

**United Nations Office on
Legal Affairs (UNOLA)**



Background Guide

Letter from the Secretary-General and Director-General

Hello delegates, advisors, parents, and teachers,

On behalf of us, your Secretary-General Isabella Balbi Masso and Director-General Alexandria Cerini, and all of our Secretariat, we would like to welcome you all to the 37th iteration of the Florida International Model United Nations Conference! This upcoming FIMUN will continue to be held at Florida International University's beautiful Modesto A. Maidique Campus from March 14th to 16th, 2025.

This year we have selected the theme of "Diplomacy in a Divided World," where delegates will be prompted to show diplomacy during challenging and engaging scenarios in a wide variety of General Assembly, Specialized, and Crisis Committees. Both of us originate from opposite sides of the ocean and have seen the division of the world, especially in our modern day. We are strong believers that every person, even young students, have the ability to show diplomacy and change the world. Being able to act with diplomacy in cases of adversity, disadvantage, and injustice is a skill that every person should learn and harness to make the world a better place, not just for themselves but for everyone.

We are working hard to provide every delegate with a committee that they will love, and an unforgettable experience where they will make new friends, learn new skills, and discover the amazing world of Model UN! This year we will be hosting 15 committees each one focusing on a different current, historical, or fantasy issue, with an amazing staff who are prepared to make this FIMUN the best one yet!

We are incredibly honored and excited to welcome you all to our amazing campus and conference this March, and cannot wait to see each and every one of you succeed!

See you soon,

Isabella Balbi Masso and Alexandria Cerini
Secretary-General and Director-General for FIMUN 37
ibalb007@fiu.edu and aceri008@fiu.edu

Letter from the Under Secretary- General

Dear Delegates,

My name is Carlos Ricaurte, and I have the privilege of being your Under-Secretary-General (USG) for Specialized Committees on this iteration of FIU Model UN's High School Conference, FIMUN 37. I am a Senior currently double majoring in Political Science and International Relations, with a certificate in Latin American Studies. Last year I had the opportunity of being your Committee Director for FIMUN 36's UNSC Committee focused on the 1961 Congo Crisis, through which I learned the deep value and importance that FIMUN represents for you all and our team here at FIU.

I was born and raised in Cartagena de Indias, Colombia, and I came here to the United States as an International Student in Spring 2022. Ever since I joined the FIU Model UN Team the year after that, in Spring 2023, I haven't regretted it one bit, knowing the immense value it has brought to me as a speaker, researcher, and person. A value that, with the amazing and creative work brought on to you by this year's Secretariat, CDs, Staffers, and many others, I know will see itself greatly reflected onto you all. Within our SPEC Committees, we once again ascertain FIMUN's commitment to having fun and learning about critical, real-world issues through constructive and entertaining debate. Everything from discussing matters of technology and development within our Organization of Islamic Cooperation (OIC) and UN Office of Legal Affairs (UNOLA) to a stroll into the world of competitive Football with FIFA, this year's committees have it all. We take a deep dive into the historical struggles of Latin Americans through the Sao Paulo Forum, the similar struggles of native fauna within the Everglades via our Council of Critters, and how we report on all these things happening, through our intrepid UN Correspondents Association, or Press Corps.

As we move ever closer toward FIMUN 37, I am excited to see your creativity, leadership, and debate released onto these committees. We as the FIMUN Secretariat remain committed to this, ensuring you get to enjoy yourselves within a framework of mutual respect, diplomacy, and cultural awareness. In the end, you are representing real people with real, systemic struggles after all. Remember that through any challenges you might face, Secretariat and your CDs are here to help. Should you have any questions, doubts, or concerns, please do not hesitate to contact your Committee Directors, Chairs, or me, your USG. *¡Buena suerte!*

Carlos Ricaurte
crica017@fiu.edu
Under-Secretary-General for Specialized Committees
Florida International Model United Nations 37

Letter from the Director

Dear Delegates,

My name is Archer Amon and I'm excited to be your director for the UN Office of Legal Affairs committee!

I am a third-year student at FIU, pursuing a triple major in Computer Science, Political Science, and International Relations. I'm from the East Mountains of New Mexico, near Albuquerque. I have been involved in Model UN since middle school, and am now proud to serve as one of the Head Delegates for the FIU Model UN team. I had a great experience working with FIMUN last year directing the Dartmouth AI committee, and I'm thrilled to bring another unique committee to this great conference.

