making business decisions. Rather, only the corporation is to

21 Oyebo, “International Regulation,” 232-248.

22 International Labour Organization, *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* 5th ed. (Geneva: International Labour Office, 2017), [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf).

23 Alice de Jonge, “Transnational corporations and international law: bringing TNCs out of the accountability vacuum,” *Critical Perspectives on International Business* 7, no.1, (February 2011): 66-89, <https://www.emerald.com/insight/content/doi/10.1108/17422041111103840/full/html>.

24 David Millon, “The Ambiguous Significance of Corporate Personhood,” *Washington and Lee University: School of Law*, (March 2001): 1-29, <https://www.emerald.com/insight/content/doi/10.1108/17422041111103840/full/html>.

be blamed.

While the concept of corporate personhood did not formally exist until the creation of the DEIC, the basic ideology behind it likely emerged in India as early as 800 BC.<sup>25</sup> Since then, the ideology has developed into a widespread, almost universal identifier for MNCs. Landmark case law in many countries has allowed corporations to identify as legal persons. A notable case is the 1897 *Salomon v. A Salomon & Co Ltd.* of the United Kingdom. In this case, the judge ruled that the shareholders of a company cannot be directly sued for overdue debts. This solidified the notion of corporate personhood and established the corporation and its shareholders as separate entities.<sup>26</sup> Other cases have had similar rulings, further establishing the concept of corporate personhood. For this reason, it is now the responsibility of corporations to adhere to the same legal responsibilities that a person would. Distinguishing MNCs as legal entities allows certain forms of accountability. The ability to be sued or forced to pay taxes allows governments to regulate certain corporate behavior. Concerned individuals and impacted parties have the ability to raise concerns if MNCs violate the law of their nation, particularly in cases of employee abuse, money laundering, or tax evasion.

Regarding the national legal process, corporate personhood successfully protects the rights of corporations while still maintaining their legal responsibilities. Nonetheless, this cannot be said for international law. MNCs fall under the jurisdiction of international courts. The European Court of Human Rights (ECHR) grants MNCs protections under the European Convention on Human Rights. This means that corporations can be considered victims of human rights abuses. Like corporate personhood, this ruling treats corporations as legal persons. Nonetheless, the court does not extend legal responsibility to corporations when they have committed human rights abuses. The ECHR (and other international courts) grant corporations legal personhood for their rights but not for their responsibilities. This distinction

25 Leonardo Davoudi, Christopher McKenna, and Rowena Olegario, "The historical role of the corporation in society," *Journal of the British Academy* 6 (December 2018): 17-47, <https://doi.org/10.5871/jba/006s1.017>.

26 Stéfanie Khoury, "Corporate (Non-)Accountability and Human Rights," *Asian Journal of Social Science* 46, no. 5 (September 2018): 503-523, <https://doi.org/10.1163/15685314-04604007>.

27 Khoury, "Corporate (Non-)," 503-523.

28 International Labour Organization, "Decent work for sustainable development (DW4SD) Resource Platform: 23. Working Conditions," accessed August 28, 2022, <https://www.ilo.org/global/topics/dw4sd/themes/working-conditions/lang-en/index.htm>.

29 Elliot Hyman, "Who's Really Responsible for Climate Change?" *Harvard Political Review*, last modified January 2, 2020, <https://harvardpolitics.com/climate-change-responsibility/>.

means that MNCs are *objects* of international law but are not *subjects* of it. While they are protected under it, they are not held accountable under international law. International courts operate with a nation-centric model. Only a country can be held responsible for infringements of human rights laws caused by their MNCs.<sup>27</sup>

Despite being widely accepted for its success in federal courts, the concept of corporate personhood may pose a threat to human rights on the international scale. MNCs operating across many countries are subject to little responsibility from international courts. MNCs lack accountability by being treated as *objects* without being considered *subjects*. This precedent allows MNCs to commit human rights abuses away from their headquarters, with little threat of legal penalty. Since international courts do not address the crimes of MNCs, they have little to fear. The concept of corporate personhood has very strong potential to regulate MNCs. Nonetheless, the current definition of corporate personhood, along with a lack of enforcement mechanisms, allow human rights laws and labor codes to be continuously ignored. This lets MNCs neglect the core values of the ILO's working condition goals. Elements such as "[proper] wages, working time...[and] conditions of work" are unmet by MNCs, who face little punishment for depriving the rights of others.<sup>28</sup> Corporate personhood does not properly extend to protect the victims of MNCs and should be re-examined to ensure corporate responsibility.

## Climate Change

The threat of global climate change continues to grow each day. Climate scientists predict climate change will displace billions of people and cost billions of dollars, and it has become clear that active measures must be taken to combat climate change.<sup>29</sup> While some governments have begun banning single-use plastics and encouraging sustainability measures, the largest causes of climate change are being



The Eiffel Tower illuminated green to celebrate the signing of the Paris Agreement in 2016.

Credit: U.S. Department of State

ignored. The 100 largest corporations worldwide have been responsible for 71 percent of global emissions since 1988.<sup>30</sup> Although past efforts and UN agreements have improved our progress in combating climate change, corporations have made few changes. While individual countries have been urged to change their ways, the global community ignores the impact made by corporations and excludes them from its initiatives. Because of this, climate scientists doubt that we will reach the Paris Accords goal of limiting global warming to 2°C or lower.<sup>31</sup> Furthermore, although legally binding, there are no severe penalties for ignoring Paris Agreement obligations due to national sovereignty protections, allowing climate change to worsen.

Corporations, on the other hand, have no obligations whatsoever. MNCs hold no responsibility within international climate initiatives. As a result, corporations' global emissions continue to rise without facing any accountability. Corporations such as ExxonMobile have avoided climate-based lawsuits by arguing that their emissions result from consumer demand.<sup>32</sup>

By avoiding regulation and placing blame on consumers,

corporations continue to avoid responsibility for climate change. Corporations also allege that the cost of green initiatives represents an unfair advantage for their foreign competitors, who can focus all of their resources on corporate growth instead. The absence of regulations to force corporations means that no one will take the first step to change practices. Many MNCs socially support climate efforts but do not wish to make actual substantive change. A 2019 Deloitte survey of 1,168 CFOs found that “there is an increasing pressure to act from a broad range of stakeholders” and “companies’ climate responses focus primarily on measures that have a short-term cost-saving effect.”<sup>33</sup> Very few corporate officials from the survey had a strong understanding of climate change. The general approach of top MNC officials has lacked any large measures. Most current measures focus on saving costs instead of encouraging sustainability.

Although international agreements such as the Paris Agreement require improvements, they have assisted our climate status. Since 2015, many countries and regions have established carbon neutrality targets.<sup>34</sup> This would entail

<sup>30</sup> Tess Riley, “Just 100 Companies Responsible for 71% of Global Emissions, Study Says,” *The Guardian*, last modified July 10, 2017, <https://www.theguardian.com/sustainable-business/2017/jul/10/100-fossil-fuel-companies-investors-responsible-71-global-emissions-cdp-study-climate-change>.

<sup>31</sup> “The Paris Agreement,” United Nations Framework Convention on Climate Change, accessed August 23, 2022, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>.

<sup>32</sup> Hyman, “Who’s Really.”

<sup>33</sup> Michela Coppola and Julian Blohmke, “Feeling the Heat?,” *Deloitte Insights*, last modified December 12, 2019, <https://www2.deloitte.com/us/en/insights/topics/strategy/impact-and-opportunities-of-climate-change-on-business.html>

<sup>34</sup> “The Paris Agreement,” United Nations Framework Convention on Climate Change, accessed August 23, 2022, <https://unfccc.int/>



all carbon dioxide emissions to be balanced by an equal amount of carbon removal. Nonetheless, corporations remain unrestricted. Additionally, due to the political sway corporations can exercise, countries do little to regulate MNCs in their regions. Federal governments often act to serve their monetary interests in collaboration with MNCs. This semi-governmental power leaves MNCs unrestricted. Unlike the Paris Agreement, guidelines for corporations are not legally-binding. The 2011 Organization for Economic Cooperation and Development Guidelines (OECD) for Multinational Enterprises offers recommendations, but this is unbinding. A lack of enforcement makes it impossible to create legally-binding regulations. This document sets out the guidelines for MNCs in countries that are not their home base.<sup>35</sup> Corporate personhood does not allow corporate officials to be held responsible for their actions. Additionally, corporations have no obligation to report their carbon emissions and policies.<sup>36</sup> Without rules to check MNC emissions, regulation is impossible. A survey carried out by Deloitte found that 30 percent of corporations do not feel pressure to act on climate change, and 19 percent only feel pressure from one or two stakeholders.<sup>37</sup> Stakeholders can include a corporation's investors, employees, customers, and suppliers. Many stakeholders prioritize profit over social responsibility, thus influencing corporations to do the same.

Similar to regulating exploitation, climate efforts are difficult to monitor. MNCs have no systems to ensure they meet their corporate responsibilities. Without being required to report emissions, MNCs contribute to climate change with little punishment. On the other hand, consumers are encouraged to be sustainable. These efforts can be difficult for the general public, but they arise because the largest players in climate change have not committed to fixing their harm. Although

MNCs are integral to global markets, they have continuously ignored their responsibilities. Without legal systems to regulate MNCs and other corporations, climate change will continue to worsen.

### Past Methods of Avoiding Corporate Responsibility

Analyzing international law demonstrates that there are few global regulations placed on MNCs. Without global tax systems or universal labor laws, MNCs avoid accountability. Over time, corporations have adapted to avoid even the little regulations their federal government imposes. Tax law and corporate working conditions are nationally determined.<sup>38</sup> Nevertheless, many large corporations find ways to evade these responsibilities. The Institute on Taxation and Economic Policy (ITEP) found that at least 55 of The United States' largest corporations paid no federal taxes in the 2020 fiscal year.<sup>39</sup> With the United States being home to the greatest number of MNCs worldwide, corporate laws need to be strict.<sup>40</sup> However, many countries have tax breaks that allow the system to be abused. In the United States, The Tax Cuts and Jobs Act (TCJA) lowered corporate tax from 35 percent to 21 percent.<sup>41</sup> Additionally, corporations move money to subsidiaries in other countries. This method allows corporations to pay significantly less in income tax or hold their money for long periods.

