



Legal Committee

**LEGAL**

**MUNUC 38**

Model United Nations of the University of Chicago

## CHAIR LETTERS

Dear Delegates,

Hello! My name is Braeden Prunier, and I am absolutely thrilled to welcome you to MUNUC 38! I am also incredibly excited to serve as one of your chairs for this year's Legal Committee.

I am a second-year Economics student with a keen interest in economic politics. On campus, I am deeply involved in various political groups, the Institute of Politics, and student opinion writing. In fact, I spent last summer in Washington D.C., working in the U.S. House of Representatives! Outside of academics, I thoroughly enjoy taking long road trips to Buc-ee's (the closest one to Chicago is about seven hours away—yes, I've made the trip!), watching TV shows like *Emily in Paris*, indulging in all things suits, watches, and jet skis, and, most importantly, visiting Panda Express—like, a lot. I'm originally from Albuquerque, New Mexico, and I'm always up for talking about everything from hot air balloons to the Zia symbol!

For this year's LEGAL committee, you will have the choice between two topics: one being regulation on the misuse of space, and the other being international labor law. The former asks you to explore and consider not only how space will play a role in the next stage of humanity, but also what our role will be in its protection. The latter asks you to consider what worker protections ought to be universal and how we ensure equitable labor treatment across the globe. Both topics are immense, with many different avenues for your thoughts and solutions.

That's why we are so excited for this year! No matter what topic you pick, I know it will be an enthralling debate, one that I am extremely excited to chair.

However, we can only have a constructive discussion if we have a constructive environment. Our words have meaning, so much so that we are all gathering for the weekend to hear them! However, that also means that we need to be cognizant of what we're saying and whether or not it is constructive for the committee. If you have absolutely any concerns about how something you want to say might be insensitive or inappropriate, please check with us, we're here for you. Likewise, if you feel at all that something said was inappropriate or insensitive, please bring it to our attention. Our role as your chairs is to create a safe, fun environment, and we promise to do that!

I am so excited to see you at the conference this year. I encourage you to use the background guide in conjunction with your own research to create the best platform for your ideas. It's a true honor to be one of your chairs. See you in the Windy City soon!

Sincerest Regards,

Braeden Prunier

Dear Delegates,

My name is Erica Olea Velazquez, and I am beyond excited to welcome you to MUNUC 38. I am so thrilled to be one of your chairs for this year's LEGAL Committee of the General Assembly!

I am a third-year Biology and Public Policy double major with a minor in Spanish. I am also on the pre-med track, as public health and policy are two of my main interests, so I do a lot of volunteering throughout Hyde Park and do biology research on campus. Outside of academics, and doing everything MUN related, I enjoy staying active, mostly by weight lifting and rock climbing! I was born and raised in Santa Barbara, California, so the transition to Chicago has been a challenge, though it's also an experience that I have loved at all times.

This year, the LEGAL committee has two unique but relevant topics to discuss. One covers the many dimensions of using space and how we can effectively assess and propose equitable space policies. The other grapples with fundamental questions of global labor justice and how we should evolve international law to protect the rights of all workers— regardless of where they work. Though both topics are very different in content, they are both highly significant, such that I hope you will have a fulfilling time responding to either. No matter what topic you choose, I look forward to seeing how you address the current situation and how you will work with other delegates and nations to create a well-crafted draft resolution!

That being said, before being great delegates, I want to emphasize that nothing is more important to us than being great people outside of just MUN. Because these are both critical issues, you must keep sensitivity in mind. If at any point, you feel like what you say may come off as insensitive or inappropriate, feel free to ask your chairs; if you feel like something has been said that is insensitive or inappropriate, we encourage you to bring this up as well!



Above all, my primary goal is to make this a very enriching and fun experience for each and every person participating in the Legal Committee. You will learn about both of these fascinating topics through these background guides and any further research you choose to do. Once you engage with these topics during the conference, you will also learn critical cooperation and public speaking skills that you can utilize in areas beyond MUN. I hope that this will be a memorable experience for you all, and I am truly honored to be one of your chairs this year.

Best regards,

Erica Olea Velazquez

## HISTORY OF THE COMMITTEE

The United Nations General Assembly's Legal Committee, also called the Sixth Committee, deals with unique issues addressing international law and jurisdiction. A distinctive characteristic of the Legal Committee is examining the annual report of the International Law Commission, or ILC, and reviewing many reports from its subsidiary bodies, such as UNCITRAL.<sup>1</sup> Within the Sixth Committee's framework is also "International Law Week," featuring meetings with legal advisors of various nations coming together to discuss the ILC report. Its broad mandate also allows it to deal with significant tasks such as new measures to eliminate international terrorism, the criminal responsibility of UN officials and experts, universal jurisdiction principles, and the protection of diplomatic missions.

Some of the Sixth Committee's most notable accomplishments include the Rome Statute (1961) and the Vienna Convention on Diplomatic Relations (1961).<sup>1,2</sup> The Rome Statute is the founding treaty for the International Criminal Court, establishing a framework for addressing the most serious crimes of international concern, which resulted from the Sixth Committee's extensive legal work to develop international criminal jurisdiction. The Vienna Convention on Diplomatic Relations established the norms for the rights and obligations of diplomats and the protection of diplomatic missions.<sup>2</sup> It also established the nature of diplomatic immunity, and so it serves as a foundational document for the Sixth Committee's discussions on international law, especially in diplomatic relations. Though these resolutions the committee makes are

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<sup>1</sup> "Sixth Committee (Legal Committee)," Permanent Mission to the United Nations Argentine Republic, Accessed May 16, 2025. <https://enaun.cancilleria.gob.ar/en/content/sixth-committee-legal-committee>.

<sup>2</sup> United Nations, *Vienna Convention on Diplomatic Relations*, April 18, 1961, Accessed May 17, 2025. [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf).

non-binding, they still reflect the collective efforts of the international legal community to set standards for human rights and the maintenance of peace.

# TOPIC A: REGULATION ON THE MISUSE OF SPACE

## Statement of the Problem

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### The Legal Void

Imagine standing under a dark night sky and watching satellites cross the stars in seamless succession. Now imagine that same view, only the stars have vanished behind a shimmering haze of orbital debris, radio interference, and artificial megaconstellations. Outer space — once a shared and unspoiled frontier — is quickly becoming a congested, commercialized, and contested domain. At the center of this transformation lies a troubling legal vacuum. The pace of technological advancement and commercialization in space has far outstripped the development of binding international legal structures. This mismatch leaves room for exploitation, unilateral action, and long-term harm to the global commons.

This is not a futuristic concern either. **Anti-satellite (ASAT)** missile tests have created clouds of debris that threaten all orbital activity.<sup>3</sup> Thousands of satellites launched in recent years, largely by private companies, now crowd **low Earth orbit (LEO)**—increasing the likelihood of catastrophic collisions.<sup>4</sup> Nations and corporations alike are staking claims to scarce orbital slots and frequency bands, often at the expense of equitable access. Meanwhile, space tourism, asteroid mining, and lunar exploration are surging forward with minimal legal

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<sup>3</sup> Russian Anti-Satellite Test Adds to Worsening Problem of Space Debris,” *BBC News*, November 16, 2021, accessed August 10, 2025, <https://www.bbc.com/news/science-environment-59307862>

<sup>4</sup> “Satellite Database,” Union of Concerned Scientists, accessed August 10, 2025, <https://www.ucsusa.org/resources/satellite-database>.



guardrails. All of these developments raise fundamental legal questions. Who owns space? Who is responsible for the damage? Who decides what can and cannot be done?

These questions fall squarely within the purview of the Legal Committee. The issue is not that there is no law governing space, but that the existing legal framework is outdated, incomplete, and non-binding in key areas. Treaties like the 1967 **Outer Space Treaty** prohibit sovereignty claims and militarization in space but provide little guidance for managing commercial activity, mitigating debris, or arbitrating international disputes.<sup>5</sup> The result is a legal ambiguity that permits rapid development and innovation but leaves dangerous gaps when it comes to sustainability, accountability, and equitable access.

## Forms of Misuse

Despite the Outer Space Treaty's prohibition on placing weapons of mass destruction in orbit, several states continue to develop and test kinetic ASAT weapons, electronic warfare systems, and cyber capabilities designed to target space infrastructure.<sup>6</sup> These actions threaten to undermine strategic stability and may provoke an arms race in space. In 2007, China's ASAT test destroyed the Fengyun-1C satellite, creating more than 3,000 pieces of trackable debris.<sup>7</sup> In 2021, Russia's test of a direct-ascent ASAT weapon similarly caused widespread alarm.<sup>8</sup> India also conducted an ASAT test in 2019, creating nearly 400 pieces of debris and drawing criticism from the international community for further militarizing space.<sup>9</sup> There is currently no

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<sup>5</sup> United Nations Office for Outer Space Affairs, 2222 (XXI). *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies*, December 19, 1966, <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/outerspacetreaty.html>

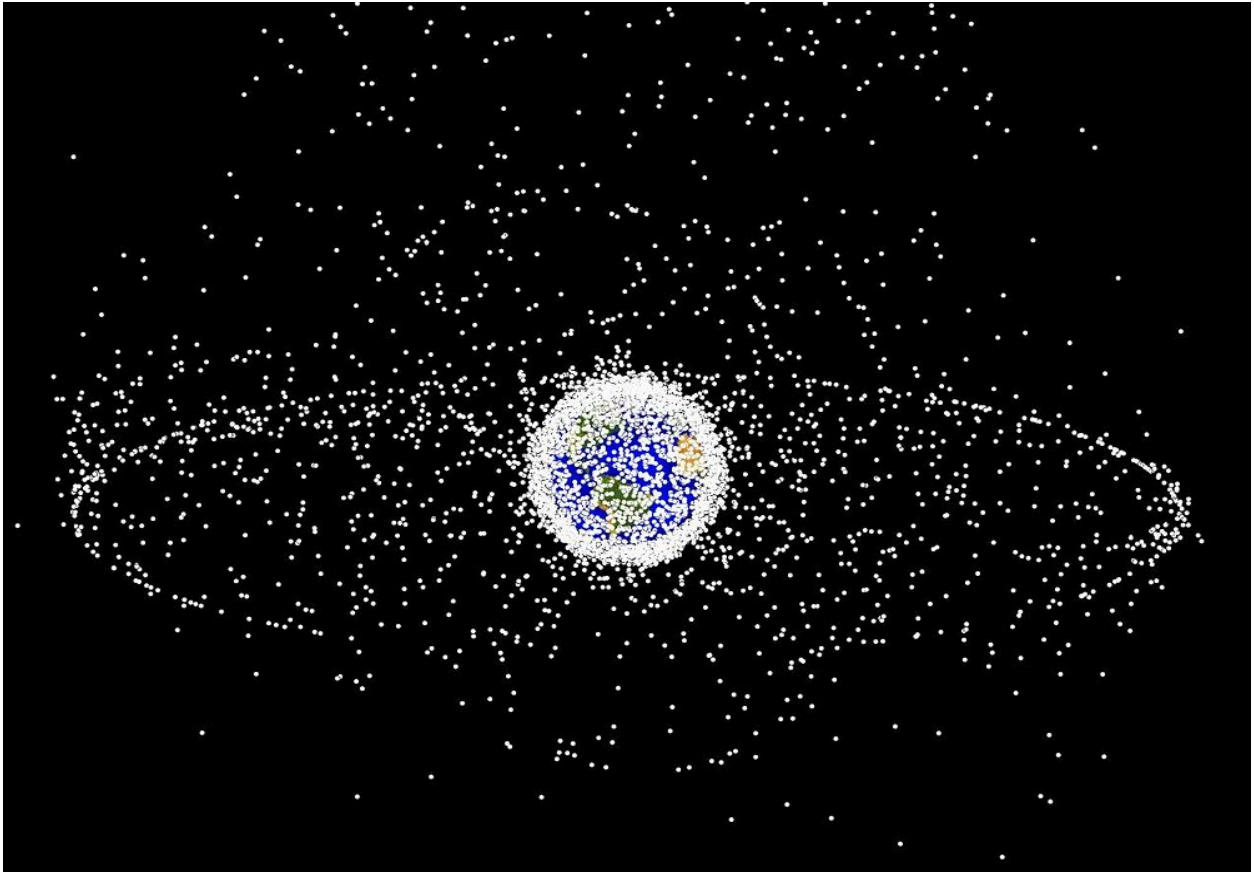
<sup>6</sup> U.S. Department of Defense, "2020 Defense Space Strategy Summary," June 17, 2020, [https://media.defense.gov/2020/Jun/17/2002317391/-1/-1/1/2020\\_defense\\_space\\_strategy\\_summary.pdf](https://media.defense.gov/2020/Jun/17/2002317391/-1/-1/1/2020_defense_space_strategy_summary.pdf)

<sup>7</sup> NASA Orbital Debris Program Office. "Fengyun-1C Debris Cloud." *Orbital Debris Quarterly News* 11, no. 2 (2007): 1–2. <https://orbitaldebris.jsc.nasa.gov/quarterly-news/pdfs/odqnv11i2.pdf>

<sup>8</sup> Secure World Foundation. *Russian Direct-Ascent Anti-Satellite Missile Testing Fact Sheet* (PDF), June 12, 2025. <https://swfound.org/publications-and-reports/russian-direct-ascent-anti-satellite-testing-fact-sheet>

<sup>9</sup> Theresa Hitchens. "Indian ASAT Debris Threatens All LEO Sats: Update." *Breaking Defense*, April 5, 2019. <https://breakingdefense.com/2019/04/indian-asat-debris-threatens-all-leo-sats/>

enforceable global treaty that prohibits the testing of such weapons or clearly defines what constitutes an act of aggression in space.



*NASA Map of Space Debris in Low Earth and Geostationary Orbit.<sup>10</sup>*

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<sup>10</sup> NASA, *Debris-GEO1280.jpg*, illustration of orbital debris in Earth orbit, Image, Wikimedia Commons, accessed August 10, 2025, <https://commons.wikimedia.org/wiki/File:Debris-GEO1280.jpg>.

## Debris Pollution

Today, over 130 million pieces of debris smaller than a centimeter orbit Earth, alongside over 25,000 pieces larger than 10 centimeters.<sup>11</sup> Even a one-centimeter object can disable a satellite due to the high velocity of orbital collisions. The 2009 collision between an Iridium satellite and the defunct Russian Cosmos-2251 created thousands of fragments and highlighted the urgency of debris mitigation.<sup>12</sup> Yet despite this, there is no binding international framework mandating debris remediation, de-orbiting, or end-of-life protocols. The Inter-Agency Space Debris Coordination Committee (IADC) has issued voluntary guidelines, but compliance is uneven.<sup>13</sup> In 2022, the U.S. Federal Communications Commission (FCC) adopted a rule requiring satellites to deorbit within five years of mission completion, but this is an exception rather than the norm globally.<sup>14</sup>

## Unbalanced Accessibility

Access to valuable orbits and spectrum bands is managed through the **International Telecommunication Union (ITU)**, which operates on a **first-come, first-served allocation**.<sup>15</sup> This system favors established space powers and large corporations, allowing them to reserve slots years in advance. Countries with limited launch capabilities are effectively excluded from equitable participation in satellite communications. As of 2023, Starlink alone operates over

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<sup>11</sup> NASA Orbital Debris Program Office. “Iridium 33 and Cosmos 2251 Collision.” *Orbital Debris Quarterly News* 13, no. 2 (2009): 1–2. <https://orbitaldebris.jsc.nasa.gov/quarterly-news/pdfs/odqnv13i2.pdf>

<sup>12</sup> Ibid.