In today's increasingly complex world, states face a number of questions about how to handle new challenges: environmental, technological, and social. To deal with these challenges, international law has developed upon a bedrock of one concept: personality. Traditionally, states and individuals have been the primary subjects of international law, but this is evolving. Non-governmental organizations (NGOs), multinational corporations, and even certain natural objects and ecosystems are increasingly being recognized as having legal standing in various jurisdictions. The question of what entities are treated as actors under the law impacts both who or what can hold certain rights and responsibilities, impacting the ability to sue or be sued, enter into contracts and treaties, hold immunity and other privileges in the international legal system. Can a river or ocean make a claim for damages if it is polluted? Can an artificial intelligence system be prosecuted as an entity of its own if it causes harm?

In this committee, delegates will consider the limits of personality as applied to a variety of entities, including but not limited to corporations, NGOs, animals, the natural environment, marine vessels, celestial bodies, and AI systems. They will begin by drafting a comprehensive treaty on these issues, and then use their work to produce arguments and legal opinions on an ad-hoc trial. In doing so, they will explore the diverse work undertaken by experts at the Office of Legal Affairs as they facilitate the development and harmonization of international law standards.

I look forward to seeing delegates present detailed research and highlight diverse perspectives as they work to weave a common thread between the many varying areas in which this concept is applied.

I can't wait to meet you all, and see how you will bring your own ideas to this fascinating topic. See you at FIMUN!

Archer Amon

aamon002@fiu.edu

United Nations Office on Legal Affairs (UNOLA) Director

Florida International Model United Nations 37

Letter from the Chair

Dear Delegates,

My name is Stephen Pella, and I will be serving as your chair for the UN Office of Legal Affairs committee! I am a third-year student at FIU, pursuing a major in Political Science with a minor in Biology.

I was born and raised in Miami, and I'm relatively new to MUN. I chaired the Dartmouth AI committee at FIMUN 36 last year (also with Archer) and I'm excited to join both him and all of you in making sure this committee is one to remember!

I won't go into detail reexplaining the committee, as Archer's letter is right above mine, but I will say I'm very excited to meet all of you and hear your perspectives on this topic.

See you at FIMUN 37!

Stephen Pella
spell016@fiu.edu
United Nations Office on Legal Affairs (UNOLA) Chair
Florida International Model United Nations 37

Sensitivity Statement

FIMUN 36 has a zero tolerance policy on racism, sexism, xenophobia, homophobia, and transphobia. If delegates are found to be engaging in any such actions or rhetoric are open to disqualification from awards.

We ask all delegates to be conscious of the histories and context of their countries or characters for their committees. Following our theme of “Telling the Untold Story”, many of our committees focus on the stories and topics relating to historically oppressed and marginalized communities and regions. While these committees are simulations, the histories behind them are real, and disrespect towards the histories and existences of people represented in our committees will not be tolerated.

On our website, we have an anonymous report form if delegates encounter such actions. While we hope to avoid the need for such, this form will be checked regularly by our Secretariat to ensure that all delegates at FIMUN 36 can enjoy their weekend comfortably.

Land Acknowledgement

We acknowledge that our university is located on the ancestral homelands of sovereign Native nations, including the Tequesta, the Calusa, and today, the Seminole Tribe of Florida, and the Miccosukee Tribe of Indians of Florida. We pay our respects to the traditional custodians, the Elders past and present, by fully recognizing Indigenous sovereignty as well as the historical and contemporary relationship between Indigenous peoples and their traditional homelands. It is within our responsibility as an academic institution to uphold knowledge about the history of our institution with the original stewards of this land that we live, learn, and work on. We encourage our delegates to read and learn about ways to support our local Indigenous communities in their efforts to preserve Seminole and Miccosukee land and water rights, cultural practices, and the conservation of the environment.