Illegal actions like these tax havens are incredibly difficult for government agencies to notice. As a result, corporations avoid their economic responsibility without any penalties. MNCs can save billions of dollars through this method without raising wages for employees or providing them with more benefits. By avoiding their economic responsibilities, MNCs force the general public to compensate for them. Federal taxes rise to

process-and-meetings/the-paris-agreement/the-paris-agreement.

<sup>35</sup> OECD, *OECD Guidelines for Multinational Enterprises, 2011 Edition* (OECD Publishing, 2011), <https://doi.org/10.1787/9789264115415-en>.

<sup>36</sup> Jeff Tollefson, "Climate Pledges from Top Companies Crumble under Scrutiny," *Nature News*, last modified February 7, 2022, <https://www.nature.com/articles/d41586-022-00366-2>.

<sup>37</sup> Coppola and Blohmke, "Feeling the Heat?"

<sup>38</sup> International Labour Organization, *The Labour Principles of the United Nations Global Compact: A Guide for Business* 2nd ed. (Geneva: International Labour Office, 2010), [https://d306pr3pise04h.cloudfront.net/docs/issues\\_doc%2Flabour%2Fthe\\_labour\\_principles\\_a\\_guide\\_for\\_business.pdf](https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Flabour%2Fthe_labour_principles_a_guide_for_business.pdf).

<sup>39</sup> Gardner, Matthew, and Steve Wamhoff, "55 Corporations Paid \$0 in Federal Taxes on 2020 Profits," Institute on Taxation and Economic Policy, last modified April 2021, <https://itep.org/55-profitable-corporations-zero-corporate-tax/>.

<sup>40</sup> "Transnational Corporations and Foreign Affiliates," United Nations Conference on Trade and Development, accessed August 23, 2022, [https://unctad.org/system/files/official-document/gdscsir20041c3\\_en.pdf](https://unctad.org/system/files/official-document/gdscsir20041c3_en.pdf).

<sup>41</sup> "Tax Cuts and Jobs Act (TCJA)," Thomson Reuters Practical Law, accessed August 26, 2022, [https://ca.practicallaw.thomsonreuters.com/w-017-0945?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://ca.practicallaw.thomsonreuters.com/w-017-0945?transitionType=Default&contextData=(sc.Default)&firstPage=true).



adjust for the income taxes that MNCs fail to pay. In 2020, Nike did not pay any federal income tax through such practices. Despite earning almost USD 2.9 billion, Nike received a USD 109 million tax return. Tax benefits intended to help struggling companies during the COVID-19 pandemic have been used by MNCs to continue accumulating wealth.<sup>42</sup> The current lack of structures to restrict MNCs allows continued exploitation of the tax system. This exploitation harms the general public, who bear the burden of MNCs.

Many measures have been taken by countries and intergovernmental organizations to combat this issue. Over time, however, corporations have worked around these restrictions. The European Coalition for Corporate Justice has proposed methods to “require [European Union] companies with more than 500 employees and turnover of EU 150 million to prevent human rights and environmental abuses along their full supply chains, by carrying out so-called ‘due diligence.’”<sup>43</sup> This is one of the first concrete proposals of this nature by an intergovernmental body. However, this approach highlights the problem with attempts to restrict MNCs. The draft would allow companies to protect their practices by forcing third parties to verify their actions. This would mean that the legal discipline would be given to third parties instead of the MNCs responsible for illegal acts. Current drafts do not force MNCs to take responsibility for their actions. Although this draft has potential, it does not solve many major problems.

A large hurdle for raising legal cases against MNCs is the length of the process. Cases against MNCs often have high costs, little access to evidence, and inadequate legal support. Many individuals give up their cases before they can make substantive change. This is due to the sheer power of MNCs. Although corporate personhood grants corporations the right to be sued, the legal process greatly favors the MNC. Through MNCs being treated as *objects* instead of *subjects* and

a lack of enforceable accountability systems, MNCs thrive under international law. Imbalances in the system—especially on the international level—make it very difficult to hold them accountable. MNCs have access to unlimited funds and incredible attorneys, thus making legal conflicts an uphill battle for others.

## Current Status

### Case Study: Nevsun Resources Limited

Nevsun Resources Limited is a Canadian mining company producing gold, silver, and copper from the Bisha mine in Eritrea. The company was acquired by Zijin Mining Group on December 29, 2018.<sup>44</sup> Since then, it has received its resources from this large MNC. As the number one gold mining company in the World, Zijin Mining is an incredibly large MNC. Being a subsidiary of the Chinese-owned MNC, Nevsun Resources employs the labor codes of its parent company, which has historically been abusive to its employees.

In 2014, three Eritrean workers at the Bisha Mine fled to Canada and filed a claim against Nevsun Resources in Canadian courts. Nevsun is the parent company of the Bisha Mining Share Company (BMSC) and was thus responsible for the treatment of its employees. The three workers claimed that Nevsun allowed for forced labor and conditions of slavery at its mines in Eritrea.<sup>45</sup> In 2019, the *Nevsun Resources Ltd. v. Araya* case reached the Supreme Court of Canada (SCC).<sup>46</sup> The attorneys representing Nevsun argued that Canadian courts did not have jurisdiction over Eritrean matters. Such an argument implied that Nevsun refused to take accountability for the treatment of its employees in other countries. Araya and the other refugees claimed to be “subjected to violent, cruel, inhuman and degrading treatment.”<sup>47</sup> Nevsun maintained that

42 Gardner and Wamhoff, “55 Corporations.”

43 “Dangerous Gaps Undermine EU Commission’s New Legislation to Hold Corporations Accountable,” European Coalition for Corporate Justice, last modified February 23, 2022, <https://corporatejustice.org/news/dangerous-gaps-undermine-eu-commissions-new-legislation-on-sustainable-supply-chains/>.

44 “Nevsun Resources Ltd - Company Profile and News,” Bloomberg, accessed August 10, 2022, <https://www.bloomberg.com/profile/company/NSU:CN>.

45 “Nevsun Resources Ltd. v. Araya,” Supreme Court of Canada, Supreme Court Judgments, last modified February 28, 2020, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18169/index.do>.

46 James Yap, “Nevsun Resources Ltd. v. Araya: What the Canadian Supreme Court Decision Means in Holding Canadian Companies Accountable for Human Rights Abuses Abroad,” Business & Human Rights Resource Centre, last modified March 16, 2020, <https://www.business-humanrights.org/en/latest-news/nevsun-resources-ltd-v-araya-what-the-canadian-supreme-court-decision-means-in-holding-canadian-companies-accountable-for-human-rights-abuses-abroad/>.

47 Supreme Court of Canada, “Nevsun Resources.”



The Supreme Court of Canada, located in Ottawa, Ontario.

Credit: Michel Rathwell

this legal matter was better suited to be managed in Eritrea.

By utilizing the transnational nature of their organization, MNCs often avoid responsibility for the treatment faced over their policies. This argument shifts the blame onto other parties. The validity of such an argument highlights the shortcomings of corporate personhood due to the avoidance of corporate social responsibility consistent with this system. Historically, this argument has proven successful in international claims. In that case, the matter would return to Eritrea, where little justice would be attained. The abusive environment of the Bisha Mines occurred due to mandatory military participation for citizens. The military forced citizens to work at this mine.<sup>48</sup> Due to the role of the government in these acts, little would have occurred if this case had been brought to Eritrean courts. As such, Araya and the other refugees brought the case to Canadian courts. They argued that Canadian corporations were responsible for maintaining customary international law. The treatment of workers was considered “forced [labor], slavery, and crimes against humanity.”<sup>49</sup> Such treatment is prohibited under customary international law, set forth by

48 Winston Anderson, “Friendly Judicial Challenges from the North: The Decision of the Canada Supreme Court in *Nevsun Resources Ltd. v. Araya*,” *Common Law World Review* 51, no. 1-2 (May 2022): 3-11, <https://doi.org/10.1177/14737795211055781>.

49 Supreme Court of Canada, “*Nevsun Resources*.”

50 Jeff Beedell and Wudassie Tamrat, “Supreme Court of Canada Case in Depth: *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5.,” Gowling WLG, last modified March 12, 2020, <https://gowlingwlg.com/en/insights-resources/articles/2020/nevsun-resources-ltd-v-araya-2020-scc-5/>.

51 Beatrice A. Walton, “*Nevsun Resources Ltd. v. Araya*,” *American Journal of International Law* 115, no. 1 (January 2021): 107-114, <https://doi.org/10.1017/ajil.2020.103>.

international courts and must be adhered to by the global community.

While both parties crafted strong legal arguments, the SCC sided with Araya. Araya’s argument of Canada’s commitment to customary international law swayed the SCC to rule in his favor. In a 5-4 decision, it was held that *Nevsun Resources Limited* would pay damages for their crimes against humanity in their Eritrean mines.<sup>50</sup> This ruling was shocking due to the history of MNCs facing little accountability. The ruling of the SCC has “opened the [door]...for transnational human rights litigation.”<sup>51</sup> Possible next steps could allow customary international law to be directly applied to Canadian law. Implementing these international laws at the federal level would limit the ability of MNCs to dismiss legal action. Rather than striking Araya’s suit against *Nevsun*, the SCC affirmed an individual’s right to hold MNCs accountable. Additionally, *Nevsun* created legal precedent for future suits against MNCs.