<sup>13</sup> Inter-Agency Space Debris Coordination Committee, “IADC Space Debris Mitigation Guidelines” (PDF), revised 2020, <https://orbitaldebris.jsc.nasa.gov/library/iadc-space-debris-guidelines-revision-2.pdf>

<sup>14</sup> Federal Communications Commission, *FCC 22-74: Adoption of Five-Year Deorbit Rule for Non-Geostationary Satellites* (September 29, 2022), <https://docs.fcc.gov/public/attachments/FCC-22-74A1.pdf>

<sup>15</sup> International Telecommunication Union. “Radio Regulations (Edition 2020),” <https://www.itu.int/pub/R-REG-RR-2020>

5,000 satellites, many occupying highly desirable orbital paths.<sup>16</sup> **Mega-constellations** of this size risk crowding out other operators and increasing the likelihood of signal interference. The African Union has raised concerns that the current allocation model limits the ability of developing countries to access **Geostationary Earth Orbit (GEO)** slots—which are critical for telecommunications infrastructure.<sup>17</sup>

## Space Commercialization

Private space companies now lead the charge in satellite deployment, crewed missions, and even plans for extraterrestrial mining, but international law has failed to keep pace. The U.S. Commercial Space Launch Competitiveness Act of 2015 and Luxembourg’s Space Resources Act of 2017 both authorize private ownership of space resources, despite the Outer Space Treaty’s **non-appropriation principle**.<sup>18</sup> Meanwhile, space tourism missions have begun launching civilians into suborbital and orbital space with little oversight regarding safety, liability, or long-term environmental impact. In 2024, Blue Origin’s NS-28 mission carried Emily Calandrelli into space, making her the 100th woman to fly beyond Earth, highlighting the growing accessibility of commercial human spaceflight.<sup>19</sup>

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<sup>16</sup> European Space Agency, “Predicted Near Miss Between Aeolus and Starlink 44,” ESA Space Debris Library, September 3, 2019

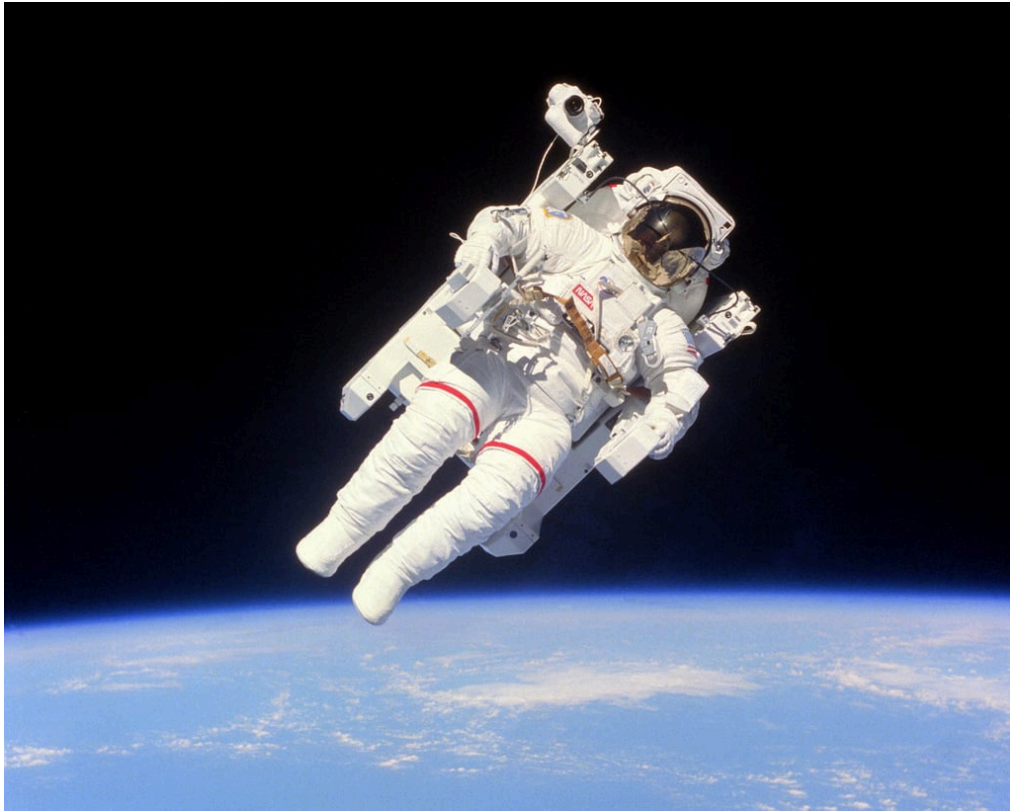
[https://www.esa.int/ESA\\_Multimedia/Images/2019/09/Predicted\\_near\\_miss\\_between\\_Aeolus\\_and\\_Starlink\\_44](https://www.esa.int/ESA_Multimedia/Images/2019/09/Predicted_near_miss_between_Aeolus_and_Starlink_44)

<sup>17</sup> African Union, “Africa’s Role in Global Space Governance,” AU Space Policy Draft Report, 2022, (Available via <https://au.int>)

<sup>18</sup> U.S. Congress, *H.R. 2262 — Commercial Space Launch Competitiveness Act*, Public Law 114-90, November 25, 2015, <https://www.congress.gov/114/plaws/publ90/PLAW-114publ90.pdf>

<sup>19</sup> Robert Z. Pearlman, “Blue Origin Crew, Including History’s 100th Woman to Fly to Space, Lands Safely,” *Space.com*, November 22, 2024. <https://www.space.com/blue-origin-ns28-100th-woman-space>





*Astronaut Bruce McCandless II floats next to Space Shuttle Challenger on Flight 41-B.<sup>20</sup>*

## Environmental Exploitation

The launch industry contributes significantly to carbon emissions, with rocket propellants and exhaust particles may degrade atmospheric layers.<sup>21</sup> In addition, the environmental impact of mining celestial bodies remains unknown since there are currently no international environmental assessments required for extraterrestrial activities. Under current international law, the launching state is liable for any damage caused by its objects, but

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<sup>20</sup> NASA, *Astronaut Bruce McCandless II floats a few meters away from the cabin of the earth-orbiting Space Shuttle Challenger*, Image, Itoldya-420 Archive, accessed August 10, 2025, <https://itoldya420.getarchive.net/amp/media/astronaut-bruce-mccandless-ii-floats-a-few-meters-away-from-the-cabin-of-the-ee683f>

<sup>21</sup> Martin Ross and James A. Vedda. "The Policy and Science of Rocket Emissions." *The Aerospace Corporation*, July 2022. <https://aerospace.org/paper/policy-and-science-rocket-emissions>

enforcement mechanisms are weak. The 1972 Liability Convention has only been invoked once, and many states lack domestic legislation to pursue claims.<sup>22</sup> Moreover, the environmental impact of extraterrestrial mining remains vastly under-researched. Excavation of lunar or asteroid materials may introduce contaminants to both those celestial bodies and, through sample return missions, potentially Earth's biosphere. There is currently no mandatory international environmental review process for proposed off-Earth resource extraction activities, meaning that companies are not legally obligated to study, disclose, or mitigate these impacts before proceeding.

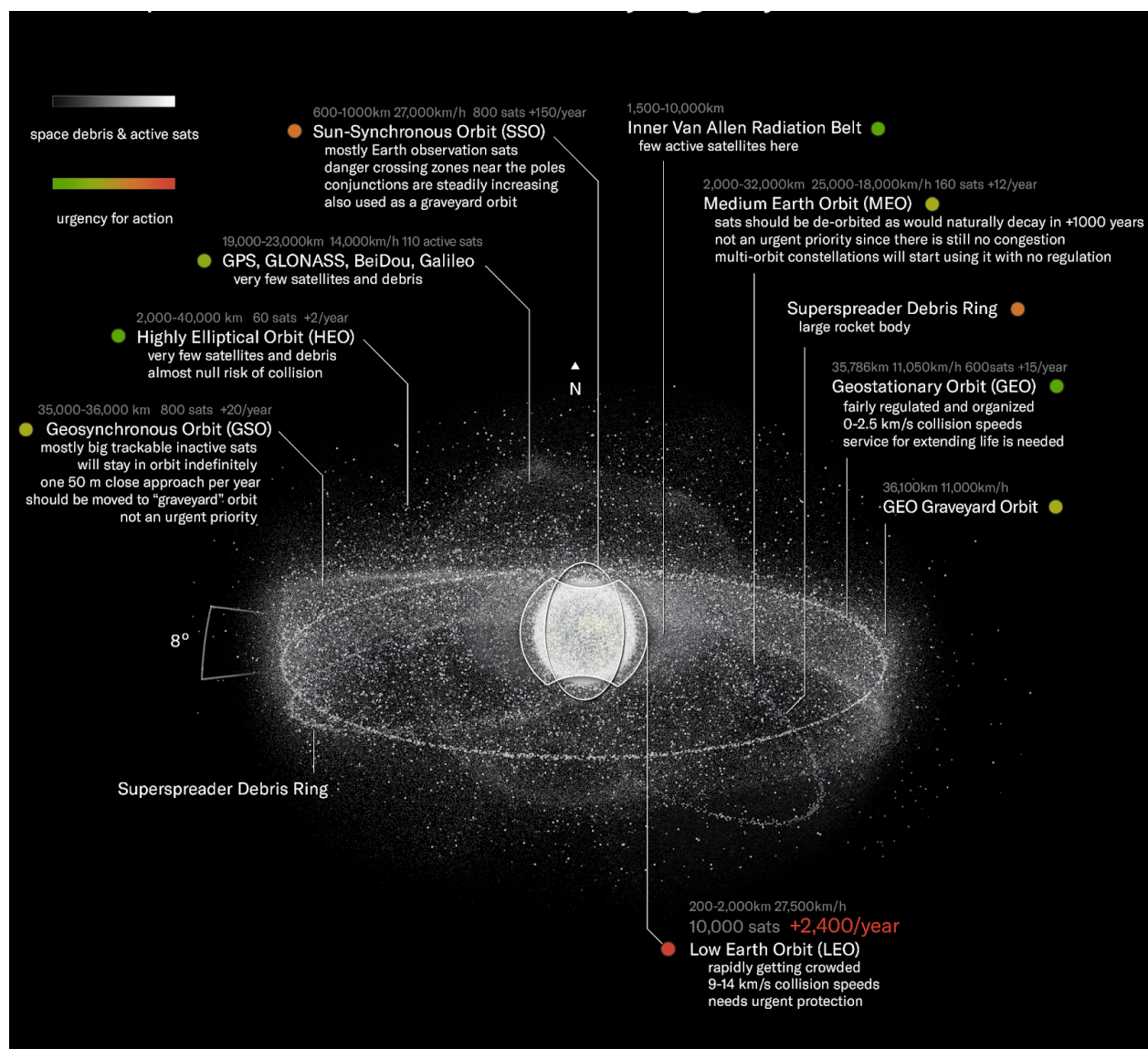
Launch infrastructure itself also has a terrestrial footprint. Spaceports, rocket testing facilities, and their supporting infrastructure may threaten local ecosystems, water supplies, and Indigenous lands. For example, the expansion of SpaceX's Starbase in Boca Chica, Texas, has drawn criticism from environmental groups for disrupting wildlife habitats and bypassing adequate environmental review processes.<sup>23</sup> Under current international law, the launching state is liable for any damage caused by its objects, but enforcement mechanisms are weak. Under current international law, the launching state is liable for any damage caused by its objects, yet enforcement remains limited; the 1972 Liability Convention has been invoked only once, and many countries still lack the domestic laws needed to pursue such claims.<sup>24</sup>

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<sup>22</sup> United Nations Office for Outer Space Affairs, 2777(XXVI). *Convention on International Liability for Damage Caused by Space Objects*, <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/liability-convention.html>

<sup>23</sup> Martin Ross and James A. Vedda, "The Policy and Science of Rocket Emissions." *The Aerospace Corporation*, July 2022, <https://aerospace.org/paper/policy-and-science-rocket-emissions>

<sup>24</sup> United Nations Office for Outer Space Affairs. "Convention on International Liability for Damage Caused by Space Objects." <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/liability-convention.html>



*An axonometric view displays various Earth orbits, illustrating space debris and active satellites.<sup>25</sup>*

Together, these forms of misuse paint a clear picture of a domain rapidly outpacing the legal instruments designed to regulate it. Without a binding international framework for space

<sup>25</sup> Pablo Carlos Budassi, *Space Sustainability Urgency in Earth Orbits Black*, Image, Wikimedia, August 9, 2023, [https://commons.wikimedia.org/wiki/File:Space\\_sustainability\\_urgency\\_in\\_earth\\_orbits\\_black.png](https://commons.wikimedia.org/wiki/File:Space_sustainability_urgency_in_earth_orbits_black.png)

governance, the risks of conflict, monopolization, environmental harm, and legal ambiguity will continue to rise. The consequences are not speculative. They are material, ongoing, and irreversible without coordinated action. The question before this committee is how best to reconcile the competing interests of innovation, sovereignty, sustainability, and equity in a legal regime that must function at a planetary scale. In the face of technological acceleration and geopolitical competition, the opportunity to shape the norms of space governance remains, but it is closing quickly.

This committee must not only understand the legal dimensions of current misuse but also anticipate what forms they may take in the coming decades. Delegates will need to think like jurists, lawmakers, diplomats, and visionaries. The legal future of outer space is being written now, and the decisions made in this committee will reflect the principles we choose to carry beyond Earth's atmosphere.



## History of the Problem

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The misuse of space is not a phenomenon that emerged overnight, but rather a consequence of decades of unregulated innovation, power politics, and uneven legal evolution. To understand today's challenges, one must trace the roots of the legal, environmental, and strategic disarray that characterizes space governance. While the 20th century opened the heavens to human reach, it also ushered in a slow-burning crisis of legal inadequacy that continues to vex diplomats and technocrats alike.