Consistent with our University's commitment to diversity, equity, and inclusion, FIU is working towards creating an academic environment that is inclusive of Indigenous students, faculty, and staff who have often been rendered invisible due to structural discriminatory practices. At FIU, we hold ourselves accountable to serving local, regional and worldwide Indigenous communities through academic policy-oriented research, education, partnerships, community service, as well as enrollment initiatives to overcome the effects of Indigenous exclusion and erasure in our own academic institution. It is our hope that acknowledging the land helps us to better understand that harm has been done and address the legacies of violence in our communities in order to create a pathway to true healing

Rules of Procedure

Motions

Motion to Open/Resume Debate

Opens the floor for debate. Delegates may now begin to provide further motions.

Motion to Open Speakers List

Opens the Speakers List, wherein delegates can deliver speeches without a set topic.

Motion for a Moderated Caucus

Opens a set speakers list for debate on a specified topic. Total time and speaking time must be specified within the motion.

Motion for an Unmoderated Caucus

Opens time for unregulated working time for delegates to work within their blocs on working papers/draft resolutions/directives.

Motion for a Round Robin

Opens a Round Robin, where every delegate in the room delivers a speech for a set time without a designated topic. Will start from the delegate that motioned and will either go clockwise or counterclockwise at delegate's discretion.

Motion for a Gentlemen's Unmoderated/Consultation of the Whole

Similar rules as to a normal Unmoderated Caucus, however all delegates must remain in their seats.

Motion to Introduce Working Papers/Draft Resolutions/Directives

Opens the floor to begin formal procedure on papers. Order of address if not specified will default to order in which each paper was introduced.

Authors Panel

Generally motioned for alongside the introduction of Working Papers/Draft Resolutions. Involves a Reading Period for Delegates to read papers, an Introduction where a panel of Delegates present the paper, and a Question and Answer portion, where sponsors of the paper are asked questions by fellow delegates about the paper.

Motions for For and Against Speeches

Opens a short speakers list where (generally speaking) 2 delegates are called to speak for and against a given working paper/draft resolution/directive.

Motions to Enter Voting Procedure and Voting Methods

Goes alongside a motion to end debate when in General Assembly and certain Specialized Agencies. Delegates will vote on papers on the floor. If no voting method is specified, committee will default to placard vote.

Placard vote operates the same way as votes for procedural matters. Delegates raise their placards to vote For, Against, or to Abstain if they stated they were Present.

Roll Call vote will have the chair call Roll Call once more, and when delegates are called they will state whether they vote For, Against, or if they Abstain.

Votes by Acclimation involves calling for general consensus, where the paper will pass unless anyone votes Against. Then placard vote is in order.

Points

Point of Inquiry

General question regarding committee or the conference

Point of Order

Question or correction regarding parliamentary procedures

Point of Personal Privilege

Personal request unrelated to committee. (e.g temperature in the room or seating issue)

Rules of Procedure

As a specialized agency, this committee will function with a unique procedure, with the first half resembling a typical General Assembly and the second half resembling a court trial. During the first two days of committee, delegates will serve as representatives from different countries as they debate on the meaning of international legal personality and how it should be conferred. They will be expected to form blocs and draft resolutions in the form of legal declarations, which may include general rules for interpreting international legal personality as well as specific rules of how it should apply in certain contexts, such as for corporations, NGOs, the environment, and AI. There will be a typical introduction and Q&A period for each resolution before voting. No mergers will take place. The resolutions that pass will be combined to form a treaty which will serve as the legal basis for the next part of the committee. As such, more than one resolution may be passed, but any parts that contradict each other will be struck in favor of the last resolution passed.

During the third day of committee, delegates will participate in an ad-hoc trial, serving as lawyers and judges to decide the outcome of a case involving international legal personality. They will be given further information about the trial procedure, position assignments, and case in a short brief distributed after all resolutions are voted on. Performance in both parts will be weighted equally when determining award consideration.

As a note, this procedure differs slightly from how the UN Office of Legal Affairs operates in the real world – the UNOLA does not directly make treaties or litigate cases, but serves in an advisory role to help develop, interpret, and provide education on international law. For practical purposes, however, delegates will be given the opportunity to directly create and litigate the treaty. Similarly, as an office of the UN Secretariat, UNOLA staff serve as international civil servants rather than direct country representatives. Delegates in this committee will be given country assignments to ensure broad geographical representation and serve as a starting point for the development of their ideas. However, they are not expected to follow country policy as closely as in typical GA committees, and may draw on a diverse array of sources to develop their opinions as legal expert advisors.