*Nevsun v. Araya* is the first case of its kind. As a result, it is a landmark case to discuss the role of national courts in maintaining international law. Due to conflicts between



national and international codes of conduct, international courts often struggle to hold MNCs accountable. Nonetheless, the strides taken by the Supreme Court of Canada suggest that there is a way to address this issue. Customary international law remains difficult to interpret. Many cases of employee abuse and unsafe conditions do not fit the current descriptions of customary international law. However, as with *Nevsun*, the global community may benefit from strengthening ties between national and international laws. Although the case fought by Araya represents a shift in legal approaches to MNCs, it is only the first step. Such cases are rare, and when they reach courts, they often favor the corporation instead of the person. As such, *Nevsun* is a landmark case that may be the first of its kind. Along with strengthening customary international law, *Nevsun* highlights the importance of federal courts in international justice. Cases such as *Nevsun* highlight the necessity of federal courts' regulation of MNCs. Few individuals in countries with inhumane conditions get the opportunity to raise these important cases. Most victims do not even get the opportunity to bring corporations' crimes to court. While *Nevsun* is a large step in the correct direction, much more must be done in order to overcome this global

hurdle.

### Corporate Social Responsibility, Greenwashing, and Overconsumption

Corporate social responsibility (CSR) is a corporate management concept many MNCs employ. CSR asks MNCs to be socially accountable to themselves, their stakeholders, and the public.<sup>52</sup> Current movements of CSR emphasize the importance of social support and environmental concern. It is no longer uncommon to find pages dedicated to sustainability on most organizations' websites. Through discussing such social measures, MNCs often frame themselves as champions of the people. Examples of such CSR tactics include Samsung's "Go together for the future!", which promotes technology education for low-income families.<sup>53</sup> Another example includes IKEA's promise of "responsible sourcing" using sustainable furniture resources.<sup>54</sup> Both examples emphasize social or environmental growth through corporate effort. Although similar, CSR is distinct from social philanthropy and charity. While both can make meaningful contributions to social and environmental change, the purpose and impact of CSR extend past social welfare.<sup>55</sup> Along with providing social

52 Nadia Reckmann, "What Is Corporate Social Responsibility?" Business News Daily, last modified June 29, 2022, <https://www.businessnewsdaily.com/4679-corporate-social-responsibility.html>.

53 "Social Contribution," Samsung SDS, accessed August 10, 2022, [https://www.samsungsds.com/en/corporate/overview/about\\_cr\\_over.html](https://www.samsungsds.com/en/corporate/overview/about_cr_over.html).

54 "Sustainability – caring for people and the planet," IKEA, accessed August 10, 2022, <https://about.ikea.com/en/sustainability>.

55 "What Is CSR?" United Nations Industrial Development Organization, accessed August 10, 2022, <https://www.unido.org/our-focus/>

Garment workers in Dhaka, Bangladesh working out of a makeshift factory for clothing production.

Credit: Kroisenbrunner





support to the public, CSR can bolster the reputation and success of a MNC.

Although CSR can positively impact the global community, this is not always the case. Corporations such as Volkswagen, a German automobile manufacturer, promote themselves as environmental pioneers to appeal to their markets. Nonetheless, the claims are often far from the truth. While claiming to prioritize sustainability, engineers at the company falsified reports to allow their products to exceed global emissions standards.<sup>56</sup> Despite adopting CSR and promising to take strides toward sustainability, Volkswagen continued to worsen its impacts on the environment. This has been called “greenwashing.” Environmentalist Jay Westerveld created the term in 1986 to criticize organizations for false sustainability.<sup>57</sup> Greenwashing is defined as an organization using resources to advertise sustainability without taking real, actionable strides towards fixing its practices. Volkswagen is one of many MNCs that employ such marketing in their CSR strategies.

Greenwashing is a particular issue in the fashion and textile industry. In early 2022, Changing Markets Foundation found that almost 60 percent of green claims (including sustainability measures and environmental resources) from Europe’s top 12 fashion brands were misleading. Changing Markets Foundation is a company that works in partnership with corporations to properly promote sustainability measures that are accurately marketed.<sup>58</sup> With environmental activism becoming important to the general public, brands have tried to advertise themselves similarly. This marketing strategy, however, is slowly becoming obvious. Swedish-based fashion giant H&M faced a class-action lawsuit in July 2022 when independent researchers

[advancing-economic-competitiveness/competitive-trade-capacities-and-corporate-responsibility/corporate-social-responsibility-market-integration/what-csr](https://www.advancing-economic-competitiveness/competitive-trade-capacities-and-corporate-responsibility/corporate-social-responsibility-market-integration/what-csr).

56 David Gelles, “Social Responsibility That Rubs Right Off,” *The New York Times*, last modified October 17, 2015, <https://www.nytimes.com/2015/10/18/business/energy-environment/social-responsibility-that-rubs-right-off.html>.

57 Deena Robinson, “What Is Greenwashing and How to Avoid It,” *Earth.Org*, last modified July 23, 2021, <https://earth.org/what-is-greenwashing/>.

58 Emily Chan, “Can a New Site Help Tackle Greenwashing in Fashion?” *British Vogue*, last modified March 16, 2022, <https://www.vogue.co.uk/fashion/article/greenwashing-fashion-website>.

59 Corrado Rizzi, “Greenwashing? Class Action Alleges H&M Sustainability Profiles Contain ‘Falsified Information,’” *ClassAction.org*, last modified July 27, 2022, <https://www.classaction.org/news/greenwashing-class-action-alleges-handm-sustainability-profiles-contain-falsified-information>.

60 Wencke Gwozdz, Kristian Nielsen, and Tina Müller, “An Environmental Perspective on Clothing Consumption: Consumer Segments and Their Behavioral Patterns,” *Sustainability* 9, no. 5 (May 2017): 762-789, <https://doi.org/10.3390/su9050762>.

61 Mariel Nelson, “Micro-Trends: The Acceleration of Fashion Cycles and Rise in Waste,” *Worldwide Responsible Accredited Production*, last modified May 17, 2021, <https://wrapcompliance.org/blog/micro-trends-the-acceleration-of-fashion-cycles-and-rise-in-waste/>.

62 Rachel Bick, Erika Halsey, and Christine C. Ekenga, “The global environmental injustice of fast fashion,” *Environmental Health* 17, no. 92 (December 2018): 1-4, <https://doi.org/10.1186/s12940-018-0433-7>.

63 Nelson, “Micro-Trends.”

64 David Curry, “Shein Revenue and Usage Statistics (2022),” *Business of Apps*, last modified May 4, 2022, <https://www.businessofapps.com/data/shein-statistics/>.

discovered their greenwashing tactics. By advertising their clothing products as environmentally friendly, H&M was able to raise the prices of certain clothing lines. These initiatives brought greater profit to the MNC without using recycled materials, as they had claimed.<sup>59</sup>

MNCs in the fashion industry, such as Louis Vuitton, Nike, and Zara, play a unique role in climate change. Like H&M’s use of greenwashing to further profits, fashion brands contribute to climate change in many ways. In recent years, overconsumption has risen in the fashion industry, leading to an excess of clothes ending up in landfills. In the UK, approximately 350 thousand tons of clothing are sent to landfills every year.<sup>60</sup> With the rise of social media and fast fashion, specifically among the youth, clothing consumption has drastically risen in the 21st century.<sup>61</sup> Clothing trends cycle rapidly, and pieces go in and out of style faster than most brands can maintain.<sup>62</sup> Fast fashion and micro-trends usually stay relevant for 3–5 years before losing all importance in the industry.<sup>63</sup> This cycle is only possible by constructing each piece from cheap material through inhumane working conditions. To maintain low prices for all pieces, all fast fashion is outsourced to countries where sweatshops can be established.

The Chinese-owned online retailer brand “Shein” is guilty of this. Due to its explosive rise in popularity, Shein is now valued at around USD 47 billion.<sup>64</sup> By providing unlimited products for low prices, Shein has become one of the largest fashion brands in the world. Its business model makes it a perfect example of a fast fashion establishment. The ability to produce cheap, fast products, paired with an infinite



Individuals in Centrum, Rotterdam Rechter Maasoever, protesting overconsumption on Black Friday in 2020.

Credit: Donald Trung Quoc Don

demand for clothing, pushes Shein to offer up to 100,000 new products daily.<sup>65</sup> This rate of production is only possible through extremely poor employment conditions and a dangerous impact on our environment. The culture created by celebrities and influencers pushes the idea that individuals should not wear clothing items more than once. As a result, the general public is motivated to over-consume clothing items from MNCs such as Shein and H&M. This cycle serves to worsen working conditions for factory workers and continues damaging the environment.

Multinational corporations maintain their commitment to CSR policies that rarely have a positive impact on social and environmental causes. By advertising themselves as environmentally-thoughtful, MNCs profit off of the general public's concern. On the contrary, these same corporations continue to greenwash their products and promote overconsumption. These business practices fill landfills with items that can take more than 200 years to decompose.<sup>66</sup> As a result, the fashion industry has a large impact on climate change.

Nonetheless, there are no legal doctrines in place to monitor

<sup>65</sup> Dilys Williams, "Shein: the unacceptable face of throwaway fast fashion," *The Guardian*, last modified April 10, 2022, <https://www.theguardian.com/fashion/2022/apr/10/shein-the-unacceptable-face-of-throwaway-fast-fashion>.

<sup>66</sup> Rachel Brown, "The Environmental Crisis Caused by Textile Waste," *RoadRunner: Smarter Recycling*, last modified January 8, 2021, <https://www.roadrunnerwm.com/blog/textile-waste-environmental-crisis>.