### The Race to Space

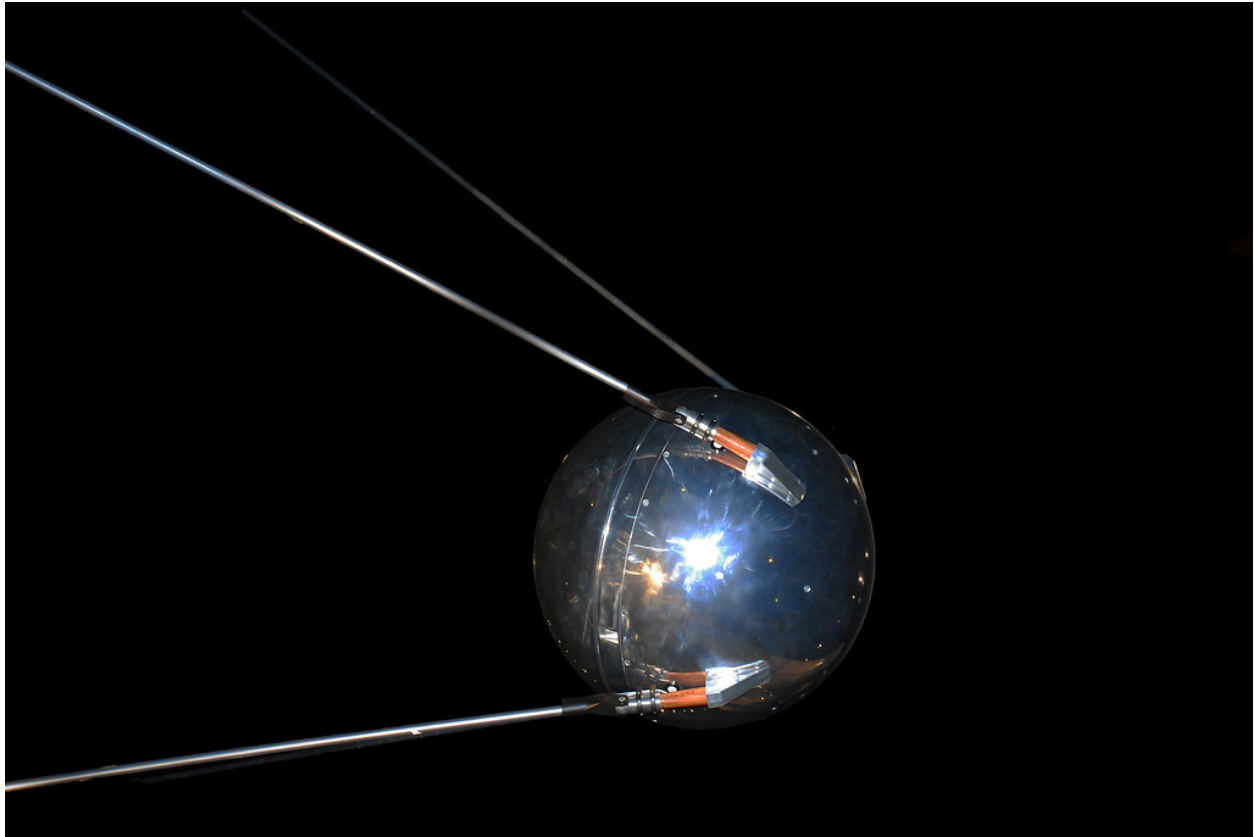
The dawn of the space age was marked not by scientific curiosity alone, but by Cold War competition. In 1957, the Soviet Union launched Sputnik I, the world's first artificial satellite.<sup>26</sup> This singular act of technological prowess ignited not only the space race but a global reckoning: outer space, once the domain of myth and imagination, was now a real and immediate frontier for military, political, and commercial ambition.<sup>27</sup> The urgency to create international norms was immediate. The United Nations responded by forming the ad hoc **United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS)** in 1958, which became a permanent body in 1959.<sup>28</sup> While this committee did much to initiate dialogue and cooperation, its scope was ultimately advisory. Treaties emerged from it, but enforcement mechanisms did not.

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<sup>26</sup> "Sputnik and the Space Race: 1957 and Beyond," Library of Congress, accessed August 10, 2025, <https://guides.loc.gov/sputnik-and-the-space-race>.

<sup>27</sup> "Space Law Treaties and Principles," United Nations Office for Outer Space Affairs, accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties.html>.

<sup>28</sup> "COPUOS History," United Nations Office for Outer Space Affairs, accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/copuos/history.html>.



*Sputnik 1, the first satellite ever launched into space on October 4th, 1957.<sup>29</sup>*

The 1967 Outer Space Treaty (OST), often hailed as the “Magna Carta of space,” established foundational principles, such as prohibiting sovereignty claims and forbidding nuclear weapons in orbit, but it also left many pressing questions unresolved.<sup>30</sup> The OST was a product of its time: a high-level accord designed to mitigate Cold War escalation rather than provide robust legal infrastructure for the coming era of commercialization. It failed to anticipate the rise of private space actors, orbital congestion, or the technical nuances of satellite

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<sup>29</sup> Thomas Dwyer, *Sputnik [spoot-nik]*, Image, *Flickr*, uploaded Feb. 9, 2010, accessed August 10, 2025, [https://www.flickr.com/photos/double\\_o\\_zero/4342992598](https://www.flickr.com/photos/double_o_zero/4342992598).

<sup>30</sup> United Nations Office for Outer Space Affairs, 2777(XXVI). *Convention on International Liability for Damage Caused by Space Objects*, <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/liability-convention.html>

deconfliction. Even the **Moon Agreement** of 1979, which declared celestial bodies the **common heritage** of humankind, gained little traction and was ratified by only a handful of countries.<sup>31</sup>

During the 1980s and 1990s, national governments remained the primary spacefaring entities, but commercialization began to take root. Arianespace, founded in 1980, became the first private company to offer satellite launches, signaling the beginning of a transformation.<sup>32</sup> Meanwhile, the United States began encouraging privatization through legislation such as the Commercial Space Launch Act of 1984.<sup>33</sup> Yet, global legal frameworks remained stagnant. This period saw the increasing use of **GEO (geostationary orbit)** for communications, leading to debates over slot allocation that exposed the inequity of first-come, first-served systems under the ITU.<sup>34</sup> Countries such as Nigeria and Brazil, despite their ambitions, often found themselves marginalized by these allocation dynamics—unable to secure desired orbital positions or frequency bands due to late entry. These systemic imbalances would go on to color later debates over resource equity and access to space infrastructure.

## The Modern Space Age: Commercialization, Politics, and Exploitation

The 2000s brought further disruption. SpaceX, founded in 2002, and Blue Origin, in 2000, introduced aggressive innovation cycles, slashing launch costs and enabling

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<sup>31</sup> United Nations Office for Outer Space Affairs, 34/68. *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies*, December 5, 1979, accessed August 10, 2025,

<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/moon-agreement.html>

<sup>32</sup> “Ariane,” Encyclopædia Britannica, s.v. accessed August 10, 2025,

<https://www.britannica.com/technology/Ariane-European-launch-vehicles>.

<sup>33</sup> Federal Aviation Administration, *Origins of the Commercial Space Industry*, accessed August 10, 2025,

[https://www.faa.gov/sites/faa.gov/files/about/history/milestones/Commercial\\_Space\\_Industry.pdf](https://www.faa.gov/sites/faa.gov/files/about/history/milestones/Commercial_Space_Industry.pdf).

<sup>34</sup> “ITU-R: Managing the Radio-Frequency Spectrum for the World,” International Telecommunication Union, accessed August 10, 2025,

<https://www.itu.int/en/mediacentre/backgrounders/Pages/itu-r-managing-the-radio-frequency-spectrum-for-the-world.aspx>.

mega-constellations of small satellites.<sup>35</sup> No legal architecture existed to anticipate this proliferation. In 2007, China's **anti-satellite (ASAT)** test destroyed the Fengyun-1C satellite, producing over 3,000 pieces of long-lived debris.<sup>36</sup> The 2009 collision between Iridium 33 and Cosmos 2251 further underscored the absence of binding orbital traffic management.<sup>37</sup> These events marked a turning point: the physical saturation of **orbital bands** was no longer theoretical.

In the 2010s, the issue of space debris moved to the forefront. Voluntary guidelines by the Inter-Agency Space Debris Coordination Committee (IADC) sought to address **end-of-life protocols**, but implementation remained uneven.<sup>38</sup> Meanwhile, Starlink and OneWeb launched thousands of satellites into LEO (low Earth orbit), heightening concerns over collision risk, light pollution, and monopolization of **orbital real estate**.<sup>39</sup> National laws, such as the U.S. Commercial Space Launch Competitiveness Act (2015) and Luxembourg's Space Resources Act (2017), authorized private ownership of space resources—prompting legal scholars to question whether these moves violated the non-appropriation principle of the OST.<sup>40</sup> Critics of these developments argued that national legislation that permits ownership over extracted materials without multilateral consensus may violate the spirit, if not the letter, of the OST—increasing geopolitical tensions in future off-world resource claims.<sup>41</sup>

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<sup>35</sup> “Falcon 9,” SpaceX, accessed August 10, 2025, <https://www.spacex.com/vehicles/falcon-9/>.

<sup>36</sup> NASA Orbital Debris Program Office, “Orbital Debris Quarterly News 12, no. 2,” *Orbital Debris Quarterly News*, accessed August 10, 2025, <https://orbitaldebris.jsc.nasa.gov/newsletter/pdfs/ODQNV12i2.pdf>.

<sup>37</sup> European Space Agency, “Steering ESA Satellites Clear of Space Debris,” *ESA Space Safety*, October 30, 2014, accessed August 10, 2025, [https://www.esa.int/Space\\_Safety/Space\\_Debris/Steering\\_ESA\\_satellites\\_clear\\_of\\_space\\_debris](https://www.esa.int/Space_Safety/Space_Debris/Steering_ESA_satellites_clear_of_space_debris).

<sup>38</sup> Inter-Agency Space Debris Coordination Committee, *IADC Space Debris Mitigation Guidelines* (PDF), revised 2020, accessed August 10, 2025, <https://orbitaldebris.jsc.nasa.gov/library/iadc-space-debris-guidelines-revision-2.pdf>.

<sup>39</sup> “Satellite Database,” Union of Concerned Scientists, accessed August 10, 2025, <https://www.ucsusa.org/resources/satellite-database>.

<sup>40</sup> United States Congress, *H.R. 2262 (114th Cong.): U.S. Commercial Space Launch Competitiveness Act*, Public Law 114-90, November 25, 2015, <https://www.congress.gov/bill/114th-congress/house-bill/2262/text>.

<sup>41</sup> Maria Grazia Dusina, “ESIL Reflection – Space Mining in Practice – An International Space Law Perspective on Upcoming Challenges,” *ESIL Reflections* 13, no. 8 (May 6, 2024), accessed August 10, 2025,



Geopolitical tensions have also reemerged. The Center for Strategic and International Studies noted in its 2023 Space Threat Assessment that states are increasing investments in counter-space capabilities, citing Russian and Indian anti-satellite tests as examples of growing militarization in orbit.<sup>42</sup> India's 2019 ASAT test, known as Mission Shakti, was justified as a demonstration of strategic deterrence.<sup>43</sup> These developments have occurred in the absence of a binding global framework banning such tests. The Legal Subcommittee of **UNCOPUOS** has deliberated on such risks but has yet to produce enforceable norms.<sup>44</sup> Moreover, despite calls from various non-aligned nations to establish an arms control regime for outer space, progress has remained slow due to vetoes and political gridlock within major international forums.

The **Artemis Accords**, initiated by the United States in 2020, attempted to fill this legal void by setting principles for lunar exploration and resource use. However, the accords are bilateral and exclude major powers like China and Russia, who have launched competing initiatives.<sup>45</sup> This fragmentation of legal norms mirrors terrestrial geopolitical divisions and raises the risk of conflicting regulatory regimes. Furthermore, without universal acceptance, the legitimacy of these norms in binding third parties is limited, thus complicating legal certainty for multinational endeavors on the Moon and beyond.

Simultaneously, the advent of space tourism has introduced new liability concerns. Blue Origin and Virgin Galactic have both flown civilians to suborbital space, but there is still little

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[https://esil-sedi.eu/esil-reflection-space-mining-in-practice-an-international-space-law-perspective-on-upcoming-challenges/?utm\\_source=chatgpt.com](https://esil-sedi.eu/esil-reflection-space-mining-in-practice-an-international-space-law-perspective-on-upcoming-challenges/?utm_source=chatgpt.com).

<sup>42</sup> Kari A. Bingen, Kaitlyn Johnson, Makena Young, and John W. “Jay” Raymond, *Space Threat Assessment 2023* (Center for Strategic and International Studies, April 14, 2023), accessed August 10, 2025, <https://www.csis.org/analysis/space-threat-assessment-2023>.

<sup>43</sup> “Mission Shakti,” Defence Research & Development Organisation (DRDO), accessed August 10, 2025, <https://www.drdo.gov.in/mission-shakti>.

<sup>44</sup> “Long-Term Sustainability of Outer Space Activities,” United Nations Office for Outer Space Affairs, accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/topics/long-term-sustainability-of-outer-space-activities.html>.

<sup>45</sup> NASA, *Artemis Accords*, accessed August 10, 2025, <https://www.nasa.gov/specials/artemis-accords/index.html>.

international consensus on passenger safety standards or insurance requirements. The Federal Aviation Administration projects substantial growth in space tourism and commercial space travel through 2043, adding urgency to these regulatory gaps.<sup>46</sup> Concerns have also emerged over medical liability, as passengers in suborbital flights may experience physiological stressors unique to microgravity.<sup>47</sup> Yet, these issues remained largely unregulated at the international level—relying instead on national jurisdictions to provide patchwork protections.

In the present decade, attention has turned to planetary protection and the environmental consequences of extraterrestrial activity. Sample return missions, lunar excavation, and asteroid mining have raised questions about contamination and long-term ecological disruption. The European Space Agency and **COSPAR** have jointly published a revised planetary protection policy to regulate the prevention of biological contamination.<sup>48</sup> Furthermore, recent academic work emphasizes the need for a stronger environmental ethic in extraterrestrial development.<sup>49</sup> Philosophers and ethicists now debate whether celestial bodies should enjoy some form of intrinsic legal protection, especially as human ambitions shift toward permanent settlement and industrial extraction.

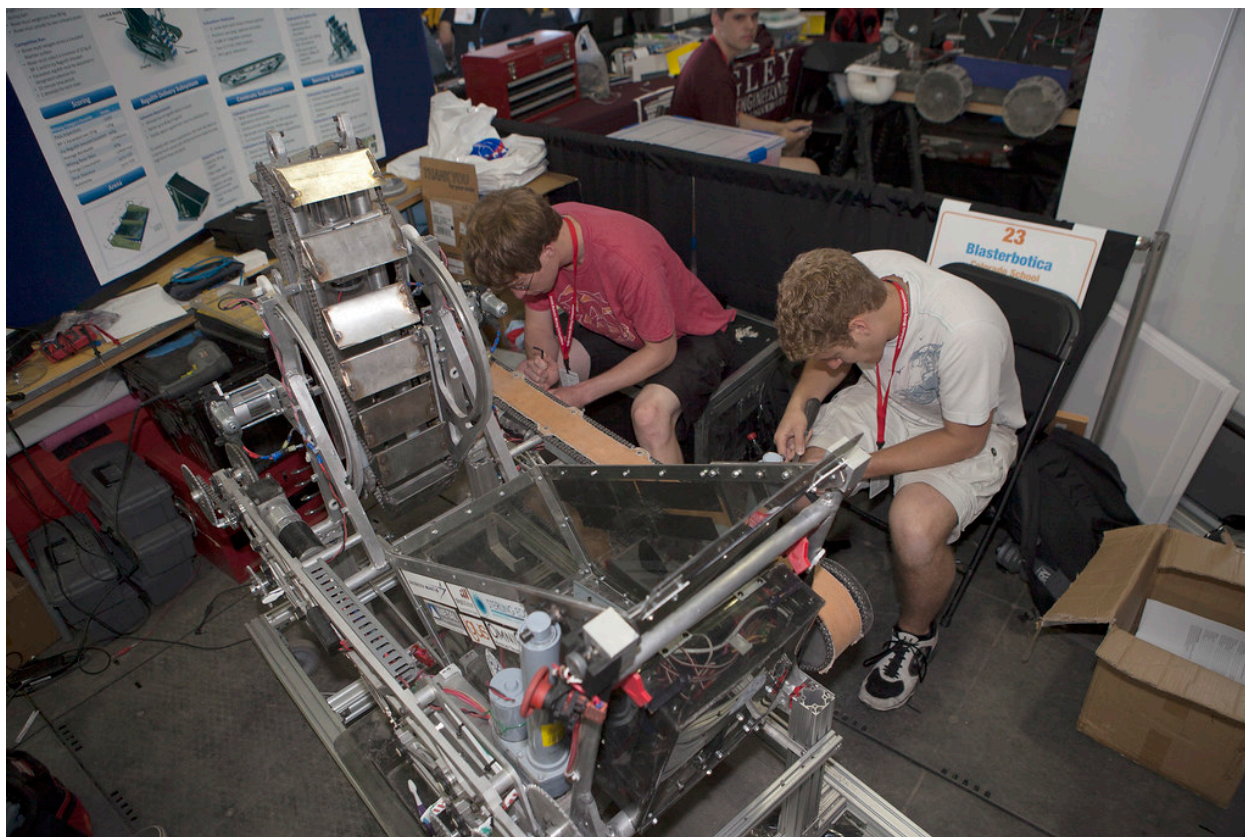
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<sup>46</sup> Federal Aviation Administration, *FAA Aerospace Forecast Fiscal Years 2023–2043*, accessed August 10, 2025, [https://www.faa.gov/sites/faa.gov/files/FY%202023-2043%20Full%20Forecast%20Document%20and%20Tables\\_0.pdf](https://www.faa.gov/sites/faa.gov/files/FY%202023-2043%20Full%20Forecast%20Document%20and%20Tables_0.pdf).