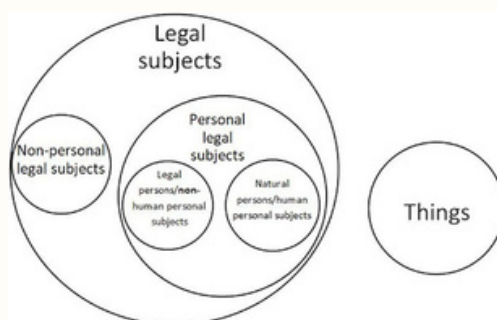
UN Office on Legal Affairs

The United Nations Office of Legal Affairs is an office under the UN Secretariat, which works to provide legal assistance to the United Nations and its member states. It was established in 1946 to serve as the legal department for the newly created secretariat, and reorganized into the Office of Legal Affairs (OLA) in 1954. (1) It is composed of multiple divisions, including the General Legal Division, Codification Division, and divisions for specific issues such as sea and trade law.

The UNOLA provides a variety of services to encourage development, harmonization, and codification of international law. (2) It offers legal advice and assistance to the UN Secretariat and other bodies, and provides technical and capacity-building programs to member states on legal issues. Additionally, it helps facilitate the negotiation, publication, and implementation of international treaties, and ensure that information on international law is widely available and shared between different countries and languages. Finally, it assists in resolving disputes involving the UN, and advocates for stronger global legal frameworks in a variety of contexts. In performing these duties, the UNOLA works closely with the Secretary General, ICJ, and various national legal advisers to ensure that international law is consistently applied and respected across different jurisdictions.

International Legal Personality

Broadly speaking, legal personality (or legal personhood; the two are largely interchangeable) defines who is considered to be a subject of a given legal system, determining who can hold rights and duties. Traditionally, individuals are the primary entities in domestic law, and sovereign states are the main entities in international law. International law was created to govern states, and state entities were originally the only actors able to enter into international treaties, sue or be sued, and hold various legal rights.



1. UN Office of Legal Affairs . n.d. "At the Beginning." United Nations. Accessed October 4, 2024. <https://www.un.org/ola/en/history>.

2. UN Office of Legal Affairs. 2024. United Nations. 2024. <https://www.un.org/ola/en>.

However, the doctrine of legal personality has subsequently expanded to include a variety of non-state organizations: Individuals can now be bound by certain aspects of international law: Under international humanitarian law, they are bestowed with certain rights, and can be held directly responsible under international criminal law when committing certain offenses such as war crimes. International Organizations such as the UN have similarly been afforded international legal personhood, allowing them to bring international claims and seek reparations for injuries. The legal personality of such organizations has been critical to allow them to effectively perform their functions and achieve their objectives on the global stage. Corporations are another type of entity which have been afforded partial legal personhood, allowing them to enter into contracts and assume certain liabilities.

For each of these entities, legal personality has been used to confer certain rights and responsibilities in specific situations. Some have argued that an international legal person is anything with the capacity to hold rights and obligations, while others see certain rights, such as the ability to enter into international agreements and bring claims, as key features for claiming international personality. (3)



Legal personality is continually assessed on a functional basis to determine the purposes for which it applies for new entities (AKA: where is it practical and what purpose does it serve?). In some cases, the idea of holding rights is more important than obligations, such as the proposal to grant personality status to natural entities as a form of environmental protection. In other cases, the idea of duties and obligations is more important, such as with artificial intelligence, where the main goal would be assigning liabilities rather than rights. As new entities strive to become subjects under international law, the question is thus not merely whether they should be given personality, but what form this status

3. William Thomas Worster. 2016. "Relative International Legal Personality of Non-State Actors." BrooklynWorks. 2016. <https://brooklynworks.brooklaw.edu/bjil/vol42/iss1/4>.

should take and the conditions in which it should apply.

History

As international law developed at the beginning of the 18th century, legal personality was only given to sovereign states, as these were the only significant participants in international law. (4) However, other international actors soon began to emerge as a result of globalization, including individuals, international organizations, and non-governmental organizations.