<sup>67</sup> "The 17 Goals | Sustainable Development," *United Nations: Department of Economic and Social Affairs*, accessed August 10, 2022, <https://sdgs.un.org/goals>.

the sustainability claims of these MNCs and regulate over-production. Without legal structures in place to restrict these business practices, little improvement will be made. MNCs will continue to hide their detrimental actions behind a false belief in sustainability.

## Sustainable Development Goals

The rise of MNCs to their present-day level of exploitation and environmental impact is of great concern to the United Nations Sixth (Legal) Committee. Problems faced at the hands of MNCs pose a challenge to the fulfillment of the seventeen United Nations Sustainable Development Goals (SDGs). These goals represent a call to action for all countries to work together and address the global community's largest issues.<sup>67</sup> In regulating multinational corporations, 4 of the 17 are particularly relevant to this issue. SDG 8: Decent Work and Economic Growth, SDG 10: Reduced Inequalities, SDG 12: Responsible Consumption and Production, and SDG 13: Climate Action are all particularly important in this case.

SDG 8 plays an important factor in regulating multinational corporations. As previously discussed, MNCs outsource

work to less economically developed countries and exploit working conditions. Due to the lack of work opportunities for individuals in such countries, they are forced to take jobs under these MNCs. The lack of formal labor structures to protect these workers allow MNCs to exploit them. MNCs pay unlivable wages without providing proper working conditions. Such MNCs additionally push local businesses into bankruptcy and monopolize the economy of their workers' countries. Business practices from MNCs create policy uncertainties and produce challenges to free markets.<sup>68</sup> These issues are some of the largest hurdles faced in accomplishing SDG 8.

SDG 10 hopes to address similar concerns. MNCs in strong economic countries boost their economies through the exploitation of less economically stable countries. As a result, the wealth gap between countries continues to grow.<sup>69</sup> Inequality between countries is heightened by the practices of MNCs. The lack of regulations to restrict exploitative outsourcing allows inequalities to grow and MNCs to face little penalty.

SDG 12 and 13 are additionally hindered by unrestricted MNCs. Target 12.5 of SDG 12 is to substantially reduce waste generation through prevention, reduction, recycling, and reuse by 2030.<sup>70</sup> Unfortunately, MNCs are a major deterrent to reaching this goal. Overproduction and overconsumption of products have drastically increased. Globally, we are utilizing resources at 1.7 times the speed they can regrow.<sup>71</sup> Media emphasis on overconsumption has led to a dire situation for the sustainability of products. The goal of responsible consumption and production is unprioritized by unsustainable business practices. Products quickly end up in landfills without being effectively used. Unregulated MNCs allow overconsumption to run rampant.

Finally, SDG 13 for climate action is heavily impacted by

current MNCs. Without mechanisms to monitor and restrict MNC carbon and greenhouse gas emissions, climate change will continue to amplify. Although the Paris Agreement has its issues in regulating regional emissions, it exists to deter countries from unlimited emissions. Nonetheless, without similar systems for MNCs, the goal of climate action becomes less attainable.

## Bloc Analysis

### Points of Division

There is little consensus from regional bodies on the correct approach to regulating MNCs. Countries are deeply divided and generally align their positions based on economic and political factors. As such, potential blocs may form on the basis of preexisting regional data. Analyzing indices of industry restriction and overall performance may offer some insight into the general positions of many countries.

By analyzing indices of industry restrictiveness, delegates get a glimpse at the current stances on this issue taken by relevant countries.<sup>72</sup> Countries with fewer restrictions suggest that the government is reluctant to regulate MNCs. It may also indicate that such regions oppose substantive regulations on MNC activity. On the other hand, countries with high levels of regulation take a more progressive stance on regulating MNCs. By assessing the action taken by a country's government, delegates may approach committee sessions most accurately to their international stance. Restrictiveness indices directly correlate to the flexibility a delegation may adopt while approaching the Legal committee over this topic.

Similarly, indices on industrial performance, particularly those conducted by UNIDO, may suggest the impact that certain

68 "Goal 8," United Nations: Department of Economic and Social Affairs, accessed August 10, 2022, <https://sdgs.un.org/goals/goal8>.

69 Theodore Caplow, "Are the Rich Countries Getting Richer and the Poor Countries Poorer?," *Foreign Policy*, no. 3 (1971): 90-107, <https://doi.org/10.2307/1147834>.

70 "Goal 12: Ensure Sustainable Consumption and Production Patterns," United Nations, Sustainable Development Goals, accessed August 10, 2022, <https://www.un.org/sustainabledevelopment/sustainable-consumption-production/>.

71 Jamie Waters, "Overconsumption and the environment: should we all stop shopping?" *The Guardian*, last modified May 30, 2021, <https://www.theguardian.com/lifeandstyle/2021/may/30/should-we-all-stop-shopping-how-to-end-overconsumption>.

72 "OECD FDI Regulatory Restrictiveness Index," Organization for Economic Co-operation and Development Statistics, accessed August 10, 2022, <https://stats.oecd.org/Index.aspx?DataSetCode=FDIINDEX>.



countries can have on issue. UNIDO's Competitive Industrial Performance Index (CIP) is a distinguished collection regarding the industrial growth of many countries.<sup>73</sup> The CIP ranks the ability of countries to develop their industries.<sup>74</sup> This system of ranking creates an understanding of overall economic health. High CIP scores point towards progressive industry growth, which can be indicative of a healthy economy. On the other hand, countries with lower CIP scores may have struggling economies and little industrial growth. Countries with higher CIP scores likely house more MNCs and thus disproportionately contribute to these issues. However, countries that are already struggling to grow their economies may view the regulations of corporations as an unfair penalization for those with low CIP scores. Depending on the overall restrictiveness of a country's industries, a CIP score of around 50/152 is high, while those around 15/152 are extremely high. Countries with a score below 60 have very low restrictions and should look at how they can raise their CIP score.

Oftentimes, countries with high CIP scores and few restrictions are headquarters for the majority of MNCs. As a result, this poses a large challenge in regulating these corporations. MNCs based out of these countries have the protection of their governments. Contentions will inevitably rise throughout this topic due to this vast discrepancy. Through analyzing this potential avenue for bloc formation, delegates will be tasked with navigating such intricacies. By understanding their country's overall CIP score and approach to industry restriction, delegates will be better able to approach the Legal committee with an accurate political stance.<sup>75</sup> Comparing indices for industry regulation and performance will help visualize a basic division of blocs. By understanding these potential blocs, delegates will be able to wholly address this multifaceted issue and explore relevant divisions.

73 "UNIDO's Competitive Industrial Performance Index 2020: Country Profiles Published," United Nations Industrial Development Organization, accessed August 10, 2022, <https://www.unido.org/news/unidos-competitive-industrial-performance-index-2020-country-profiles-published>.

74 Nicola Cantore, and Charles Fang Chin Cheng, "The inclusive and sustainable competitive industrial performance index (ISCIP)," *United Nations Industrial Development Organization*, no. 5 (June 2021): 1-15, [https://www.researchgate.net/publication/352538359\\_The\\_inclusive\\_and\\_sustainable\\_competitive\\_industrial\\_performance\\_index\\_ISCIP](https://www.researchgate.net/publication/352538359_The_inclusive_and_sustainable_competitive_industrial_performance_index_ISCIP).

75 "Competitive Industrial Performance Rank," The World Bank: IBRD + IDA, TCdata360, accessed August 10, 2022, <https://tcdata360.worldbank.org/indicators/h27e52df8?country=CZE&indicator=3787&years=1990%2C2014>.

76 The World Bank, "Competitive Industrial."

77 Organization for Economic Co-operation and Development Statistics, "OECD FDI."

78 The World Bank, "Competitive Industrial."

## High CIP with High Industry Regulation

Countries with high CIP scores and high industry regulations may be seen as a model for addressing this issue. High industry restrictions suggest an effort toward MNC regulation. These scores are only possible if a country's federal government has implemented strong regulations on the actions taken by its institutions. Additionally, high CIP scores offer valuable insight into the success of an industry. Countries with higher CIP scores are often indicative of a flourishing industry. Economic growth continues each year, and federal regulations do not particularly hinder industries. Despite the current exploitative practices of MNCs, it is undeniable that they play a large role in the global community. As a result, countries must ensure that regulations are not hindering economic growth.

Considerations of labor laws and environmental policy are implemented into CIP scores. Thus, the economic growth of MNCs is relevant to federal regulations. Countries in this category are able to regulate labor issues and environmental impact without harming their industries. It would be ideal for all countries to strive for these distinctions. At this time, Mexico is one country that falls in this category. With a relatively high CIP (ranked 20 out of 152 in 2018), Mexico consistently exhibits economic growth in its industries.<sup>76</sup> Additionally, Mexico has high governmental regulation of industry activity.<sup>77</sup> Canada falls into this bloc as well. With relatively high governmental regulations and a CIP of 19/152, it operates similarly to Mexico.<sup>78</sup> This combination may be one that other countries strive for. The international policy of these countries may be optimistic about the international regulations of MNCs. Such countries may also act as leaders in drafting potential legislation for this topic. Successful federal law from these countries can act as a potential basis for international legal doctrines.