<sup>47</sup> Olga Maria Manna *et al.*, “Microgravity and Human Body: Unraveling the Potential Role of Heat-Shock Proteins in Spaceflight and Future Space Missions,” *Biology* 13, no. 11 (November 13, 2024): 921, accessed August 10, 2025, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11591694/>.

<sup>48</sup> Committee on Space Research (COSPAR), *Planetary Protection Policy, Revision 5*, June 2021, accessed August 10, 2025, [https://cosparhq.cnes.fr/wp-content/uploads/2021/12/COSPAR\\_Planetary\\_Protection\\_Policy\\_Revision\\_5\\_June\\_2021.pdf](https://cosparhq.cnes.fr/wp-content/uploads/2021/12/COSPAR_Planetary_Protection_Policy_Revision_5_June_2021.pdf).

<sup>49</sup> Monica R. Vidaurri and Alexander Q. Gilbert, “Environmental Considerations in the Age of Space Exploration: The Conservation and Protection of Non-Earth Environments,” *arXiv*, submitted June 8, 2023, accessed August 10, 2025, <https://arxiv.org/abs/2306.05594>.



*Colorado School of Mines students working on a specialized space excavation robot.<sup>50</sup>*

## The Drive for Equitable Space Law

The United Nations Economic and Social Council has reinforced this perspective by publishing reports linking outer space activity to the Sustainable Development Goals, framing space governance as a matter of social equity and global stewardship.<sup>51</sup> However, international cooperation and equitable access still remain fragile, as developing nations continue to struggle with inclusion in orbital governance and debris mitigation planning.<sup>52</sup> Legal scholars, such as Aditya Jain and Akhil Rao, have called for new models of international cooperation to ensure

<sup>50</sup> NASA Kennedy, *KSC-2015-2065*, photo by Kim Shiflett, Image, *Flickr*, uploaded May 28, 2015, accessed August 10, 2025, <https://www.flickr.com/photos/nasakennedy/18017203330>.

<sup>51</sup> United Nations, *E/CN.6/2024/10*, Economic and Social Council, distr. General, March 19, 2024, accessed August 10, 2025, <https://undocs.org/E/CN.6/2024/10>.

<sup>52</sup> Aditya Jain and Akhil Rao, “International Cooperation and Competition in Orbit-Use Management,” *arXiv*, submitted May 8, 2022; revised September 10, 2022, accessed August 10, 2025, <https://arxiv.org/abs/2205.03926>.

inclusive orbital management.<sup>53</sup> Some have suggested drawing lessons from maritime and environmental law, particularly frameworks like the UNCLOS regime or the Antarctic Treaty, as templates for space governance.<sup>54</sup>

Further illustrating the historical scope of institutional involvement, the United Nations Office for Outer Space Affairs has published a detailed chronology of COPUOS, offering insight into its decades-long evolution from Cold War diplomacy to modern regulatory debates.<sup>55</sup> These insights, though valuable, have exposed a fundamental tension: while the machinery of global governance has matured, its legal codification for space has not kept pace.

The growing militarization of space, commercial monopolization of resources, and environmental degradation are symptoms of the same underlying issue: the failure to evolve a binding, inclusive, and enforceable system of space law. The problem, then, is not merely the absence of rules, but the persistence of outdated ones. Until a renewed legal framework is forged—one that accounts for private actors, emerging technologies, and global equity—the prospect of safe and sustainable space exploration will remain elusive.

Today, the challenge is to reconcile innovation with equity and ambition with restraint. Delegates to this committee inherit a history of noble treaties and noble failures. Their task is to interrogate not only how space has been misused, but how law itself has been misapplied or neglected. The stakes are vast. Without reform, outer space risks becoming yet another frontier of domination and disorder, rather than a realm of shared opportunity.

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<sup>53</sup> “COPUOS History” United Nations Office for Outer Space Affairs, accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/copuos/history.html>.

<sup>54</sup> International Center for Advocates Against Discrimination (ICAAD), “Space Treaties and Terrestrial Analogs,” *ICAAD Publications*, May 22, 2025, accessed August 10, 2025, <https://icaad.ngo/2025/05/22/space-treaties-and-terrestrial-analogs/?utm>.

<sup>55</sup> “COPUOS History” United Nations Office for Outer Space Affairs, accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/copuos/history.html>.

## Past Actions

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### International Approaches

Outer space regulation has been a slow, often incomplete, process influenced by national interests, limited jurisdiction, and emerging technologies. The foundational Outer Space Treaty (OST), adopted in 1967, established that space is the province of all humankind and prohibits national appropriation or the placement of nuclear weapons in orbit.<sup>56</sup> Despite its status as the cornerstone of international space law, the OST did not include binding enforcement mechanisms or provisions to regulate private activity. This limitation has become increasingly apparent in the 21st century.

The 1979 Moon Agreement attempted to address gaps by declaring the Moon and other celestial bodies as the “common heritage of mankind,” promoting equitable use of resources.<sup>57</sup> However, the agreement was ratified by few spacefaring nations, undermining its effectiveness. The International Telecommunication Union (ITU) still manages orbital slot and frequency allocations through a first-come-first-served process that favors early and technologically advanced actors, often leaving emerging space programs without reliable access to key orbits.<sup>58</sup>

The United Nations Committee on the Peaceful Uses of Outer Space has provided a consistent platform for international cooperation. Its creation of the **Long-Term Sustainability (LTS) Guidelines** in 2019 outlines best practices for satellite design, debris mitigation, and

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<sup>56</sup> United Nations Office for Outer Space Affairs, 2222 (XXI). *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies*, December 19, 1966, <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/outerspacetreaty.html>

<sup>57</sup> United Nations Office for Outer Space Affairs, 34/68. *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies*, December 5, 1979, accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/moon-agreement.html>

<sup>58</sup> “Regulation of Satellite Systems: Coordination of Orbital Slots and Radio Frequencies,” International Telecommunication Union, accessed August 10, 2025, <https://www.itu.int/en/mediace>



collision avoidance.<sup>59</sup> However, like many other multilateral space initiatives, the guidelines are non-binding.



*The Moon.*<sup>60</sup>

## National Approaches

Domestically, several countries have pursued independent legislative paths. The U.S. Commercial Space Launch Competitiveness Act of 2015 recognized the rights of American companies to mine asteroids and own extracted resources.<sup>61</sup> Luxembourg and the UAE have

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<sup>59</sup> United Nations Office for Outer Space Affairs, “Long-Term Sustainability Guidelines,” accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/topics/long-term-sustainability-of-outer-space-activities.html>.

<sup>60</sup> NASA Goddard Space Flight Center, *The Moon*, Image, Flickr, uploaded September 14, 2010, accessed August 10, 2025, <https://www.flickr.com/photos/gsf/4990414044>.

<sup>61</sup> U.S. Congress, *H.R. 2262 – Commercial Space Launch Competitiveness Act* (2015), <https://www.congress.gov/bill/114th-congress/house-bill/2262>.



passed similar laws.<sup>62</sup> These domestic initiatives reflected diverging interpretations of the OST's non-appropriation principle.

On the military front, both China and Russia have conducted anti-satellite (ASAT) weapons tests, China in 2007 and Russia in 2021—creating thousands of pieces of orbital debris.<sup>63</sup> These actions prompted widespread condemnation but no formal sanctions or accountability mechanisms. The lack of enforceable treaties banning ASAT testing or deployment has made such behavior difficult to deter. Efforts like the proposed **Prevention of an Arms Race in Outer Space (PAROS)** treaty have been stalled in Geneva for decades, further exacerbating this issue.<sup>64</sup>

Other cooperative ventures include **space situational awareness (SSA) agreements**. The U.S. Space Command has signed multiple SSA data-sharing agreements, including with Uruguay in 2024.<sup>65</sup> While effective at promoting transparency, these bilateral agreements are ad hoc and largely driven by geopolitical alliances.

Recent years have seen increased friction between competing governance visions. The **Artemis program**, led by the United States, has produced a series of bilateral agreements through the Artemis Accords that define best practices for lunar exploration.<sup>66</sup> In contrast, China

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<sup>62</sup> Luxembourg Government, “Law on Use of Resources in Space Adopted” (Global Legal Monitor), August 22, 2017,

<https://www.loc.gov/item/global-legal-monitor/2017-08-22/luxembourg-law-on-use-of-resources-in-space-adopted/>.

<sup>63</sup> “Satellite Database,” Union of Concerned Scientists, accessed August 10, 2025,

<https://www.ucsusa.org/resources/satellite-database>.

<sup>64</sup> United Nations General Assembly, 75/35. *Prevention of an Arms Race in Outer Space*. December 16, 2020.

<https://digitallibrary.un.org/record/3895439?ln=en&v=pdf>.

accessed August 10, 2025, <https://digitallibrary.un.org/record/3856345>.

<sup>65</sup> United States Space Command, “SSA Data-Sharing Agreement with Uruguay” (news release), July 19, 2024, <https://www.spacecom.mil/Newsroom/News/Article-Display/Article/3735510/usspacecom-and-uruguayan-air-force-sign-space-situational-awareness-information/>.

<sup>66</sup> “Artemis,” NASA, accessed August 10, 2025, <https://www.nasa.gov/feature/artemis/>

and Russia have proposed a jointly managed lunar base, an alternative approach that emphasizes **strategic autonomy** and multipolarity.<sup>67</sup>

Simultaneously, **soft law** efforts continued. The 2022 UN General Assembly adopted a U.K.-sponsored resolution encouraging responsible behaviors in space.<sup>68</sup> However, the resolution does not contain binding obligations and has seen limited traction among non-Western space powers. Efforts to ensure global SSA have also emerged from the European Union, with the **EU Space Surveillance & Tracking (EU SST)** consortium contributing to space safety.<sup>69</sup> The UNOOSA “Access to Space for All” initiative and the International Charter on Space and Major Disasters have both worked to democratize access and use of orbital assets.<sup>70</sup>

## Continued Legal Dilemmas

Concerns over orbital debris and mega-constellations have led to increased academic scrutiny and policy debate. *Scientific American* has reported on the exponential growth in private satellite launchers, especially by firms like Amazon and SpaceX, that could create high-density traffic zones.<sup>71</sup> *Nature* has underscored the long-term ecological risks of orbital clutter and the growing urgency of international response.<sup>72</sup> Additional academic literature, such as *The Common Journal’s* study on tipping points of space debris in low Earth orbit, has outlined

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<sup>67</sup> “China-Led Lunar Base to Include Nuclear Power Plant on Moon’s Surface, Space Official,” *Reuters*, April 23, 2025, accessed August 10, 2025, <https://www.reuters.com/business/energy/china-led-lunar-base-include-nuclear-power-plant-moons-surface-space-official-2025-04-23/>.

<sup>68</sup> United Nations General Assembly, “General Assembly Encourages Responsible Behavior in Outer Space” (press release), December 7, 2022, <https://www.un.org/press/en/2022/ga12466.doc.htm>.

<sup>69</sup> “What is EU SST?,” European Union Space Surveillance and Tracking Consortium (EU SST), accessed August 10, 2025, <https://www.eusst.eu/>.

<sup>70</sup> United Nations Office for Outer Space Affairs, “Access to Space for All,” accessed August 10, 2025, <https://www.unoosa.org/oosa/en/ourwork/access2space4all/index.html>.

<sup>71</sup> Jonathan O’Callaghan, “The Risky Rush for Mega Constellations,” ed. Lee Billings, (*Scientific American*, 2019), <https://www.scientificamerican.com/article/the-risky-rush-for-mega-constellations/>.

<sup>72</sup> “Orbital Debris Requires Prevention and Mitigation,” *Nature*, June 2025, <https://www.nature.com/articles/s44172-025-00430-5>.

worst-case chain reactions.<sup>73</sup> Meanwhile, publications like the *European Journal of Futures Research* have emphasized the ethical and governance-related implications of long-term orbital sustainability.<sup>74</sup>



*Signing of the Outer Space Treaty.*<sup>75</sup>

Legal frameworks have lagged behind these rapid developments. The Utrecht Law Review outlined deficiencies in global authority structures for space governance, especially

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<sup>73</sup> Keiko Nomura et al., “Tipping Points of Space Debris in Low Earth Orbit,” *The Common Journal*, <https://thecommonsjournal.org/articles/10.5334/ijc.1275>.

<sup>74</sup> Aybüke İnan-Şimşek et al., “Sustainable Space Governance and Intergenerational Justice,” *European Journal of Futures Research*, June 9, 2025, <https://eujournalfuturesresearch.springeropen.com/articles/10.1186/s40309-025-00254-8>.

<sup>75</sup> *Signing Outer Space Treaty*, Image, Wikimedia, accessed August 10, 2025, [https://commons.wikimedia.org/wiki/File:Signing\\_Outter\\_Space\\_Treaty.jpg](https://commons.wikimedia.org/wiki/File:Signing_Outter_Space_Treaty.jpg).

concerning enforcement and institutional coherence.<sup>76</sup> Public media has also engaged with the issue; for instance, *AP News* highlighted potential compounding effects of climate change and orbital overpopulation by centuries end.<sup>77</sup>

Collectively, these efforts represent a fragmented approach to governance. Treaties remain outdated or under-enforced, domestic laws diverge, and voluntary guidelines lack teeth. The path forward must grapple with the legal vacuum created by rapid commercialization, increasing debris, and geopolitical rivalries in orbit.

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<sup>76</sup> “The Architecture of Authority in Global Space Governance,” *Utrecht Law Review*, <https://utrechtlawreview.org/articles/974/files/66599e39814c7.pdf>.

<sup>77</sup> Seth Borenstein, “Climate Change Could Crowd Low Earth Orbit by Century’s End,” *AP News*, March 10, 2025, <https://apnews.com/article/b21f43bbd8925d67264e41f6c24c73e1>.

## Possible Solutions

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The current international space legal framework is insufficient to address contemporary challenges ranging from debris mitigation to equitable access and resource governance. Delegates must now consider how to creatively yet realistically expand global governance infrastructure. The following four pathways are proposed not merely as technical fixes, but as ideologically distinct solutions through which competing legal and ethical visions may be debated.

### Legally-Binding Space Traffic Management

This pathway prioritizes legal predictability and institutional enforcement. Delegates aligned with this solution would advocate for a legally binding multilateral treaty on space traffic management, potentially housed under an expanded UNCOPUOS mandate or an autonomous UN body. The treaty would define minimum obligations for public and private actors: active debris avoidance, data-sharing protocols, collision risk thresholds, and orbital end-of-life procedures. States would submit launch trajectories to an international clearinghouse, subject to oversight by a **technocratic authority**. Compliance would be verified via standardized tracking software, and violations could trigger economic penalties or launch restrictions. This pathway would attract states with mature space programs concerned about orbital congestion, as well as those desiring more transparent conduct from competitors.