In 1949, the International Court of Justice made a landmark ruling in the *Reparation for Injuries Suffered in the Service of the United Nations* case, which found that international organizations (in this case, the United Nations) could hold rights and obligations under international law. The ICJ claimed that the UN's legal personality was derived from the UN charter and its given mandate and functions, and was essential to it being able to perform the tasks set forth in the Charter. It additionally identified 4 elements influencing the international legal personality for non-state actors (5): (1) an independent or autonomous existence; (2) the ability to possess international rights or obligations; (3) the actual possession of those rights and obligations, and (4) the ability to enforce rights on the international plane.

Following World War II, the Nuremberg and Tokyo tribunals established that individuals could hold international legal personality under humanitarian and human rights law, which was further cemented by the Rome Statute for the International Criminal Court entering into force in 2002.

Until the early 1970s, the conversation over legal personality primarily focused on international organizations, individuals, corporate entities, and other collective groups. (6) The idea of further extending personality to inanimate entities came in 1972 when legal scholar Christopher Stone published a series of essays "*Should Trees Have Standing?*", in which he argued for extending legal rights to the environment. (7) The theory of environmental personhood soon paved the way for discussions of extending personhood to new entities, such as outer space bodies and later artificial intelligence, with the original essay being cited in over 1500 later articles.

4. "International Legal Personality." n.d. Icelandic Human Rights Centre. <https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/human-rights-actors/international-legal-personality>.

5. Van Ho, Tara. 2017. "International Legal Personality of Corporations: How Investment Law Answers the Supreme Court Question in *Jesner*." Just Security. October 2, 2017. <https://www.justsecurity.org/45543/international-legal-personality-corporations-investment-law-answers-supreme-court-question-jesner/>.

6. Mortimer. 2006. "International Legal Personality." Palgrave Macmillan UK EBooks, January, 89–94. https://doi.org/10.1057/9780230505292_12.

7. Pain, Nicola, and Rachel Pepper. 2021. "Can Personhood Protect The Environment? Affording Legal Rights To Nature." <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2834&context=ilj>.

8. Van Ho, "International Legal Personality of Corporations."

Individuals

Individuals have been recognized as holding international legal personality since the mid-20th century following WW2, with documents the Universal Declaration of Human Rights and the Geneva Conventions bestowing upon them certain rights. The development of international criminal law and the establishment of the International Criminal Court in 2002 additionally gave individuals legal obligations that apply internationally separate from the actions of states. All individuals hold legal personality, but legal systems may limit the capacity in which certain people such as minors may act, requiring a guardian to speak on their behalf. (9)

Collective Entities

Beyond states, which are the primary entities given legal personality in international law, collectives of individuals have also been given personality status in some circumstances, including self-determination peoples, national liberation movements, Indigenous peoples, and groups participating in armed conflict. (10)

For each of these groups, personality is typically determined on a functional basis, meaning that their recognition as legal persons is linked to and continually evaluated based on the functions they perform in international law.

National liberation movements are given legal status through treaty law, often signing treaties with states which give them legal rights and duties. They may also hold independent status in international organizations, as the Palestinian Liberation Organization (PLO) does in the UN.

Indigenous peoples similarly can be party to international organizations separately from their states, and enter into treaties. These principles have been held historically by many states along with the ICJ and the UN High Commissioner for Human Rights. Still, the ICJ has emphasized that these entities are not states, effectively declaring them to hold at least a certain level of legal personality.

Non-state groups participating under armed conflict also have partial personality status under the law. This developed for the functional purpose of wanting combatant groups to have certain obligations without enjoying the benefits of statehood. These groups are recognized to have certain rights and duties under international humanitarian law for the way they conduct conflict, and often engage in

9. Mortimer, "International Legal Personality"

10. Worster, "Relative International Legal Personality of Non-State Actors."

treaties, though these usually take the form of “reaffirming” existing legal commitments rather than creating new ones. There remains a question, however, of whether the prohibition on the use of force against states also prohibits using force against these groups. The answer here has varied on a case-by-case basis, but past fact finding commissions demonstrate that “state-like” groups may receive similar protections in some circumstances.