## High CIP with Low Industry Regulation

Countries that fall into this category may be particularly inflexible in their approach to this topic. These countries additionally offer a haven for MNCs at this time. By setting headquarters in countries with CIP and low regulation, MNCs benefit greatly. MNCs receive the benefits of a growing economy without concern over federal regulations. By offering great opportunities for economic growth, countries in this bloc have the means for strong institutions. Conversely, a lack of regulations allows MNCs to operate without any forms of accountability. This bloc is likely to host a majority of the countries with many MNC headquarters. The opportunity these countries provide for MNCs is unmatched. Subsequently, countries in this bloc may be the largest proponents of this issue. Since problematic MNCs are often in these countries, this bloc may have the most difficult transition in implementing regulations. Countries such as Germany and the United States of America enjoy economic growth without the hindrance of MNC regulation.<sup>79</sup> By allowing MNCs to perform unchecked, these countries have financially benefited greatly. Conversely, they exhibit a disproportionately high level of exploitation and environmental damage.<sup>80</sup> Due to the political sway MNCs often have on legislation, many of these countries refuse to implement any regulations at this time.<sup>81</sup>

## Low CIP with Low Industry Regulation

Countries in this bloc may have a significantly different approach to this issue. Having a low CIP, these countries have lacked industrialization. In the scope of this issue, these countries likely do not have many MNCs based in them. On the other hand, this bloc may represent many countries where outsourcing occurs for MNCs. Without industry progression, there is little need for regulation. While the CIP scores of these countries may suggest a weak economy, these delegations will likely focus on economic growth. To grow past the need for

MNC factories and outsourcing, these countries must boost their own economy. Nonetheless, it is important to stimulate growth without sacrificing regulations. Countries in this bloc will subsequently have to balance both indices.

Unlike countries with high CIPs, this bloc may approach the issue by proposing new methods of economic growth. These methods will have to be sustainable and confined to any proposed regulations. Although there is currently an absence of regulations, these blocs will adopt a multifaceted approach. Armenia ranked 103/152 for CIP in 2018.<sup>82</sup> The federal government has also imposed very few regulations on industry management.<sup>83</sup> Similarly, Moldova falls into this bloc with few restrictions and a rank of 111/152 for CIP.<sup>84</sup> Due to this situation, Armenia may first prioritize economic growth before desiring industry regulations. The nature of countries in this bloc may raise issues on the necessity of regulations. Countries with High CIP have long been the largest cause of harm under MNCs. As a result, countries in this bloc may assert that they are being forced to create federal regulations due to the actions of other countries. Through these considerations of international policy, this bloc could resist universal standards for all countries to follow.

## Committee Mission

The Sixth Committee of the United Nations, commonly known as the Legal Committee is the United Nations' primary committee for addressing legal considerations in international law. Operating as a forum for the global community's concern over international law, the Legal Committee has negotiated influential treaties such as the Vienna Convention and the Rome Statute of the International Criminal Court.<sup>85</sup> The Legal Committee's main goal is to uphold Article 13 of the UN Charter, which is to "encourage the progressive development of international law and its codification" to progress the work

79 "Germany Still Leads the World in Industrial Competitiveness, but China Is Inching Closer," Modern Diplomacy, accessed August 28, 2022, <https://moderndiplomacy.eu/2021/05/03/germany-still-leads-the-world-in-industrial-competitiveness-but-china-is-inching-closer/>

80 Nicola Cantore, and Charles Fang Chin Cheng, "The inclusive."

81 Laura Jakobeit, "Transnational Corporations as Political Actors," GRIN, last modified 2010, <https://www.grin.com/document/167314>.

82 The World Bank, "Competitive Industrial."

83 Organization for Economic Co-operation and Development Statistics, "OECD FDI."

84 The World Bank, "Competitive Industrial."

85 "Sixth Committee (Legal Committee)," Permanent Mission to the United Nations, accessed August 12, 2022, <https://enaun.cancilleria.gob.ar/en/content/sixth-committee-legal-committee>.

of the General Assembly.<sup>86</sup> As one of six General Assembly committees, the Legal Committee is open to all members of the United Nations.<sup>87</sup> This provides an avenue for any country to raise legal questions that impact the global community.

An important step in international law is the acknowledgment of current gaps, such as the regulation of MNCs. It may be difficult to navigate federal and international interests along with the application of new international law. Without current means to enforce or wholly apply international law to corporations, the Legal committee is the body responsible for discussing new legal actions. Questions of MNC autonomy, federal restrictions, and corporate personhood leave much to be established while creating regulations for MNCs. Although the Legal Committee offers a strong backdrop for negotiating such discussions, it lacks the decision-making power to draft legislation, as the Legal Committee is a legal advisory forum. The mandates of committees such as UNIDO, UNCTAD, and international courts of human rights may be able to legislate the measures set forth by the Legal Committee. As the leading legislative body of the United Nations, the Legal Committee must take the first step toward reform. The unique role of the Legal Committee places it as the precedential body to motivate legal action on an international level. It is, therefore, the responsibility of the Sixth General Assembly to draft substantive proposals to assist in reevaluating MNCs. Delegates will be faced with the challenge and opportunity to set forth the first, most landmark steps toward the international regulation of multinational corporations.

---

<sup>86</sup> “Charter of the United Nations: Chapter IV — The General Assembly,” Repertory of Practice of United Nations Organs, Codification Division Publications, last modified April 8, 2021, [https://legal.un.org/repertory/art13\\_1a1.shtml](https://legal.un.org/repertory/art13_1a1.shtml).

<sup>87</sup> “Sixth Committee (Legal),” United Nations: General Assembly of the United Nations, accessed August 12, 2022, <https://www.un.org/en/ga/sixth/>.



## Research and Preparation Questions

Your dais has prepared the following research and preparation questions as a means of providing guidance for your research process. These questions should be carefully considered, as they embody some of the main critical thought and learning objectives surrounding your topic.

### Topic A

1. What cultural artifacts does your country possess? Or, what cultural artifacts has your country lost?
2. What currently enacted laws have been passed that affect your country's cultural artifacts? What legal consequences do they have?
3. Is your country a producer or a consumer of cultural artifacts? If it is a consumer, what countries are the cultural artifacts drawn from? Are there legal agreements between the countries? If not, what is the history of these artifacts?
4. How can the ownership of cultural artifacts be perceived as the continuation of colonialism or a step toward the end of its effects? How is ownership defined in claiming cultural artifacts?
5. What potential bodies and organizations may the Legal Committee want to advise in potential resolutions? What is the history of such bodies in addressing similar questions of how ownership is defined?

### Topic B

1. What legal precedent present does your country have on multinational corporations or national corporations within the country to regulate them?
2. What multinational corporations are active players in your country's economy? How does it affect the national economy?
3. What economic benefit do multinational corporations provide to your country? Or, what economic drawbacks do multinational corporations have in your country?
4. What specific exports and imports are most prevalent in your country? How do these affect your country's actions in regulating these multinational corporations?
5. What labor codes and tax laws apply to and are properly upheld in your country? How effectively are corporations held accountable for their employees' wages and their economic responsibilities?
6. What influences do multinational corporations have on your country? Are there allegations or past examples of corruption related to multinational corporations? What effects have they caused in acquiring a country's industries?

## Important Documents

### Topic A

- United Nations Educational, Scientific and Cultural Organization. "1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict." Accessed August 18, 2022. <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>.
- United Nations Educational, Scientific and Cultural Organization. "About the UNESCO 1970 Convention." Accessed August 18, 2022. <https://en.unesco.org/fightrafficking/1970>.
- Cuno, James. "Culture War: The Case Against Repatriating Museum Artifacts." *Foreign Affairs* 93, no. 6 (December 2014): 119-129. <https://www.jstor.org/stable/24483927>.
- Hodge, Katherine. "Modern Issues in Archaeology: The Illegal Artifact Trade." *Project Archaeology*. Last modified March 20, 2021. <https://projectarchaeology.org/2021/03/19/modern-issues-in-archaeology-the-illegal-artifact-trade/>.
- Sprankling, John G. "The Global Right to Property." *Columbia Journal of Transnational Law* 52, no. 2 (April 2013): 1-31. <https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?article=1094&context=facultyarticles>.
- The Art Wanderer. "Art and Repatriation: The Ins and Outs of One of the Art World's Most Contentious Topics." Last modified October 14, 2020.

### Topic B

- Beedell, Jeff, and Wudassie Tamrat. "Supreme Court of Canada Case in Depth: *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5." *Gowling WLG*. Last modified March 12, 2020. <https://gowlingwlg.com/en/insights-resources/articles/2020/nevsun-resources-ltd-v-araya-2020-scc-5/>.
- International Labour Organization. *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* 5th ed. Geneva: International Labour Office, 2017. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf).
- Millon, David. "The Ambiguous Significance of Corporate Personhood." *Washington and Lee University: School of Law*, (March 2001): 1-29. <https://www.emerald.com/insight/content/doi/10.1108/17422041111103840/full/html>.
- Oyebode, Akindale Babatunde. "International Regulation of the Multinational Corporation: A Look at Some Recent Proposals." *National Black Law Journal* 5, no. 2 (1977): 232-248. <https://escholarship.org/content/qt3nz79708/qt3nz79708.pdf?t=nrwo7z>.
- United Nations Industrial Development Organization. "UNIDO's Competitive Industrial Performance Index 2020: Country Profiles Published." Accessed August 10, 2022. <https://www.unido.org/news/unidos-competitive-industrial-performance-index-2020-country-profiles-published>.
- "Sixth Committee, Legal, United Nations, Main Body, Main Organs, General Assembly." United Nations. United Nations, 2020. [https://www.un.org/en/ga/sixth/76/rule\\_of\\_law.shtml](https://www.un.org/en/ga/sixth/76/rule_of_law.shtml).

## Works Cited

### Committee History

*Charter of the United Nations*. Geneva: United Nations, 1945.

“History of the United Nations.” *United Nations*. Accessed 13 May 2011. <http://www.un.org/aboutun/history.htm>.

“Sixth Committee.” *United Nations*. Accessed 13 May 2011. <http://www.un.org/en/ga/sixth/index.shtml>.

### Topic A

### UN Sources

United Nations Educational, Scientific and Cultural Organization. “1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.” Accessed August 18, 2022. <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>.

United Nations Educational, Scientific and Cultural Organization. “About the UNESCO 1970 Convention.” Accessed August 18, 2022. <https://en.unesco.org/fightrafficking/1970>.

United Nations Educational, Scientific and Cultural Organization. “International Alerts - Stolen Artefacts.” Accessed September 18, 2022. <https://en.unesco.org/international-alerts>.