### Resource-Sharing and Space Mining Oversight

This solution centers on the question of ownership and profit in the final frontier. Inspired by the Antarctic Treaty and the Law of the Sea, it proposes a regime where extraction rights are

contingent on international approval and shared benefit. A multilateral licensing system would allocate mining zones, require environmental impact assessments, and obligate a fixed share of revenue toward a global trust benefiting developing nations. Arbitration panels could resolve disputes between firms or governments. States backing this solution would likely include those with emerging industrial capabilities and a desire to avoid market capture by early movers. This pathway invites a legal-political conversation about sovereignty, stewardship, and intergenerational justice.

## **Expanding Equity and Access for the Global South**

This solution would advocate reforms that correct historical imbalances in access to space infrastructure and orbital rights. Policies would include reserving GEO slots for developing countries, granting low-cost or subsidized launch access, and sharing remote sensing data during natural disasters or development planning. A capacity-building initiative, financed through launch fees or mining royalties, could fund training programs, satellite constellations, and participation in space research. A new consultative organ, possibly a standing forum within UNCOPUOS, would ensure the representation of states without launch capabilities. This solution would appeal to states in the Global South as well as space powers wishing to cultivate diplomatic capital and avoid accusations of **space neo-colonialism**.

## **Demilitarization and Dual-Use Regulation**

This option confronts the expanding military presence in outer space. Proponents would call for an updated treaty banning the testing and deployment of kinetic ASATs and clarifying the legal status of **dual-use satellites**. The proposal might include the designation of demilitarized orbital zones, prohibitions on stationing weapons near celestial bodies, and transparency



mechanisms such as pre-launch notifications and **on-orbit inspection rights**. Verification could be managed via a coalition of space-capable states operating under mutual surveillance agreements. This solution seeks to preempt a potential arms race and may resonate with states facing strategic asymmetry.

## Bloc Positions

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### Commercial Space Powers

These nations host the headquarters of major private aerospace and satellite corporations, often boasting advanced launch capabilities and extensive orbital infrastructure. Their economies are closely tied to space commercialization, whether through telecommunications, Earth observation, or emerging industries such as asteroid mining. While they may publicly endorse responsible space governance, they tend to resist measures that could impose restrictive regulations on their domestic firms. Instead, they are likely to champion frameworks that safeguard private property rights in space resources, promote market-led innovation, and limit binding obligations that might slow industry growth. This bloc will often push for voluntary codes of conduct, technology-sharing partnerships, and flexible debris mitigation standards—arguing that overly rigid rules could stifle entrepreneurship and reduce competitiveness.

### Emerging Spacefaring Nations

These countries have recently made significant investments in space programs but lack the deep-rooted infrastructure or launch frequency of established powers. Often motivated by national prestige, economic diversification, and technological development, they are keen to secure a foothold in space governance discussions. This bloc may support measures that open access to key orbits, ensure affordable launch opportunities, and provide technical assistance for capacity-building. At the same time, they may resist overly burdensome compliance regimes that could strain their limited budgets. Expect this bloc to advocate for inclusive decision-making in

bodies like UNCOPUOS, as well as to favor international funding mechanisms and orbital slot reservation systems that ensure fair participation in space commerce and exploration.

## Global South and Non-Spacefaring States

Lacking domestic launch capabilities, these nations nonetheless have a stake in space governance due to their reliance on satellite-based services for weather forecasting, disaster management, agriculture, and communication. Their priorities often center on equitable access to orbital resources, transparency in data sharing, and protection from the negative externalities of space activities such as debris generation. This bloc will likely call for binding guarantees that prevent orbital congestion and reserve certain spectrum and orbital slots for developing nations. They may also push for funding from resource exploitation or commercial satellite operations to be redistributed towards capacity-building programs. While these nations are less concerned with competition in space technology, they are highly attentive to how global governance structures can perpetuate or reduce inequality.

## Demilitarization Advocates

This block includes both spacefaring and non-spacefaring nations that prioritize preventing an arms race in outer space. Motivated by concerns over anti-satellite weapon tests, dual-use technologies, and the potential militarization of celestial bodies, these states will push for treaties or agreements banning specific destabilizing activities. Their proposals might include prohibitions on kinetic ASAT testing, restrictions on the deployment of certain weapons systems in orbit, and greater transparency through pre-launch notifications or inspection rights. This bloc is likely to seek enforceable verification mechanisms, potentially through a UN-administered space monitoring body. While their emphasis is on arms control, they may also support broader

cooperation in non-military areas of space activity, such as shared infrastructure projects, joint scientific missions, and mutual aid in disaster response, to build trust and strengthen peaceful norms in orbit.

Overall, while these possible solutions and bloc positions lay out potential avenues delegates can navigate during the committee, they are by no means the only avenues out there. As such, delegates are encouraged to use these solutions and blocs as a guiding framework, but should not feel bound by these pathways—as the emphasis is for delegates to work creatively and collaboratively to form their own solutions that are equitable for both the members of their bloc and of their committee as a whole.

## Glossary

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*Outer Space Treaty (OST)* – The 1967 multilateral treaty forming the foundation of international space law, prohibiting national appropriation of outer space and banning weapons of mass destruction in orbit.

*Moon Agreement* – A 1979 treaty declaring the Moon and other celestial bodies the “common heritage of mankind” and setting principles for their use, ratified by few spacefaring nations.

*Common Heritage of Mankind* – A legal concept asserting that certain global commons, such as the Moon or deep seabed, belong collectively to all humanity and should be managed for the benefit of all.

*International Telecommunication Union (ITU)* – A UN specialized agency managing the allocation of orbital slots and radio frequencies for satellites.

*First-Come, First-Served Allocation* – ITU’s process of assigning orbital slots and frequencies to applicants in the order requests are received, favoring technologically advanced actors.

*UNCOPUOS (United Nations Committee on the Peaceful Uses of Outer Space)* – A UN body responsible for fostering international cooperation on space activities and developing legal frameworks.

*Long-Term Sustainability (LTS) Guidelines* – Non-binding best practices adopted by UNCOPUOS in 2019 to promote safe and sustainable space operations, including debris mitigation.

*U.S. Commercial Space Launch Competitiveness Act (2015)* – U.S. legislation recognizing the right of American companies to mine and own space resources.

*Non-Appropriation Principle* – Article II of the OST prohibiting sovereignty claims or national appropriation in outer space, interpreted differently by various states.

*Anti-Satellite (ASAT) Weapons* – Technology designed to disable or destroy satellites, either kinetically (via collision) or non-kinetically (via jamming or cyberattack).

ASAT Tests (China 2007, Russia 2021, India 2019) – Demonstrations of anti-satellite capabilities that created large amounts of orbital debris.

*PAROS (Prevention of an Arms Race in Outer Space)* – A proposed UN treaty to prevent the weaponization of space, stalled in negotiations for decades.

Space Situational Awareness (SSA) – The ability to detect, track, and predict the movement of objects in orbit to avoid collisions.

*SSA Data-Sharing Agreements* – Bilateral or multilateral arrangements for sharing orbital data between states or organizations.

*Artemis Program* – A NASA-led initiative to return humans to the Moon and develop sustainable lunar exploration.

*Artemis Accords* – A series of bilateral agreements between the U.S. and partner nations setting principles for responsible space exploration and resource use.

*China-Russia International Lunar Research Station* – A proposed joint lunar base project emphasizing strategic independence from U.S.-led initiatives.

*Soft Law* – Non-binding norms, guidelines, or resolutions influencing behavior without enforceable legal authority.

*EU Space Surveillance & Tracking (EU SST)* – A European initiative providing collision warnings and monitoring space debris.

*Mega-Constellations* – Large networks of satellites, often in low Earth orbit, used for

global communications, exemplified by Starlink and OneWeb.

*Low Earth Orbit (LEO)* – An orbital region from approximately 160 to 2,000 kilometers above Earth, used for many satellites and space stations.

*Geostationary Orbit (GEO)* – An orbital position where satellites remain fixed relative to a point on Earth's surface, about 35,786 kilometers above the equator.

Orbital Debris / Space Junk – Non-functional satellites and fragments in orbit posing collision risks.

*COSPAR (Committee on Space Research)* – An international scientific body that sets planetary protection policies.

*Dual-Use Satellites* – Space assets serving both civilian and military functions.

Demilitarized Orbital Zones – Proposed areas in space where military activity would be prohibited.

*On-Orbit Inspection Rights* – Proposed mechanisms to allow verification of satellite compliance with treaties.

*Technocratic Authority* – An independent, expert-led body envisioned for administering technical aspects of space traffic management.

*Space Neo-Colonialism* – The exploitation of outer space resources by powerful states or corporations to the exclusion of less-developed nations.

*Strategic Autonomy* – The ability of a state or bloc to pursue independent space policies without reliance on rival powers.



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## TOPIC B: INTERNATIONAL LABOR LAW

### Statement of the Problem

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#### The Legal Gap

Picture this: you're wearing a t-shirt that was designed in New York, made from cotton grown in India, woven into fabric in Bangladesh, cut and sewn in Vietnam, shipped through Singapore, and sold in Chicago. At each step of this journey, different workers contributed to the production of your shirt under vastly different legal protections, wage standards, and working conditions. In today's globalized economy, a single product crosses various international borders and legal systems before reaching consumers. For example, with the growth of cross-border e-commerce (CBEC), online shoppers can purchase goods from other countries, while retailers can test products overseas.<sup>78</sup> Yet, despite this heavily interconnected process, there is no unified international framework to ensure that workers receive fair treatment and protection at every stage.<sup>79</sup>

This disconnect between global commerce and fragmented labor law creates what experts call a “**governance gap**”: a regulatory void that corporations have learned to exploit systematically.<sup>80</sup> While globalization has accelerated the movement of capital, goods, and services across borders at unprecedented speed, the development of international labor

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<sup>78</sup> Prakash Veenam, “Cross-Border E-Commerce: Opportunities and Challenges in the Global Market.” *International Journal of Multidisciplinary Research and Growth Evaluation* 5, no. 5 (2024): 272–81. <https://doi.org/10.54660/IJMRGE.2024.5.5.272-281>.

<sup>79</sup> Muyan Qian, “Navigating the Impact of Multinational Enterprises on Labor Rights: Barriers to Justice in Developing Countries.” *Lecture Notes in Education Psychology and Public Media* 71 (December 2024): 60–69. <https://doi.org/10.54254/2753-7048/2024.LC17956>.

<sup>80</sup> Galit A. Sarfaty, “Managing the Governance Gap.” *University of Toronto Law Journal* 67, no. 4 (2017): 655–68. <https://doi.org/10.3138/utlj.2017.67.4.r1>.

protections has fallen behind, resulting in a world where **multinational corporations (MNCs)** can operate without being subject to a single nation's legal system.<sup>81</sup>

The issue lies in the limitations of national labor laws, which don't align with the global scope of modern business activities. Traditional legal frameworks operate under the assumption that production, labor, and commerce primarily occur within national borders.<sup>82</sup> Today's reality looks dramatically different, creating numerous opportunities for exploitation that transcend traditional notions of corporate accountability.

## Corporate Exploitation

MNCs have developed increasingly sophisticated strategies to minimize labor costs while simultaneously avoiding legal responsibilities. These methods have evolved over decades as companies have learned to navigate and manipulate the complexities of international law and jurisdiction.

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<sup>81</sup> Xiaoping Wei, 2020. "Transnational Capital and the Trend of Global Interactions." *International Critical Thought* 10 (2): 251–62. doi:10.1080/21598282.2020.1783694.

<sup>82</sup> Guy Mundlak, "De-Territorializing Labor Law" *Law & Ethics of Human Rights* 3, no. 2 (2009): 189-222. <https://doi.org/10.2202/1938-2545.1037>



*Garment factory in Bangladesh.*<sup>83</sup>

Complex structures serve as the most prevalent and worrisome method of obscuring responsibility. Modern corporations deliberately create intricate networks of suppliers, subcontractors, and subsidiaries that make it nearly impossible to trace accountability for labor violations. In the global fashion industry, corporations like H&M might contract with a primary supplier in Bangladesh, which then subcontracts production to smaller factories.<sup>84</sup> When labor violations occur, whether it's excessive overtime, unsafe working conditions, or below-minimum wages, the parent company can plausibly claim ignorance or limited control over these downstream operations—whether it's knowledgeable of what is occurring or not.<sup>85</sup>

This practice of creating what lawyers call the “**corporate veil**” serves legitimate

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<sup>83</sup> Fahad Faisal, *English: The Highest LEED Certified Green Garment Factories in the World*, Wikimedia, February 16, 2020, Previously published: Facebook গ্যালারী আলো ছায়া Gallery Alo Chaya, [https://commons.wikimedia.org/wiki/File:Remi\\_Holdings\\_LEED\\_certified\\_factories\\_in\\_Bangladesh.jpg](https://commons.wikimedia.org/wiki/File:Remi_Holdings_LEED_certified_factories_in_Bangladesh.jpg)

<sup>84</sup> H&M Group, “Supply Chain,” Accessed August 5, 2025, <https://hmgroup.com/sustainability/leading-the-change/transparency/supply-chain/>

<sup>85</sup> Felipe Caro et al., “Can Brands Claim Ignorance? Unauthorized Subcontracting in Apparel Supply Chains,” *Management Science* 67, no. 4 (2021): 2010–28. <https://doi.org/10.1287/mnsc.2020.3679>.

business purposes, but it also facilitates the avoidance of labor law responsibilities.<sup>86</sup> The corporate veil allows companies to separate their operations and limit their liability. Still, it becomes problematic when used to shield decision-makers from taking accountability for working conditions they indirectly influence through their purchasing decisions and contract terms.

**Forum shopping** represents another method that has become increasingly common as global trade has expanded. This is where companies deliberately choose to conduct business in nations with less strict labor laws or with inefficient enforcement capabilities. They search for the most favorable legal regime, much like consumers browsing for deals.<sup>87</sup> This forces countries into what economists call a “**race to the bottom**,” where nations compete to attract foreign investment by offering increasingly lax labor protections, lower corporate taxes, and weaker environmental regulations.<sup>88</sup>

The electronics industry provides a stark example of forum shopping in action. Many tech companies have shifted production from countries with strong labor protections to regions where workers have fewer rights and governments have less capacity for enforcement.<sup>89</sup> This isn’t coincidental but rather a deliberate strategy that treats weak labor protections as a competitive advantage.

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<sup>86</sup> Geoffrey Tweedale, and Laurie Flynn. “Piercing the Corporate Veil: Cape Industries and Multinational Corporate Liability for a Toxic Hazard, 1950–2004.” *Enterprise and Society* 8, no. 2 (2007): 268–96.

<https://doi.org/10.1093/es/khm023>.

<sup>87</sup> Hannah Murphy, and Aynsley Kellow, “Forum Shopping in Global Governance: Understanding States, Business and NGOs in Multiple Arenas,” *Global Policy* 4, no. 2 (2013): 139–49,

<https://doi.org/10.1111/j.1758-5899.2012.00195.x>.

<sup>88</sup> Anita Chan, “A ‘Race to the Bottom.’” *China Perspectives* 2003, no. 2 (2003): 2.