United Nations: Department of Economic and Social Affairs. “The 17 Goals | Sustainable Development.” Accessed August 21, 2022. <https://sdgs.un.org/goals>.

United Nations. “Sixth Committee (Legal).” General Assembly of the United Nations. Accessed August 28, 2022. <https://www.un.org/en/ga/sixth/#>.

United Nations. “Universal Declaration of Human Rights.” Accessed August 26, 2022. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

### Non-UN Sources

Alberge, Dalya. “British Museum is world’s largest receiver of stolen goods, says QC.” *The Guardian*. Last modified November 4, 2019. <https://www.theguardian.com/world/2019/nov/04/british-museum-is-worlds-largest-receiver-of-stolen-goods-says-qc>.

Almohamad, Adnan. “The destruction and looting of cultural heritage sites by ISIS in Syria: The case of Manbij and its countryside.” *Cambridge University Press* 28, no. 2 (May 2021): 221-260. <https://doi.org/10.1017/S0940739121000114>.

Arraf, Jane. “Hobby Lobby’s Illegal Antiquities Shed Light On A Lost, Looted Ancient City In Iraq.” *NPR*. Last modified June 28, 2018. <https://www.npr.org/2018/06/28/623537440/hobby-lobbys-illegal-antiquities-shed-light-on-a-lost-looted-ancient-city-in-ira>.

Ball, Timmah. “Unceded land, unpublic use: settler colonial construction on stolen land.” *The Architectural Review*. Last modified July 28, 2022. [https://www.architectural-review.com/essays/unceded-land-unpublic-use-settler-colonial-construction-on-stolen-land?utm\\_source=WordPress&utm\\_medium=Recommendation&utm\\_campaign=Recommended\\_Articles](https://www.architectural-review.com/essays/unceded-land-unpublic-use-settler-colonial-construction-on-stolen-land?utm_source=WordPress&utm_medium=Recommendation&utm_campaign=Recommended_Articles).

Blakemore, Erin. “What is colonialism?” *National Geographic*. Last modified February 19, 2019. <https://www.nationalgeographic.com/culture/article/colonialism>.

Boissoneault, Lorraine. “The British Museum Was a Wonder of Its Time—but Also a Product of Slavery.” *Smithsonian Magazine*. Last modified October 30, 2017. <https://www.smithsonianmag.com/history/british-museum-was-wonder-its-time-also-product-slavery-180966997/>.

Boissoneault, Lorraine. “The True Story of the Koh-i-Noor Diamond—and Why the British Won’t Give It Back.” *Smithsonian*



- Magazine. Last modified August 30, 2017. <https://www.smithsonianmag.com/history/true-story-koh-i-noor-diamond-and-why-british-wont-give-it-back-180964660/>.
- British Museum Royal Assent. "British Museum Act 1963." Last modified July 10, 1963. <https://www.britishmuseum.org/sites/default/files/2019-10/British-Museum-Act-1963.pdf>.
- Campfens, Evelien. "Whose Cultural Objects? Introducing Heritage Title for Cross-Border Cultural Property Claims." *Netherlands International Law Review* 67, (August 2020): 257-295. <https://doi.org/10.1007/s40802-020-00174-3>.
- Cuno, James. "Culture War: The Case Against Repatriating Museum Artifacts." *Foreign Affairs* 93, no. 6 (December 2014): 119-129. <https://www.jstor.org/stable/24483927>.
- Encyclopædia Britannica. "Craft, Technology, and Artifacts." Accessed September 18, 2022. <https://www.britannica.com/topic/Indus-civilization/Craft-technology-and-artifacts>
- Encyclopedia Britannica. "Imperialism." Accessed August 26, 2022. <https://www.britannica.com/topic/Blois-countship-France>.
- Encyclopedia Britannica. "Koh-i-noor." Accessed August 26, 2022. <https://www.britannica.com/topic/Koh-i-noor>.
- Encyclopedia Britannica. "Peking man." Accessed August 26, 2022. <https://www.britannica.com/topic/Peking-man>.
- Federal Bureau of Investigation (Department of Justice). "National Stolen Property Act." Accessed August 29, 2022. <https://coast.noaa.gov/data/Documents/OceanLawSearch/Summary%20of%20Law%20-%20National%20Stolen%20Property%20Act.pdf?redirect=301ocm>.
- German, Senta. "Repatriating artworks." *Khan Academy*. Accessed August 26, 2022. <https://www.khanacademy.org/humanities/special-topics-art-history/arches-at-risk-cultural-heritage-education-series/whose-art/a/repatriating-artworks>.
- Godwin, Hannah R. "Legal Complications of Repatriation at the British Museum." *Washington International Law Journal* 30, no. 1 (December 2020): 144-170. <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1857&context=wilj>.
- Greenberger, Alex. "The Benin Bronzes, Explained: Why a Group of Plundered Artworks Continues to Generate Controversy." *ARTnews*. Last modified April 2, 2021. <https://www.artnews.com/feature/benin-bronzes-explained-repatriation-british-museum-humboldt-forum-1234588588/>.
- Hodge, Katherine. "Modern Issues in Archaeology: The Illegal Artifact Trade." *Project Archaeology*. Last modified March 20, 2021. <https://projectarchaeology.org/2021/03/19/modern-issues-in-archaeology-the-illegal-artifact-trade/>.
- International Committee of the Red Cross. "Treaties, States Parties and Commentaries." Accessed August 20, 2022. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/195-200033?OpenDocument>.
- Jore, Karen S. "The Illicit Movement of Art and Artifact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property." *Brooklyn Journal of International Law* 13 (1987): 55–81. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/bjil13&div=8&id=&page=>.
- Kaiser, Timothy. "The Antiquities Market." *Journal of Field Archaeology* 18, no.1 (1991): 87–103. <https://doi.org/10.2307/530152>.
- McLaughlin, Elsie. "The Art of the Amarna Period." *World History Encyclopedia*. Last modified September 22, 2017. <https://www.worldhistory.org/article/1110/the-art-of-the-amarna-period/>.
- Merriam-Webster. "Black-market." Accessed September 1, 2022. <https://www.merriam-webster.com/dictionary/black-market>.
- Merryman, John Henry. "Two Ways of Thinking About Cultural Property." *The American Journal of International Law* 80, no. 4 (October 1986): 831-853. <https://doi.org/10.2307/2202065>.
- Moure, Miranda. "9 Famous Stolen Artifacts That Are Still on Display in Museums Today." *Matador Network*. Last modified July 20, 2020. <https://matadornetwork.com/read/stolen-artifacts-museums/>.
- National Museum of Natural History. "Repatriation Office." *Smithsonian*. Accessed August 30, 2022. <https://naturalhistory.si.edu/research/anthropology/programs/repatriation-office>.
- Nicholas Roerich Museum. "Roerich Pact and Banner of Peace." Accessed September 18, 2022. <https://www.roerich.org/roerich-pact.php>.

- Nix, Elizabeth. "What Is the Rosetta Stone?" History. Last modified October 27, 2021. <https://www.history.com/news/what-is-the-rosetta-stone>.
- NPR. "A Trove of Stolen Treasure." May 17, 2006. <https://www.npr.org/transcripts/5411644>.
- Pasieka, Clara. "Inuvialuit want their kayak back from Vatican Museums." CBC News. Last modified December 8, 2021. <https://www.cbc.ca/news/canada/north/inuvialuit-want-kayak-back-vatican-1.6277121>.
- Ponkshe, Nidhi. "Why Artifacts in Museums Should Be Repatriated." *Seisen International School*, March 2, 2022. <https://www.seisen.com/student-life/seisen-post/features/~board/seisen-post/post/why-artifacts-in-museums-should-be-repatriated>.
- Porterfield, Carlie. "Europe's Museums, Collectors Are Returning Artifacts To Countries Of Origin Amid Fresh Scrutiny." Forbes. Last modified October 27, 2021. <https://www.forbes.com/sites/carlieporterfield/2021/10/27/europes-museums-collectors-are-returning-artifacts-to-countries-of-origin-amid-fresh-scrutiny/?sh=60388821675b>.
- Reuters. "German foundation refuses to return Nefertiti bust." Last modified January 24, 2011. <https://www.reuters.com/article/us-germany-egypt-nefertiti/german-foundation-refuses-to-return-nefertiti-bust-idUSTRE70N6N220110124>.
- Samuel, Sigal. "It's Disturbingly Easy to Buy Iraq's Archeological Treasures." The Atlantic. Last modified March 19, 2018. <https://www.theatlantic.com/international/archive/2018/03/iraq-war-archeology-invasion/555200/>.
- Schultz, Kai, and Upmanyu Trivedi. "These Art Sleuths Are Taking on Traffickers in a \$10 Billion Black Market." Bloomberg. Last modified April 18, 2022. <https://www.bloomberg.com/news/features/2022-04-19/these-art-sleuths-are-taking-on-traffickers-in-a-10-billion-black-market>.
- Sierra, Gabrielle. "Treasures Looted in War." Council on Foreign Relations. Last modified August 25, 2020. <https://www.cfr.org/podcasts/treasures-looted-war>.
- Solomon, Tessa. "How Did the Parthenon Marbles End Up in the British Museum?" ARTnews. Last modified October 7, 2021. <https://www.artnews.com/art-news/news/parthenon-marbles-british-museum-restitution-1234605904/>.
- Sprankling, John G. "The Global Right to Property." *Columbia Journal of Transnational Law* 52, no. 2 (April 2013): 1-31. <https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?article=1094&context=facultyarticles>.
- Taylor, Michael. *Evolving International Law for the Protection of Art*. *North Carolina Journal of International Law* 131 (1997). <https://scholarship.law.unc.edu/ncilj/vol2/iss2/5>.
- The Art Wanderer. "Art and Repatriation: The Ins and Outs of One of the Art World's Most Contentious Topics." Last modified October 14, 2020. <https://theartwanderer.co.uk/art-and-repatriation/>.
- The British Museum. "Benin Bronzes: Contested objects from the collection." Accessed August 27, 2022. <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/benin-bronzes>.
- The British Museum. "Contested objects from the collection." Accessed August 27, 2022. <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection>.
- The British Museum. "The Parthenon Sculptures: Contested objects from the collection." Accessed August 30, 2022. <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/parthenon-sculptures>.
- The Smithsonian Institution's Human Origins Program. "Homo Erectus." Last modified June 30, 2022. <https://humanorigins.si.edu/evidence/human-fossils/species/homo-erectus>.
- U.S. Immigration and Customs Enforcement. "US returns stolen ancient artifacts to Iraq in repatriation ceremony." Last modified September 24, 2021. <https://www.ice.gov/news/releases/us-returns-stolen-ancient-artifacts-iraq-repatriation-ceremony>.
- Vande Panne, Valerie. "Nefertiti as Sensual Goddess." *Harvard Gazette*. Last modified November 18, 2013. <https://news.harvard.edu/gazette/story/2013/11/nefertiti-as-sensual-goddess/>.
- Venus, Jennifer. "New laws and guidelines tackle repatriation of colonial-era artifacts." International Bar Association. Last modified March 12, 2021. <https://www.ibanet.org/article/05DD150F-BF18-4B1E-A431-911EA2A1561A>.