<https://doi.org/10.4000/chinaperspectives.259>

<sup>89</sup> Ethical Consumer, “Workers’ Rights and Technology,” October 24, 2019,

<https://www.ethicalconsumer.org/technology/workers-rights-technology>.





*Electronics assembly factory, Cikarang, Indonesia.<sup>90</sup>*

Transfer prices and tax haven abuse exacerbate these problems by enabling companies to transfer profit to low-tax nations with only minimal financial burdens in the jurisdictions where actual production takes place.<sup>91</sup> This financial engineering not only reduces tax obligations but also limits the resources available for labor law enforcement where production is taking place. When a company reports minimal profits in the country where its workers are located, it becomes easier to argue that the company cannot afford to improve working conditions or increase wages.

The creation of multiple subcontracting layers further complicates accountability by establishing several degrees of separation between ultimate decision-makers and the workers

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<sup>90</sup> ILO Asia-Pacific, *Electronics Factory*, Image, Flickr, December 12, 2007, <https://www.flickr.com/photos/iloasiapacific/8096435618/>.

<sup>91</sup> Alana Semuels, “How Corporations Shift Profits to Avoid Taxes.” *TIME*, October 23, 2023. <https://time.com/6326583/tax-shelters-multinational-corporations/>.



who produce goods and services. Each additional step creates legal barriers that make it difficult to establish direct responsibility for labor violations. This fragmentation is particularly pronounced in industries such as electronics manufacturing and fast fashion, where a single product can involve hundreds of suppliers across different countries—each operating under different legal frameworks and regulatory systems.

## Inadequate International Framework

The current international system for protecting workers relies heavily on what legal scholars call “**soft law**” (non-binding guidelines, recommendations, and principles that encourage good behavior but lack enforceable sanctions for violations), which stands in contrast to “**hard law**” (which consists of binding legal obligations with clear consequences for non-compliance).<sup>92</sup> The predominance of soft law in international labor governance creates a system long on aspirations but short on accountability.

The **International Labour Organization (ILO)**, established in 1919 under the Treaty of Versailles, serves as the primary international body governing labor standards.<sup>93</sup> While the ILO has drafted extensive conventions on child labor, freedom of association, and occupational health and safety, these are on a basis of voluntary ratification that allows states to avoid enforcing inopportune standards. Even when ratified, enforcement remains limited. Initially, the ILO was empowered to recommend trade sanctions against non-compliant member states and maintained a functioning enforcement system with economic penalties until the mid-1930s, but these powers were abandoned by 1934 for political and institutional reasons. The ILO today can examine complaints, make studies, set up Commissions of Inquiry, and make recommendations. Still, in

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<sup>92</sup> Barnali Choudhury, “BALANCING SOFT AND HARD LAW FOR BUSINESS AND HUMAN RIGHTS,” *International and Comparative Law Quarterly* 67, no. 4 (2018): 961–86, <https://doi.org/10.1017/S0020589318000155>.

<sup>93</sup> “About the ILO,” International Labor Organization, Accessed August 5, 2025, <https://www.ilo.org/about-ilo>.

contrast to other international bodies, it is not empowered to impose sanctions, freeze assets, or enforce compliance through enforcement mechanisms.<sup>94</sup>

The UN Guiding Principles on Business and Human Rights, adopted in 2011, represent the most recent major attempt to address corporate accountability for human rights violations, including labor rights.<sup>95</sup> These principles established important frameworks for corporate responsibility and state duties to protect human rights. They encourage what's known as corporate “**due diligence**” and address human rights violations in their operations and supply chains. However, the Guiding Principles explicitly operate as non-binding guidelines rather than enforceable legal obligations. They encourage good behavior but provide no mechanism for victims of violations to seek redress through international channels.

The absence of **extraterritorial jurisdiction**, the legal power of a nation to control behavior that takes place outside of its borders, is perhaps the biggest flaw in the current international frameworks. Even with strong domestic labor laws, the majority of national legal systems lack the authority to bring charges against their companies for transgressions committed overseas. Workers in developing nations frequently lack legal recourse against foreign corporations due to this jurisdictional limitation, and the home countries of the corporations abdicate responsibility for their operations abroad.<sup>96</sup>

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<sup>94</sup> Steve Charnovitz, *The Lost History of the ILO's Trade Sanctions*, George Washington University Law School, 2019. [https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2729&context=faculty\\_publications](https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2729&context=faculty_publications)

<sup>95</sup> United Nations Human Rights Office of the High Commissioner, *Guiding Principles on Business and Human Rights*, Accessed August 5, 2025, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)

<sup>96</sup> Mark P Thomas, “Global Industrial Relations? Framework Agreements and the Regulation of International Labor Standards.” *Labor Studies Journal* 36, no. 2 (2011): 269–87. <https://doi.org/10.1177/0160449X10365544>.

## Vulnerable Workers

The legal gaps in international labor protection affect all workers to some degree. Still, two categories face particular vulnerability: domestic workers in developing nations who produce goods for global markets and migrant workers who move internationally in search of employment opportunities.

Domestic workers in developing nations often labor under conditions that would be illegal in developed countries but remain lawful due to weak local labor protections or inadequate enforcement capacity. These workers may face 12-to 16-hour workdays, exposure to hazardous chemicals without protective equipment, wages below what is necessary for basic survival, and restrictions on forming labor unions or other worker organizations.<sup>97,98</sup> When these workers produce goods for export to developed countries, they effectively subsidize lower consumer prices in wealthy nations while bearing the costs of inadequate protection.

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<sup>97</sup> Aruna Kashyap, ““Work Faster or Get Out.”” *Human Rights Watch*, March 11, 2015.

<https://www.hrw.org/report/2015/03/12/work-faster-or-get-out/labor-rights-abuses-cambodias-garment-industry>.

<sup>98</sup> IPEN, “Study Finds the Textile Industry in Bangladesh Is a Significant Source of PFAS Water Pollution,” May 28, 2024, accessed August 5, 2025,

<https://ipen.org/news/study-finds-textile-industry-bangladesh-significant-source-pfas-water-pollution>.



*Construction workers at Burj Khalifa under the Kafala system.<sup>99</sup>*

Migrant workers face even greater vulnerability because they cross national borders and may lose access to their home country's legal protections without gaining equivalent protection in their destination country.<sup>100</sup> Many migrant workers operate under temporary visa systems that tie their legal status to specific employers, creating power imbalances that facilitate exploitation. These workers may face passport confiscation, wage theft, dangerous working conditions, and threats of deportation if they complain about treatment. The kafala system in the Gulf states exemplifies the extreme vulnerability of migrant workers. Under this system, migrant workers' legal status depends entirely on their employer, and workers cannot change jobs, leave the country, or even open bank accounts without their sponsor's permission.<sup>101</sup> This creates

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<sup>99</sup> Imre Solt, *Burj Dubai Construction Workers on 4 June 2007*, image, Wikimedia, June 4, 2007, [https://commons.wikimedia.org/wiki/File%3ABurj\\_Dubai\\_Construction\\_Workers\\_on\\_4\\_June\\_2007.jpg](https://commons.wikimedia.org/wiki/File%3ABurj_Dubai_Construction_Workers_on_4_June_2007.jpg).

<sup>100</sup> "Justice Across Borders," International Labour Organization, Accessed August 5, 2025, [https://www.ilo.org/sites/default/files/2024-12/Standard%20publication\\_Justice%20Across%20Borders\\_EN\\_web\\_0.pdf](https://www.ilo.org/sites/default/files/2024-12/Standard%20publication_Justice%20Across%20Borders_EN_web_0.pdf).

<sup>101</sup> "Q&A: Migrant Worker Abuses in Qatar and FIFA World Cup 2022," *Human Rights Watch*, December 18, 2021, <https://www.hrw.org/news/2021/12/18/qa-migrant-worker-abuses-qatar-and-fifa-world-cup-2022>.

conditions ripe for exploitation, including non-payment of wages, excessive working hours, and physical abuse.<sup>102</sup> While some Gulf states have recently implemented reforms, the fundamental power imbalance remains, and millions of workers continue to labor under these conditions.

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<sup>102</sup> Ibid.

## History of the Problem

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### Origins of Global Labor Inequities (Industrial Revolution to Early 20th Century)



*Steam train, post-industrial revolution.*<sup>103</sup>

The **Industrial Revolution** (18th-19th centuries) transformed global labor relations and laid the foundation for labor exploitation that persists in the modern market. With the Industrial Revolution, workers moved into **manufactories**, which were locations where home-based workers transitioned into shared spaces( or **mills**) that relied heavily on machinery and capital investment—ultimately consolidating masses of workers into one shared space.<sup>104</sup> In Britain, the emergence of factory systems introduced new labor systems, where efficiency was prioritized

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<sup>103</sup> *Steam train, Ardee* - [geograph.org.uk - 3021864](https://commons.wikimedia.org/wiki/File:Steam_train,_Ardee_-_geograph.org.uk_-_3021864.jpg), Image, Wikimedia, accessed July 31, 2025, [https://commons.wikimedia.org/wiki/File:Steam\\_train,\\_Ardee\\_-\\_geograph.org.uk\\_-\\_3021864.jpg](https://commons.wikimedia.org/wiki/File:Steam_train,_Ardee_-_geograph.org.uk_-_3021864.jpg).

<sup>104</sup> Joel Mokyr, “The Rise and Fall of the Factory System: Technology, Firms, and Households since the Industrial Revolution.” *Carnegie-Rochester Conference Series on Public Policy* 55, no. 1 (December 2001): 2. [https://doi.org/10.1016/S0167-2231\(01\)00050-1](https://doi.org/10.1016/S0167-2231(01)00050-1).

above all else; workers felt that their living conditions were worsening, either by losing political power, respect, or independence.<sup>105</sup>

The colonial period established systems that created lasting labor inequalities, particularly among European colonial powers that developed economies based on the extraction of resources. For example, with the British textile industry, centered in Manchester and other industrial cities, it became clear that **global supply chains** could promote and envelop exploitation.<sup>106</sup> British mills that produced textile fabrics depended on enslaved workers in the American South to produce the cotton needed, and as demand for textiles increased, so did the number of slaves.<sup>107</sup> Ultimately, this resulted in a system now known as **war capitalism** that divided the world into two parts: the “inside” (i.e., Europe,) which was protected by laws, rights, and contracts, and the “outside,” where laws did not protect laborers.<sup>108</sup> In this case, European colonies were the “outside,” where exploitative labor went unchecked.<sup>109</sup> In Manchester’s mills, thousands of people worked long and dangerous days to produce cotton into goods that could be profitably sold.<sup>110</sup>

Aside from European exploitation of the American South, King Leopold II’s control of the Congo Free State also represented one of the most extreme examples of colonial labor exploitation. Belgium’s army would force labor via torture, murder, and kidnappings of laborers’ family members, such that the Congolese people had no choice but to produce rubber and meet

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<sup>105</sup> Thompson, Edward Palmer. *The Making of the English Working Class*. Middlesex etc.: Penguin books, 1976.

<sup>106</sup> Ibid.

<sup>107</sup> Sven Beckert, “Building War Capitalism.” Essay. In *Empire of Cotton: A Global History*, 29–55. New York City, New York: Vintage Books, 2015.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> “Manchester, Cotton and Slavery.” Science and Industry Museum, January 19, 2023. Accessed August 4, 2025, <https://www.scienceandindustrymuseum.org.uk/objects-and-stories/manchester-cotton-and-slavery#:~:text=Cotton%20textiles%20were%20some%20of,Special%20Collections%20Online%20Image%20source>.



Belgium's mandatory quotas.<sup>111</sup> During this time, the population of entire villages would drastically decrease, due to 5 primary reasons: a plummeting birth rate (due to kidnapped women being held hostage and men being sent into forests), disease (many introduced by the Europeans, such as Smallpox and sleeping sickness), murder (from failure to meet quotas), and above all, starvation and exhaustion.<sup>112</sup> Altogether, Belgium's exploitation demonstrates how international economic systems could incentivise and reward extreme labor exploitation. Additionally, because Leopold's control of the Congo Free State was essentially a private enterprise, rather than a government operation, it also set an example for manipulating legal frameworks to legitimize exploitation.

The development of the American factory system, particularly the New England textile mills, created yet another model of exploitative labor that went on to influence global practices. At first, the **Lowell system** was praised for its ability to employ young women and older men; however, as the price of cloth began to decrease, "mills cut wages and increased work duties, forcing the workers to work harder at a faster pace."<sup>113</sup> This led to industrial accidents and health problems, as the priority shifted from people's well-being to profit. Ultimately, the American system established the precedent for industrial expansion based on cheap labor—primarily as it increasingly relied on cost-cutting measures that prioritized profits over welfare.

## Historical Labor Movements and Responses

This isn't to say that there haven't been any labor movements from working people and activists. One of the earlier and most pivotal moments in labor history was the 1886 **Haymarket**

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<sup>111</sup> Adam Hochschild, *King Leopold's Ghost* (New York: Mariner Books, 1999), 263–74, <https://questoes.blogs.com/files/king-leopolds-ghost---adam-hochschild.pdf>.

<sup>112</sup> Ibid., 365–375

<sup>113</sup> Ibid., 365–375

**Affair**, which demonstrated both the potential effectiveness and limitations of worker organizations in addressing labor exploitation. During a national strike for eight-hour workdays at Haymarket Square in Chicago, an unknown person killed one police officer and several civilians after throwing a bomb.<sup>114</sup> Ultimately, this movement ended up spreading globally, leading to May 1st becoming International Workers Day across several countries.<sup>115</sup> However, this also led to many anti-labor governments crushing unions, and ultimately proved how state power could be used to suppress labor organizing.<sup>116</sup> Several men were tried and executed, despite questionable evidence, and the event itself was used to suppress further labor movements and maintain exploitative systems.<sup>117</sup>

The 1911 Triangle Shirtwaist Factory Fire was another turning point for labor movements and reform. On March 25, 1911, the factory fire claimed the lives of 146 workers.<sup>118</sup> The sweatshop had four elevators, only two of which were functional, and two small staircases, only one of which allowed workers to exit the building.<sup>119</sup> Most of the deaths were largely preventable, hence why many labor reform politicians united to develop a series of laws to protect worker safety.<sup>120</sup> Unfortunately, the owners of the factories, who were aware of the conditions within the factory, were all indicted but not convicted.<sup>121</sup>

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<sup>114</sup> Mike Saelee, “Haymarket Affair: Topics in Chronicling America,” Library of Congress, accessed August 4, 2025, <https://guides.loc.gov/chronicling-america-haymarket-affair/introduction>.

<sup>115</sup> “Celebrating May Day 2025 - International Workers’ Day,” *American Postal Workers Union*, April 29, 2025, <https://apwu.org/news/celebrating-may-day-2025-international-workers-day/>.

<sup>116</sup> William J Adelman, “The Haymarket Affair,” Illinois Labor History Society, accessed August 4, 2025, <http://www.illinoislaborhistory.org/the-haymarket-affair>.

<sup>117</sup> Max Klie, “The Haymarket Affair.” *History and Society. New Trier Political Journal*, n.d. Accessed August 4, 2025. <https://newtrierpoliticaljournal.org/2165/history-and-society/the-haymarket-affair/>.

<sup>118</sup> “Triangle Waist Company Fire (Triangle Shirtwaist Factory Fire).” *Social Welfare History Project*, February 3, 2011. <https://socialwelfare.library.vcu.edu/events/triangle-waist-company-factory-fire/>.

<sup>119</sup> William J Adelman, “The Haymarket Affair,” Illinois Labor History Society, accessed August 4, 2025, <http://www.illinoislaborhistory.org/the-haymarket-affair>.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.