- Webster, Richard. "Western Colonialism." *Encyclopædia Britannica*. Accessed September 18, 2022. <https://www.britannica.com/topic/Western-colonialism>.
- Willison, Shaina. "An Artifact of Colonialism: The Canadian Government's Obligation to Assist Indigenous Repatriation Efforts." *The McGill International Review*. Last modified March 31, 2022. <https://www.mironline.ca/an-artifact-of-colonialism-the-canadian-governments-obligation-to-assist-indigenous-repatriation-efforts/>.

## Topic B

### UN Sources

- Cantore, Nicola, and Charles Fang Chin Cheng. "The inclusive and sustainable competitive industrial performance index (ISCIP)." United Nations Industrial Development Organization, no. 5 (June 2021): 1-15. [https://www.researchgate.net/publication/352538359\\_The\\_inclusive\\_and\\_sustainable\\_competitive\\_industrial\\_performance\\_index\\_ISCIP](https://www.researchgate.net/publication/352538359_The_inclusive_and_sustainable_competitive_industrial_performance_index_ISCIP).
- International Labour Organization. *The Labour Principles of the United Nations Global Compact: A Guide for Business* 2nd ed. Geneva: International Labour Office, 2010. [https://d306pr3pise04h.cloudfront.net/docs/issues\\_doc%2Flabour%2Fthe\\_labour\\_principles\\_a\\_guide\\_for\\_business.pdf](https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Flabour%2Fthe_labour_principles_a_guide_for_business.pdf).
- International Labour Organization. *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* 5th ed. Geneva: International Labour Office, 2017. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf).
- International Labour Organization. "Decent work for sustainable development (DW4SD) Resource Platform: 23. Working Conditions." Accessed August 28, 2022. <https://www.ilo.org/global/topics/dw4sd/themes/working-conditions/lang-en/index.htm>.
- International Labour Organization. "Economics of forced labor.: ILO Says Forced Labour Generates Annual Profits of US\$ 150 Billion." Last modified May 20, 2014. [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_243201/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang-en/index.htm).
- Kolk, Ans, Rob van Tulder, John Kline, and S. Prakash Sethi. *Transnational Corporations* 14, no. 3. New York: United Nations Conference on Trade and Development, 2005. [https://unctad.org/system/files/official-document/iteit20059\\_en.pdf](https://unctad.org/system/files/official-document/iteit20059_en.pdf).
- Repertory of Practice of United Nations Organs. "Charter of the United Nations: Chapter IV — The General Assembly." Codification Division Publications. Last modified April 8, 2021. [https://legal.un.org/repertory/art13\\_1a1.shtml](https://legal.un.org/repertory/art13_1a1.shtml).
- United Nations Conference on Trade and Development. "Are Transnationals Bigger than Countries?" Last modified 2002. <https://unctad.org/press-material/are-transnationals-bigger-countries>.
- United Nations Conference on Trade and Development. "Transnational Corporations and Foreign Affiliates." Accessed August 23, 2022. [https://unctad.org/system/files/official-document/gdscsir20041c3\\_en.pdf](https://unctad.org/system/files/official-document/gdscsir20041c3_en.pdf).
- United Nations Framework Convention on Climate Change. "The Paris Agreement." Accessed August 23, 2022. <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>.
- United Nations Industrial Development Organization. "UNIDO's Competitive Industrial Performance Index 2020: Country Profiles Published." Accessed August 10, 2022. <https://www.unido.org/news/unidos-competitive-industrial-performance-index-2020-country-profiles-published>.
- United Nations Industrial Development Organization. "What Is CSR?" Accessed August 10, 2022. <https://www.unido.org/our-focus/advancing-economic-competitiveness/competitive-trade-capacities-and-corporate-responsibility/corporate-social-responsibility-market-integration/what-csr>.
- United Nations. "Goal 12: Ensure Sustainable Consumption and Production Patterns." Sustainable Development Goals. Accessed August 10, 2022. <https://www.un.org/sustainabledevelopment/sustainable-consumption-production/>.
- United Nations: Department of Economic and Social Affairs. "Goal 8." Accessed August 10, 2022. <https://sdgs.un.org/goals/>



goal8.

United Nations: Department of Economic and Social Affairs. “The 17 Goals | Sustainable Development.” Accessed August 21, 2022. <https://sdgs.un.org/goals>.

United Nations: General Assembly of the United Nations. “Sixth Committee (Legal).” Accessed August 12, 2022. <https://www.un.org/en/ga/sixth/>.

## Non-UN Sources

Thomson Reuters Practical Law. “Tax Cuts and Jobs Act (TCJA).” Accessed August 26, 2022. [https://ca.practicallaw.thomsonreuters.com/w-017-0945?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://ca.practicallaw.thomsonreuters.com/w-017-0945?transitionType=Default&contextData=(sc.Default)&firstPage=true).

Akinyemi, Abidemi. “Outsourcing to the Developing Economy: Its Impacts on GDP and Unemployment. A Case Study of India and the United States of America.” *Electronic Theses and Dissertations* 1014. (2016): 1-63. <https://openprairie.sdstate.edu/cgi/viewcontent.cgi?article=2012&context=etd>.

Anderson, Winston. “Friendly Judicial Challenges from the North: The Decision of the Canada Supreme Court in *Nevsun Resources Ltd. v. Araya*.” *Common Law World Review* 51, no. 1-2 (May 2022): 3–11. <https://doi.org/10.1177/14737795211055781>.

Beedell, Jeff, and Wudassie Tamrat. “Supreme Court of Canada Case in Depth: *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5.” *Gowling WLG*. Last modified March 12, 2020. <https://gowlingwlg.com/en/insights-resources/articles/2020/nevsun-resources-ltd-v-araya-2020-scc-5/>.

Bick, Rachel, Erika Halsey, and Christine C. Ekenga. “The global environmental injustice of fast fashion.” *Environmental Health* 17, no. 92 (December 2018): 1-4. <https://doi.org/10.1186/s12940-018-0433-7>.

Bloomberg. “Nevsun Resources Ltd - Company Profile and News.” Accessed August 10, 2022. <https://www.bloomberg.com/profile/company/NSU:CN>.

Briney, Amanda. “The Rise and Decline of the Dutch East India Company.” *ThoughtCo*. Last modified April 10, 2019. <https://www.thoughtco.com/the-dutch-east-india-company-1434566>.

Brown, Rachel. “The Environmental Crisis Caused by Textile Waste.” *RoadRunner: Smarter Recycling*. Last modified January 8, 2021. <https://www.roadrunnerwm.com/blog/textile-waste-environmental-crisis>.

Caplow, Theodore. “Are the Rich Countries Getting Richer and the Poor Countries Poorer?” *Foreign Policy*, no. 3 (1971): 90–107. <https://doi.org/10.2307/1147834>.

Carey, Charles W. “An Essay from 19th Century U.S. Newspapers Database.” *Gale Cengage Learning*. Accessed August 12, 2022. [https://www.gale.com/binaries/content/assets/gale-us-en/primary-sources/newsvault/gps\\_newsvault\\_19thcentury\\_usnewspapers\\_corporations\\_essay.pdf](https://www.gale.com/binaries/content/assets/gale-us-en/primary-sources/newsvault/gps_newsvault_19thcentury_usnewspapers_corporations_essay.pdf).

Chan, Emily. “Can a New Site Help Tackle Greenwashing in Fashion?” *British Vogue*. Last modified March 16, 2022. <https://www.vogue.co.uk/fashion/article/greenwashing-fashion-website>.

Coppola, Michela, and Julian Blohmke. “Feeling the Heat?” *Deloitte Insights*. Last modified December 12, 2019. <https://www2.deloitte.com/us/en/insights/topics/strategy/impact-and-opportunities-of-climate-change-on-business.html>.

Curry, David. “Shein Revenue and Usage Statistics (2022).” *Business of Apps*. Last modified May 4, 2022. <https://www.businessofapps.com/data/shein-statistics/>.

Davoudi, Leonardo, Christopher McKenna, and Rowena Olegario. “The historical role of the corporation in society.” *Journal of the British Academy* 6 (December 2018): 17-47. <https://doi.org/10.5871/jba/006s1.017>.

de Jonge, Alice. “Transnational corporations and international law: bringing TNCs out of the accountability vacuum.” *Critical Perspectives on International Business* 7, no.1. (February 2011): 66-89. <https://www.emerald.com/insight/content/doi/10.1108/17422041111103840/full/html>.