*Triangle Shirtwaist Factory Fire, 1911.<sup>122</sup>*

In Europe, the 1926 General Strike was another historic movement that significantly improved workers' rights. After WWI, the British coal industry declined, and mine owners cut wages and increased working hours, leading to miners demanding fair pay and better working conditions, with their famous slogan: "Not a penny off the pay, not a minute on the day."<sup>123</sup> However, although their movement brought considerable attention to the cause, they ultimately returned to working under the same poor conditions.

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<sup>122</sup> Kheel Center, *Negative Print Showing the Street in Front of the Asch Building, Where the Triangle Waist Company Fire Burned*. Image, Wikimedia, October 4, 2010, [https://commons.wikimedia.org/wiki/File:Negative\\_print\\_showing\\_the\\_street\\_in\\_front\\_of\\_the\\_Asch\\_Building\\_where\\_the\\_Triangle\\_Waist\\_Company\\_fire\\_burned\\_%285279683220%29.jpg](https://commons.wikimedia.org/wiki/File:Negative_print_showing_the_street_in_front_of_the_Asch_Building_where_the_Triangle_Waist_Company_fire_burned_%285279683220%29.jpg).

<sup>123</sup> Jessica Brain, "The General Strike 1926." *Historic UK*, n.d. Accessed August 4, 2025. <https://www.historic-uk.com/HistoryUK/HistoryofBritain/General-Strike-1926/>.

## Post-WWII Globalization and Outsourcing Evolution

Following World War II, particularly in the 1970s and 1980s, global companies shifted from manufacturing in developed nations to relocating increasingly to developing countries. Rising labor costs, improvements in transportation and communication technology, and trade liberalization policies all helped reduce barriers to international production, setting the stage for modern issues.<sup>124</sup>

The **Maquiladora system** along the US-Mexico border has generated substantial economic benefits for both US companies and Mexico's economy since the 1960s. This manufacturing framework still allows facilities to import materials and equipment duty-free for assembly and production, with finished goods then exported back to the United States.<sup>125</sup> Despite these economic advantages, the system has faced significant criticism regarding labor practices. The prevalence of low wages, combined with investigations into working conditions, has revealed widespread labor rights violations.<sup>126</sup> Critics argue that the system facilitates worker exploitation—raising essential questions about the balance between economic development and fair labor standards.<sup>127</sup> Critics also argued that the threat of production relocation weakened the power of US manufacturing workers, contributing to wage stagnation, further illustrating how international labor competition can undermine labor standards in developing countries.<sup>128</sup>

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<sup>124</sup> “How Transportation Has Shaped Globalization | Impact and Educational Insights,” GPITransportation, 2023, accessed August 4, 2025, <https://gpitransportation.org/how-has-transportation-affected-globalization/>

<sup>125</sup> Douglas W Richmond, “Maquiladoras,” EBSCO, Accessed August 4, 2025, <https://www.ebsco.com/research-starters/history/maquiladoras>.

<sup>126</sup> Mia Aleman, “Maquiladoras, Human Rights, and the Impact of Globalization on the US-Mexico Border.” *Foreign Affairs Review*, June 17, 2022. <https://jhufar.com/2022/06/16/maquiladoras-human-rights-and-the-impact-of-globalization-on-the-us-mexico-border/>.

<sup>127</sup> James K. Galbraith, “Maquiladoras: What They Are and Their Role in Mexico-US Relations,” Visigistics, Accessed August 4, 2025. <https://www.visigistics.com/resources/maquiladoras-what-they-are-and-their-role-in-mexico-us-relations>.

<sup>128</sup> Troy Patterson, “Wage Stagnation and Populism: A Comment on David Brooks and Noah Smith | Institute for New Economic Thinking.” Accessed August 4, 2025. <https://www.ineteconomics.org/perspectives/blog/wage-stagnation-and-populism-a-comment-on-david-brooks-and-noah-smith>.

The rapid growth of **Asian Tiger** economies during the 1970s and 1980s established an influential model for labor relations centered on **export-oriented industrialization**.<sup>129</sup> These countries successfully attracted foreign investment in manufacturing industries that produced high-quality goods exported to developed nations worldwide.<sup>130</sup> However, this model fundamentally depended on maintaining a low-cost labor force. To preserve their competitive advantage, Asian Tiger economies systematically implemented policies to suppress labor unions and minimize labor costs.<sup>131</sup> While this approach proved effective in achieving remarkable economic growth rates, it came at considerable social expense. The export-oriented industrialization model imposed significant costs on workers, including excessive working hours, hazardous working conditions, and the systematic suppression of workers' voices and collective bargaining rights.<sup>132</sup> The Asian Tigers' apparent success in balancing rapid economic development with controlled labor costs influenced the strategies of other developing nations; yet, their experience also highlighted the inherent tensions and human costs embedded within export-driven growth models, raising critical questions about sustainable development approaches.

The **North American Free Trade Agreement (NAFTA)**, signed in 1994, marked a pivotal moment in international labor relations. By eliminating trade barriers and tariffs between the United States, Canada, and Mexico, NAFTA facilitated cross-border production and investment while significantly increasing trade among the three nations.<sup>133</sup> Despite producing

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<sup>129</sup> "Four Asian Tigers." Corporate Finance Institute, n.d., Accessed August 4, 2025. <https://corporatefinanceinstitute.com/resources/economics/four-asian-tigers/>.

<sup>130</sup> Ibid.

<sup>131</sup> Yoonchul Shin, "Authoritarianism and Economic Growth: A Historical Analysis of the Four Asian Tigers." The CTEE, February 23, 2023. <https://www.thectee.org/post/authoritarianism-and-economic-growth-a-historical-analysis-of-the-four-asian-tigers>.

<sup>132</sup> Walden Bello, "Slavery, Genocide, Abuse: The Dark Side of Asia's 'Tiger Economies' - FPIF." Foreign Policy in Focus. Accessed August 4, 2025. <https://fpif.org/slavery-genocide-abuse-the-dark-side-of-asias-tiger-economies/>.

<sup>133</sup> "North American Free Trade Agreement | U.S. Customs and Border Protection." Accessed August 4, 2025. <https://www.cbp.gov/trade/north-american-free-trade-agreement>.

complex and varied effects, the agreement ultimately generated economic benefits for all signatories.<sup>134</sup> However, NAFTA's labor protections fell short of their ambitious goals. While the agreement was designed to protect and enforce fundamental labor rights through an unprecedented **labor side accord**, its enforcement mechanisms proved inadequate. Mexican workers, in particular, struggled to exercise their basic rights to organize and associate freely, as weak institutional safeguards failed to address systematic violations by pro-government labor tribunals and restrictive union laws.<sup>135</sup> This gap between NAFTA's labor rights commitments and their practical implementation highlighted the challenges of linking trade agreements with meaningful human rights protections.<sup>136</sup>

## Migrant Worker Systems Development

The Bracero Program between the US and Mexico established precedents for temporary labor migration systems that continue to influence international labor relations. Initially created to address labor shortages following World War II, the program brought 4.6 million “braceros” to the US, primarily to work in agriculture.<sup>137</sup> Despite the short-term contracts that legally allowed them to work in the US and protect workers from discrimination and poor wages, Braceros still faced discrimination, wage deductions, and poor working conditions until the program ended.<sup>138</sup>

The Bracero Program's legacy continues to influence contemporary debates about temporary

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<sup>134</sup> David Floyd, “How Did NAFTA Affect the Economies of Participating Countries?” With Chip Stapleton. Investopedia. Accessed August 4, 2025.

<https://www.investopedia.com/articles/economics/08/north-american-free-trade-agreement.asp>.

<sup>135</sup> “Ways & Means Committee Democrats Raise Concerns with Labor Provisions in Renegotiated NAFTA,” Ways and Means Committee, April 11, 2019.

<http://democrats-waysandmeans.house.gov/media-center/press-releases/ways-means-committee-democrats-raise-concerns-labor-provisions>.

<sup>136</sup> Human Rights Watch. “Mexico: Labor Rights and NAFTA.” Accessed August 4, 2025, <https://www.hrw.org/legacy/reports/1996/Mexico3.htm>.

<sup>137</sup> “About · Bracero History Archive,” Bracero History Archive, Accessed August 4, 2025, <https://braceroarchive.org/about>.

<sup>138</sup> Dani Thurber, “1942: Bracero Program,” Library of Congress, Accessed August 4, 2025. <https://guides.loc.gov/latinx-civil-rights/bracero-program>.

labor migration. The program established precedents for **bilateral labor agreements** that prioritize employer interests over worker protection, creating models that have been replicated in other contexts.

Today, the kafala system in Gulf Cooperation Council countries still represents one of the most controversial contemporary systems for migrant workers, where workers supply cheap and plentiful labor to benefit local businesses.<sup>139</sup> In this system, the legal status of migrant workers is tied to their employers, who have control over their passports and residence permits.<sup>140</sup> However, it has turned into what many critics call “modern slavery,” where this power imbalance results in mistreatment.<sup>141</sup> As a result, numerous workers face restricted movement and communications, debt bondage, and forced labor.<sup>142</sup> Because workers are in vulnerable positions, this system creates a cycle where the promise of economic opportunity draws migrants into situations where their fundamental rights and freedoms are systematically violated—all under the authority of legal frameworks that prioritize employer control over worker protection.

The European Union’s Posted Workers Directive (1996) established a legal framework for cross-border employment within the EU, with significant implications for international labor law. The directive allows companies to post workers in other EU countries while maintaining their home employment countries, aiming to facilitate the free movement of services while protecting workers’ rights.<sup>143</sup> However, this legal framework allows companies to exploit regulatory differences between member states through lower social security contributions and

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<sup>139</sup> Kali Robinson, “What Is the Kafala System?,” Council on Foreign Relations, Accessed August 4, 2025, <https://www.cfr.org/backgrounder/what-kafala-system>.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ryszard Cholewinski, “Understanding the Kafala Migrant Labor System in Qatar and the Middle East at Large, with ILO Senior Migration Specialist Ryszard Cholewinski.” *Georgetown Journal of International Affairs*, February 1, 2023. <https://gjia.georgetown.edu/2023/02/01/the-kafala-system-a-conversation-with-ryszard-cholewinski/>.

<sup>143</sup> European Commission, “Posted Workers,” accessed August 4, 2025, [https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/working-another-eu-country/posted-workers\\_en](https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/working-another-eu-country/posted-workers_en).



wage arbitrage, thereby contributing to systematic competitive advantages that undermine local labor standards and create enforcement gaps, enabling widespread worker exploitation.<sup>144</sup>

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<sup>144</sup> Zsolt Darvas, and Elena Vaccarino. “‘Social Dumping’ and Posted Workers: A New Clash within the EU.” Bruegel | The Brussels-Based Economic Think Tank, September 3, 2025. <https://www.bruegel.org/blog-post/social-dumping-and-posted-workers-new-clash-within-eu>.

## Past Actions



*346th Session of ILO governing body.<sup>145</sup>*

## ILO

The International Labour Organization (ILO) was established in 1919 as part of the Treaty of Versailles following WWI, making it the first specialized agency of the League of Nations (later known as the United Nations).<sup>146</sup> As the only tripartite UN agency, it brings together government representatives, employers, and workers as equals within the organization's governance to promote equitable and appropriate national policies on social, economic, and other issues.<sup>147</sup> The ILO's primary function has been the development of international labor standards,

<sup>145</sup> "346th Session of the ILO Governing Body," Image, Flickr, October 31, 2022, <https://www.flickr.com/photos/ilopictures/52467543044>.

<sup>146</sup> Joseph Sulkowski, "The Competence of the International Labor Organization Under the United Nations System." *The American Journal of International Law* 45, no. 2 (1951): 286–313. <https://doi.org/10.2307/2194455>.

<sup>147</sup> "How the ILO Works," International Labour Organization, January 28, 2024. <https://www.ilo.org/about-ilo/how-ilo-works>.

which include **conventions** and protocols that are legally binding, as well as **recommendations** that serve as non-binding guidelines.<sup>148</sup> These standards aim to address fundamental rights at work, employment creation, social protection, and social dialogue. Eleven fundamental instruments cover subjects considered essential to work and labor principles, as well as four governance conventions.<sup>149</sup> Altogether, these binding conventions are established to create comprehensive international labor standards that protect workers' rights and working conditions—helping develop effective labor governance worldwide.

The ILO has developed supervisory mechanisms to monitor compliance with ratified conventions. It still operates on a dual-supervisory system, combining regular, ongoing reviews of member state compliance with ad-hoc procedures for specific violations.<sup>150</sup> This system employs a two-tier structure, where small technical bodies conduct detailed expert analysis, while larger political bodies address sensitive cases.<sup>151</sup> Rather than resolving disputes through formal legal rulings, the system focuses on prevention and promoting compliance through dialogue—making it highly active and successful in improving compliance.<sup>152</sup> When the ILO receives reports about concerns in how a country is applying an ILO Convention or when a country's report is unclear, the ILO doesn't criticize them publicly; instead, it'll ask for clarifications or corrections.<sup>153</sup> The organization's conventions have influenced legislation worldwide, though it still faces significant limitations in addressing contemporary labor challenges. Its reliance on voluntary compliance for recommendations limits states' compliance.

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<sup>148</sup> Conventions, Protocols and Recommendations,” International Labour Organization, January 28, 2024. <https://www.ilo.org/international-labour-standards/conventions-protocols-and-recommendations>.

<sup>149</sup> Ibid.

<sup>150</sup> Cesare P R. Romano, *The ILO System of Supervision and Compliance Control: A Review and Lessons for Multilateral Environmental Agreements*. n.d., viii

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> “Monitoring Compliance with International Labour Standards: The Key Role of the ILO Committee of Experts on the Application of Conventions and Recommendations,” International Labour Organization, November 26, 2019. <https://www.ilo.org/publications/monitoring-compliance-international-labour-standards-key-role-ilo-committee>

Additionally, its state-centric approach still struggles to address the complexity of multinational corporations in global labor governance; therefore, while the organization has guidelines for enterprises, it often lacks direct mechanisms to regulate corporate behavior.

## UNGP, 2011

Aside from the ILO, the UN also established the Guiding Principles on Business and Human Rights (UNGP BHR) after a 6-year process of research and negotiation led by John Ruggie as the UN Secretary-General's Special Representative on Business and Human Rights.<sup>154</sup> In June of 2011, the UN Human Rights Council unanimously endorsed the Guiding Principle—representing the first time the international community had reached a consensus on corporate human rights responsibilities.<sup>155</sup> They established a three-pillar framework that assigns complementary roles to states and businesses in preventing business-related human rights violations. The first pillar is the *State's Duty to Protect* human rights in the context of business operations, where states are required to take appropriate steps to prevent, investigate, and punish business-related human rights.<sup>156</sup> The second pillar is the *Corporate Responsibility to Respect* human rights, indicating that corporations “should institute a policy commitment to meet this responsibility” and need to account for how they address their impacts on human rights.<sup>157</sup> The last pillar, *Access to Remedy*, acknowledges that even the most sophisticated frameworks to prevent business-related human rights violations will not eliminate all risks; when a violation

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<sup>154</sup> “UN Guiding Principles 101,” *Shift*, n.d, accessed August 4, 2025. <https://shiftproject.org/resources/ungps101/>

<sup>155</sup> “Special Representative of the Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises,” United Nations Human Rights Office of the High Commissioner, accessed August 4, 2025, <https://www.ohchr.org/en/special-procedures/wg-business/special-representative-secretary-general-human-rights-and-transnational-corporations-and-other>.