Desjardins, Jeff. “The Most Valuable Companies of All Time.” *Visual Capitalist*. Last modified December 8, 2017. <https://www>.

visualcapitalist.com/most-valuable-companies-all-time/.

- Elliott, Larry. "World's Eight Richest People Have Same Wealth as Poorest 50%." *The Guardian*. Last modified January 16, 2017. <https://www.theguardian.com/global-development/2017/jan/16/worlds-eight-richest-people-have-same-wealth-as-poorest-50>.
- European Coalition for Corporate Justice. "Dangerous Gaps Undermine EU Commission's New Legislation to Hold Corporations Accountable." Last modified February 23, 2022. <https://corporatejustice.org/news/dangerous-gaps-undermine-eu-commissions-new-legislation-on-sustainable-supply-chains/>.
- Gardner, Matthew, and Steve Wamhoff. "55 Corporations Paid \$0 in Federal Taxes on 2020 Profits." Institute on Taxation and Economic Policy. Last modified April 2021. <https://itep.org/55-profitable-corporations-zero-corporate-tax/>.
- Geer, Jed, and Kavaljit Singh. "A Brief History of Transnational Corporations." *Global Policy Forum*. Last modified 2000. <https://archive.globalpolicy.org/component/content/article/221-transnational-corporations/47068-a-brief-history-of-transnational-corporations.html>.
- Gelles, David. "Social Responsibility That Rubs Right Off." *The New York Times*. Last modified October 17, 2015. <https://www.nytimes.com/2015/10/18/business/energy-environment/social-responsibility-that-rubs-right-off.html>.
- Gwozdz, Wencke, Kristian Nielsen, and Tina Müller. "An Environmental Perspective on Clothing Consumption: Consumer Segments and Their Behavioral Patterns." *Sustainability* 9, no. 5 (May 2017): 762–89. <https://doi.org/10.3390/su9050762>.
- Hardoon, Deborah. "An Economy for the 99%." Oxfam International. Last modified January 2017. [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/bp-economy-for-99-percent-160117-en.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/bp-economy-for-99-percent-160117-en.pdf).
- Hedley, Alan. "Transnational Corporations." *Encyclopedia*. Accessed August 18, 2022. <https://www.encyclopedia.com/social-sciences/encyclopedias-almanacs-transcripts-and-maps/transnational-corporations>.
- Hyman, Elliot. "Who's Really Responsible for Climate Change?" *Harvard Political Review*. Last modified January 2, 2020. <https://harvardpolitics.com/climate-change-responsibility/>.
- IKEA. "Sustainability – caring for people and the planet." Accessed August 10, 2022. <https://about.ikea.com/en/sustainability>.
- Jakobeit, Laura. "Transnational Corporations as Political Actors." *GRIN*. Last modified 2010. <https://www.grin.com/document/167314>.
- Khoury, Stéfanie. "Corporate (Non-)Accountability and Human Rights." *Asian Journal of Social Science* 46, no. 5 (September 2018): 503-523. <https://doi.org/10.1163/15685314-04604007>.
- Lalor, Alish. "What Was the VOC? The Dutch East India Company Explained." *DutchReview*. Last modified June 8, 2021. <https://dutchreview.com/culture/history/voc-dutch-east-india-company-explained/>.
- Lucassen, Jan. "A Multinational and Its Labor Force: The Dutch East India Company, 1595–1795." *International Labor and Working-Class History* 66 (2005): 12–39. <https://doi.org/10.1017/s0147547904000158>.
- Meskel, Zachary. "Perishing under Corruption: A Cautionary Tale from the Dutch East India Company." *GAB | The Global Anticorruption Blog*. Last modified June 9, 2021. <https://globalanticorruptionblog.com/2021/07/09/perishing-under-corruption-a-cautionary-tale-from-the-dutch-east-india-company/>.
- Millon, David. "The Ambiguous Significance of Corporate Personhood." *Washington and Lee University: School of Law*, (March 2001): 1-29. <https://www.emerald.com/insight/content/doi/10.1108/17422041111103840/full/html>.
- Modern Diplomacy. "Germany Still Leads the World in Industrial Competitiveness, but China Is Inching Closer." Accessed August 28, 2022. <https://moderndiplomacy.eu/2021/05/03/germany-still-leads-the-world-in-industrial-competitiveness-but-china-is-inching-closer/amp/>.
- Nelson, Mariel. "Micro-Trends: The Acceleration of Fashion Cycles and Rise in Waste." *Worldwide Responsible Accredited Production*. Last modified May 17, 2021. <https://wrapcompliance.org/blog/micro-trends-the-acceleration-of-fashion->

cycles-and-rise-in-waste/.

- New World Encyclopedia. "Dutch East India Company." Last modified October 5, 2017. [https://www.newworldencyclopedia.org/entry/Dutch\\_East\\_India\\_Company](https://www.newworldencyclopedia.org/entry/Dutch_East_India_Company).
- OECD. OECD Guidelines for Multinational Enterprises, 2011 Edition. OECD Publishing, 2011. <https://doi.org/10.1787/9789264115415-en>.
- Organization for Economic Co-operation and Development Statistics. "OECD FDI Regulatory Restrictiveness Index." Accessed August 10, 2022. <https://stats.oecd.org/Index.aspx?DataSetCode=FDIINDEX>.
- Oyebode, Akindale Babatunde. "International Regulation of the Multinational Corporation: A Look at Some Recent Proposals." *National Black Law Journal* 5, no. 2 (1977): 232-248. <https://escholarship.org/content/qt3nz79708/qt3nz79708.pdf?t=nrwo7z>.
- Permanent Mission to the United Nations. "Sixth Committee (Legal Committee)." Accessed August 12, 2022. <https://enaun.cancilleria.gob.ar/en/content/sixth-committee-legal-committee>.
- Reckmann, Nadia. "What Is Corporate Social Responsibility?" *Business News Daily*. Last modified June 29, 2022. <https://www.businessnewsdaily.com/4679-corporate-social-responsibility.html>.
- Riley, Tess. "Just 100 Companies Responsible for 71% of Global Emissions, Study Says." *The Guardian*. Last modified July 10, 2017. <https://www.theguardian.com/sustainable-business/2017/jul/10/100-fossil-fuel-companies-investors-responsible-71-global-emissions-cdp-study-climate-change>.
- Rizzi, Corrado. "'Greenwashing' Class Action Alleges H&M Sustainability Profiles Contain 'Falsified Information'." *ClassAction.org*. Last modified July 27, 2022. <https://www.classaction.org/news/greenwashing-class-action-alleges-handm-sustainability-profiles-contain-falsified-information>.
- Robinson, Deena. "What Is Greenwashing and How to Avoid It." *Earth.Org*, Last modified July 23, 2021.. <https://earth.org/what-is-greenwashing/>.
- Roos, Dave. "How the East India Company Became the World's Most Powerful Monopoly." *History*. Last modified October 23, 2020. <https://www.history.com/news/east-india-company-england-trade>.
- Samsung SDS. "Social Contribution." Accessed August 10, 2022. [https://www.samsungsds.com/en/corporate/overview/about\\_cr\\_over.html](https://www.samsungsds.com/en/corporate/overview/about_cr_over.html).
- Supreme Court of Canada. "Nevsun Resources Ltd. v. Araya." *Supreme Court Judgments*. Last modified February 28, 2020. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18169/index.do>.
- The Geography of Transport Systems. "Dutch East India Company, Trade Network, 18th Century." Accessed August 21, 2022. <https://transportgeography.org/contents/chapter1/emergence-of-mechanized-transportation-systems/dutch-east-india-company-trade-network/>.
- The World Bank: IBRD + IDA. "Competitive Industrial Performance Rank." *TCdata360*. Accessed August 10, 2022. <https://tcdata360.worldbank.org/indicators/h27e52df8?country=CZE&indicator=3787&years=1990%2C2014>.
- Tollefson, Jeff. "Climate Pledges from Top Companies Crumble under Scrutiny." *Nature News*. Last modified February 7, 2022. <https://www.nature.com/articles/d41586-022-00366-2>.
- Walton, Beatrice A. "Nevsun Resources Ltd. v. Araya." *American Journal of International Law* 115, no. 1 (January 2021): 107–14. <https://doi.org/10.1017/ajil.2020.103>.
- Waters, Jamie. "Overconsumption and the environment: should we all stop shopping?" *The Guardian*. Last modified May 30, 2021. <https://www.theguardian.com/lifeandstyle/2021/may/30/should-we-all-stop-shopping-how-to-end-overconsumption>.
- Williams, Dilys. "Shein: the unacceptable face of throwaway fast fashion." *The Guardian*. Last modified April 10, 2022. <https://www.theguardian.com/fashion/2022/apr/10/shein-the-unacceptable-face-of-throwaway-fast-fashion>.



- Worldwide Tax Summaries. "United States Corporate: Taxes on corporate income." PWC. Last modified August 1, 2022. <https://taxsummaries.pwc.com/united-states/corporate/taxes-on-corporate-income>.
- Yap, James. "Nevsun Resources Ltd. v. Araya: What the Canadian Supreme Court Decision Means in Holding Canadian Companies Accountable for Human Rights Abuses Abroad." Business & Human Rights Resource Centre. Last modified March 16, 2020. <https://www.business-humanrights.org/en/latest-news/nevsun-resources-ltd-v-araya-what-the-canadian-supreme-court-decision-means-in-holding-canadian-companies-accountable-for-human-rights-abuses-abroad/>.



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.

Written by Parthav Easwar, Shanaya Harjai

Edited by Ana Margarita Gil, Ming-May Hu, Victor Miranda, Kylie Watanabe

© 2022 IMUNA. All Rights Reserved.