<sup>156</sup> United Nations Development Programme, *UN Guiding Principles on Business and Human Rights*, accessed August 5, 2025. <https://www.undp.org/sites/g/files/zskgke326/files/migration/in/UNGP-Brochure.pdf>.

<sup>157</sup> *Ibid.*

does occur, victims must have access to effective remedies.<sup>158</sup>

Since their adoption, the UNGP has influenced policy development across national, regional, and international levels. Across the world, over 30 countries have developed or are in the process of developing National Action Plans (NAPs) to implement the UNGP domestically, including measures to strengthen their state regulatory frameworks.<sup>159</sup> However, implementing the Guiding Principles faces challenges, primarily due to the voluntary nature of corporate responsibilities, resulting in voluntary compliance as opposed to legal obligations.<sup>160</sup> In 2014, the UN Human Rights Council established an intergovernmental working group to develop a legally binding instrument on transnational corporations; however, this process remains controversial, and progress has been limited.<sup>161</sup>

## Individual and Multinational Legislation

Individual countries have begun developing national legislation to address international labor standards and corporate accountability, providing essential examples of how countries can use domestic law to address global labor challenges. At the same time, they also highlight the limitations of unilateral action. For example, France's 2017 Duty of Vigilance Law established that large French companies need to develop vigilance plans that prevent human rights and environmental risks via five elements: mapping of risks, regular assessment procedures for subsidiaries and suppliers, mitigation actions, mechanisms for alerting, and monitoring

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<sup>158</sup> Ibid.

<sup>159</sup> Bonny Ling, "National Action Plans on Business and Human Rights and Protecting Displaced Populations through Human Rights Due Diligence: Recommendations for Taiwan", *Innovation in the Social Sciences* 2, 1 (2023): 53-69, doi: <https://doi.org/10.1163/27730611-bja10004>

<sup>160</sup> Elena Assenza, "Chapter 1 From International "Soft" Law to Law in Business and Human Rights: The Role of the UNGPs in the Development of Formal Sources of International Law". In *Business and Human Rights*, (Leiden, The Netherlands: Brill | Nijhoff, 2025) doi: [https://doi.org/10.1163/9789004715158\\_003](https://doi.org/10.1163/9789004715158_003)

<sup>161</sup> "Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights," United Nations Human Rights Council, Accessed August 4, 2025. <https://www.ohchr.org/en/hr-bodies/hrc/wg-trans-corp/igwg-on-tnc>

systems.<sup>162</sup> In Germany, the Supply Chain Due Diligence Act required large German corporations to implement human rights due diligence throughout their supply chains; this included administrative sanctions for non-compliance, such as hefty fines and exclusion from public procurement for several years.<sup>163</sup> The United Kingdom’s Modern Slavery Act focused on modern-day slavery and human trafficking, requiring large companies to explain steps taken that year to “identify, prevent and mitigate modern slavery in organisations’ operations and their supply chains.”<sup>164</sup> Still, many companies can easily comply by declaring they have taken no actions to prevent modern slavery—essentially allowing them to meet legal requirements while doing nothing, severely limiting the act’s effectiveness. While several countries are developing or have developed legislation that would expand corporate accountability for international labor violations, companies can often avoid stronger laws by restructuring their operations or relocating activities. National approaches also vary significantly in scope, requirements, and enforcement mechanisms, creating confusion for multinational corporations operating in multiple jurisdictions.

Aside from individual actions, regional frameworks have also been established. For example, the European Union has labor directives that require member states to maintain minimum standards on issues such as working time, health and safety, posted workers, and others.<sup>165</sup> However, EU limitations include the challenge of accommodating the financial disparities among member states. The Association of Southeast Asian Nations (ASEAN) also

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<sup>162</sup> “France’s Duty of Vigilance Law,” Business & Human Rights Resource Centre, Accessed August 4, 202, <https://www.business-humanrights.org/en/big-issues/corporate-legal-accountability/frances-duty-of-vigilance-law/>.

<sup>163</sup> Federal Ministry for Economic Cooperation and Development (BMZ). *The German Supply Chain Act: What Partner Countries Should Know*. January 2023. <https://www.bmz.de/resource/blob/154774/lieferkettengesetz-faktenpapier-partnerlaender-eng-bf.pdf>.

<sup>164</sup> Miranda Murphy, “Complying with the UK Modern Slavery Act: Essential Requirements for Businesses.” *Sedex*, July 1, 2021. <https://www.sedex.com/blog/how-to-comply-with-the-uk-modern-slavery-act-requirements-for-businesses/>.

<sup>165</sup> “Labour Law - European Commission.” July 25, 2025. [https://employment-social-affairs.ec.europa.eu/policies-and-activities/rights-work/labour-law\\_en](https://employment-social-affairs.ec.europa.eu/policies-and-activities/rights-work/labour-law_en).

established the Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007, which commits ASEAN member states to ensuring humane and dignified employment for migrant workers.<sup>166</sup> However, ASEAN's approach also emphasizes voluntary cooperation and technical assistance as opposed to binding standards or enforcement mechanisms. The African Union has also adopted a comprehensive framework for human rights and labor protections, as has the US-Mexico-Canada Agreement.<sup>167,168</sup> However, these mechanisms rely on weak enforcement mechanisms, inadequate labor administration, or voluntary compliance, making regional coordination challenging.

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<sup>166</sup> Association of Southeast Asian Nations (ASEAN), *ASEAN Declaration on the Protection of Migrant Workers' Family Members in Crisis Situations and its Guidelines*, November 2023.  
[https://asean.org/wp-content/uploads/2023/11/ASEAN\\_Declaration\\_on\\_the\\_Protection\\_of\\_Migrant\\_Workers\\_Family\\_Members-in-Crisis-Situation-and-its-Guidelines.pdf](https://asean.org/wp-content/uploads/2023/11/ASEAN_Declaration_on_the_Protection_of_Migrant_Workers_Family_Members-in-Crisis-Situation-and-its-Guidelines.pdf).

<sup>167</sup> Amnesty International, ed., *A Guide to the African Charter on Human and Peoples' Rights*, Amnesty International, 2006.

<sup>168</sup> Congressional Research Service, *USMCA Labor Provisions*, IF11308, updated January 12, 2023,  
[https://www.congress.gov/crs\\_external\\_products/IF/PDF/IF11308/IF11308.10.pdf](https://www.congress.gov/crs_external_products/IF/PDF/IF11308/IF11308.10.pdf).



## Possible Solutions

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*Garment workers in textile manufacturing facilities.*<sup>169</sup>

Although much has been done, and more is underway, there are still numerous areas that warrant consideration when navigating the topic of labor rights. Solutions discussed below are not an exhaustive list of methods that delegates can use to approach the problem, but are simply meant to provide some examples of lenses through which you can address the topic of labor rights from a unique perspective.

### Monitoring Bodies on Labor Violations

The establishment of an International Labor Court represents one of the most ambitious proposals for addressing enforcement gaps in international labor standards. Such a court would

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<sup>169</sup> Danijel-James Wynyard, “Our Little Family Sweatshop,” Image, Flickr, October 22, 2014, <https://www.flickr.com/photos/danijeljames/15598180812>.



operate as a specialized judicial body with binding jurisdiction over international labor disputes, similar to the **International Court of Justice**, but with a sole focus on labor and employment issues. A good example of graduated enforcement can be seen in France’s Duty of Vigilance Law, which requires companies to implement supply chain monitoring plans, allowing them to continue operations while implementing remedies.<sup>170,171</sup> This demonstrates how enforcement mechanisms can impose meaningful consequences without shuttering business operations. A specialized court could create binding legal precedents that clarify corporate and state obligations, providing legal certainty in what might be considered grey areas. Additionally, the court would have the authority to order remedies and impose sanctions for non-compliance while also considering each state’s developmental capabilities in doing so, adjusting as needed depending on the severity of violations.

## Extraterritorial Jurisdiction

Another avenue delegates can explore is the establishment of comprehensive extraterritorial jurisdiction, which would impose legal obligations on parent companies to ensure that their subsidiaries and supplier companies meet minimum labor standards globally. This could be implemented through parent company liability laws, such as holding headquarters responsible for global operations, and conflict of laws frameworks to resolve jurisdictional disputes while ensuring that workers retain their protections. Extraterritorial frameworks can impose meaningful accountability without disrupting business operations; thus, they could create a clear legal precedent to clarify corporate responsibility transnationally. Such frameworks would

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<sup>170</sup> “All You Need to Know about France’s Corporate Duty of Vigilance Law.” Accessed August 4, 2025. <https://blog.worldfavor.com/all-you-need-to-know-about-frances-corporate-duty-of-vigilance-law>.

<sup>171</sup> Bernhard Reinsberg and Christoph Valentin Steinert, “The French Duty of Vigilance Law: Reconciling Human Rights and Firm Profitability.” *Review of International Political Economy*, July, 1–33. doi:10.1080/09692290.2025.2519189.

have the authority to impose sanctions while considering each state's sovereignty concerns and capabilities—adjusting based on local legal contexts.

## Corporate Accountability

Delegates can also explore the implementation of exclusion and restriction mechanisms, where companies with poor labor standards are limited in their access to government contracts, bank funding, and trade finance opportunities. This could be implemented through government procurement exclusions and multilateral development bank debarment procedures, similar to existing anti-corruption frameworks, to limit funding. Exclusion mechanisms could create powerful market-based incentives for improved labor practices across global supply chains. Such frameworks could coordinate restrictions across multiple institutions while ensuring due process protections and transparency.

## Bloc Positions

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### Labor Outsourcing Nations (Demand Side)

Labor outsourcing nations have emerged as dominant forces in the global economy by shifting their manufacturing and service operations to developing countries. These nations house the headquarters of major multinational corporations and maintain complex markets that facilitate intricate supply chain operations. Their approach to labor regulation reflects this—they want to maintain flexible regulatory environments to preserve any advantages. These nations will advocate for market-based solutions with voluntary self-regulation. They may emphasize that voluntary initiatives can achieve meaningful improvements in labor conditions and steer the discussion towards voluntary compliance measures as opposed to binding legal obligations. They may develop solutions related to corporate self-reporting or industry partnerships to protect corporate competitiveness.

### Domestic Worker Supplying Nations

Domestic worker supplying nations will find themselves in more challenging situations, as they attract significant foreign investment and business-friendly policies while also witnessing the exploitation of their domestic workforce. Government officials may express support for improved worker and industrial safety to prevent attracting negative international attention, while also remaining concerned about the economic consequences. Thus, this bloc may prefer to advocate for flexible frameworks, where they establish minimum baseline protections while preserving flexibility for national implementation—gradually improving conditions without disrupting relationships with international investors. They may focus on sovereignty concerns and fear of losing investment, and thus they look towards phased implementation with technical

assistance to maintain steady foreign investment.

## **Migrant Worker Supplying Nations**

These nations occupy distinct positions, as their economic development strategies have become dependent on human capital traveling to foreign countries, meaning their citizens work beyond the reach of home nations' legal systems. In this bloc, nations might advocate for comprehensive international labor frameworks, since their prosperity relies on the well-being of their citizens abroad. Thus, they may find binding international enforcement mechanisms with specific migrant worker benefits as viable solutions, as they'll also think about maintaining crucial migration relationships that sustain their economies. They will likely consider portable benefits and bilateral agreements to secure remittance and worker welfare.

## **Hybrid Nations (Both Supply and Outsource)**

These nations represent the most complex bloc, as their development has evolved from labor-supplying to becoming significant economic players with their multinational corporations. They'll occupy unique positions, understanding the need for strong worker protections, having witnessed the exploitation their citizens have faced abroad; they also share concerns about regulatory burdens and competitive advantages. Thus, their lens may prioritize factoring regional harmonization over global standardization efforts, advocating for flexible, regionally adapted approaches that recognize diverse paths for development while maintaining cross-border worker protections. With their dual role and support for regional blocs over global frameworks, these nations will likely look to regional monitoring bodies or peer review systems to balance investments and regional integration.

As a reminder, delegates can utilize these blocs as a guiding framework of how certain nations may organize, but should ultimately utilize their own creativity and collaboration skills to develop blocs and solutions that are representative of and equitable for the member states of the committee as a whole.

## Glossary

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*Governance Gap* - The disconnect between global commerce and fragmented labor law, where multinational corporations can operate without being subject to a single nation's legal system.

*Multinational Corporations (MNCs)* - Companies that are characterized by having headquarters in one country and subsidiary branches across multiple countries.

*Global Supply Chain* - The interconnected network of production stages where a single product crosses various international borders and legal systems, from raw materials to final consumer sales.

*Corporate Veil* - A legal structure that allows companies to separate the parent companies from liability from their subsidiaries, offering liability protection.

*Forum Shopping* - Practice via which companies deliberately choose to conduct business in nations with less strict labor laws to minimize regulatory burdens.

*Race to the Bottom* - A Dynamic in which nations compete to attract foreign investment by offering increasingly relaxed labor protections, lower taxes, and weaker regulations

*Soft Law* - Non-binding guidelines and recommendations that encourage good behaviour but lack enforceable sanctions in the case of violations.

*Hard Law* - Binding legal obligations with clear consequences for non-compliance that create enforceable duties and rights.

*Due Diligence* - Corporate responsibility to identify and address human rights violations in their operations and supply chains through assessments and mitigation processes.

*Extraterritorial Jurisdiction* - The legal power of a nation to control behavior outside of its borders.

*Industrial Revolution* - The 18<sup>th</sup>-19<sup>th</sup> century transformation of global relations that transformed economies to become more industrialized and urbanized.

*Manufactories* - Shared production spaces where home-based workers transitioned during the Industrial Revolution, consolidating masses of workers into centralized locations.

*Mills* - Industrial facilities that relied heavily on machinery and capital investment, representing the mechanized production centers of the Industrial Revolution.

*War Capitalism* - Phase in development characterized by the violent appropriation of resources and labor, where the “inside” is protected by laws and the “outside” allows exploitative labor to go unchecked.

*Lowell System* - Labor and production system in 19th-century New England mills that combined all stages of manufacturing underneath one roof.

*Haymarket Affair* - Violent clash between police and labor protesters in Chicago on May 4, 1886, for 8-hour workdays that established International Workers Day.

*Maquiladora System* - Manufacturing framework along the US-Mexico border that allows facilities to import materials duty-free for assembly.

*Asian Tiger* - The highly developed economies of Hong Kong, Singapore, South Korea, and Taiwan were achieved through export-oriented industrialization.

*Export-Oriented Industrialization* - A development model that attracts foreign investment and focuses on manufacturing goods for export to other nations to stimulate economic growth.

*North American Free Trade Agreement (NAFTA)* - 1994 Agreement that eliminated trade barriers, like tariffs, between the US, Canada, and Mexico.

*Labor Side Accord* - A formal agreement that establishes provisions for labor issues, often including consultations and resolution procedures.

*Bilateral Labor Agreements* - Treaties between two countries governing temporary labor migration, outlining the terms and conditions for workers to move between the host and source countries.

*International Labour Organization (ILO)* - The UN's tripartite agency established in 1919 that gathers governments, employers, and workers to develop international labor standards through conventions and recommendations.

*Conventions* - Legally binding international labor standards developed by the ILO that become enforceable when ratified by member states.

*Recommendations* - Non-binding guidelines developed by the ILO that serve as guidance for improving labor practices without creating legal obligations.

*International Court of Justice* - The primary judicial organ of the United Nations, responsible for settling legal disputes between nations and providing advisory opinions on legal questions submitted.



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