Corporations and NGOs

Corporations are created under domestic law, but have been afforded partial legal personality in a variety of circumstances. Firstly, corporations and non-governmental organizations (NGOs) may serve as subjects of international law when they are created as part of a treaty. For example, the Bank for International Settlements (BIS) created under the 1930 Hague Agreements to facilitate reparations holds international legal personhood allowing it to enter into contracts with states and be a participant in legal action, along with holding certain privileges to allow it to freely perform its roles. Some NGOs, such as the International Committee of the Red Cross (ICRC) also hold international legal personality to enter into treaties, conduct diplomatic agreements, and entertain legal claims. (11) The legal personality of the ICRC is derived from both its founding documents and recognition in several treaties, similar to the UN and other international organizations.

Corporations may also hold limited personality in some areas of international law, but it is unclear how far this status goes. For example, while corporations are well-established to hold both rights and obligations through international investment law, recent cases have raised the question of whether they can be held responsible under international humanitarian law when violations occur. (12) Corporations have been charged with such violations in cases like the Special Tribunal for Lebanon in 2014 (13) and a recent US ruling against banana producer Chiquita Brands International for violation of global human rights law. (14)

In establishing that non-state actors can hold international legal personality, the ICJ Reparations for Injuries case discussed both implicit and explicit obligations on these actors, which raises the question of which obligations and/or rights corporations and NGOs may hold if recognized as independent legal entities.

11. Debuf, Els. 2015. “Tools to Do the Job: The ICRC’s Legal Status, Privileges and Immunities.” *International Review of the Red Cross* 97 (897-898): 319–44. <https://doi.org/10.1017/s181638311500051x>.

12. Van Ho, “International Legal Personality of Corporations.”

13. Worster, “Relative International Legal Personality of Non-State Actors.”

14. Hipp, Jason P. 2024. “The Chiquita Verdict Expands International Human Rights Liability for Corporate Conduct Abroad.” *Just Security*. July 26, 2024. <https://www.justsecurity.org/98093/chiquita-verdict-human-rights/>.

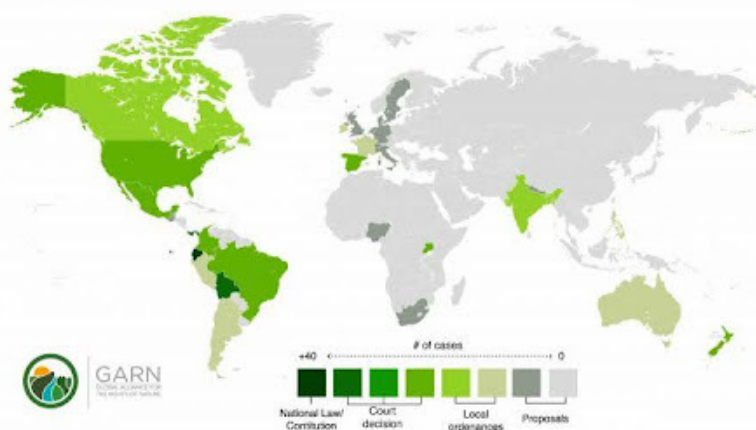
Nature and the Environment

As climate change and other forms of environmental damage become a worsening problem on the global stage, some environmentalists have proposed the idea of granting legal personhood to natural entities such as rivers, forests, or ecosystems.

The idea of granting rights to nature comes as a proposed solution for the issue of legal standing which often causes environmental law cases to fail. (15) States in many cases have faced procedural issues when bringing environmental cases before tribunals like the ICJ, holding the burden to prove that they are directly impacted by the actions of another state which may be harming the environment. Recognizing nature as a legal entity with rights of its own would allow for environmental harms to be addressed directly, and provide a more coherent framework for addressing transboundary environmental issues.

Many indigenous legal systems have long viewed the natural environment as having rights, and several nations have recently adopted similar principles through their constitutions or independent laws. Some jurisdictions have implemented looser standing rules instead of granting explicit rights to nature, such as in Bhutan and the Philippines, which give anyone the right to bring forth a claim for environmental damage. Others directly establish that nature holds rights of its own: Ecuador’s constitution affords broad and fully actionable rights to nature, while Bolivia’s *Law 071 of the Rights of Mother Earth of 2010* declares and operationalizes similar rights without directly conferring personhood. Uganda and most recently Panama have similarly passed laws supporting the rights of nature. (16)

RIGHTS OF NATURE MAP

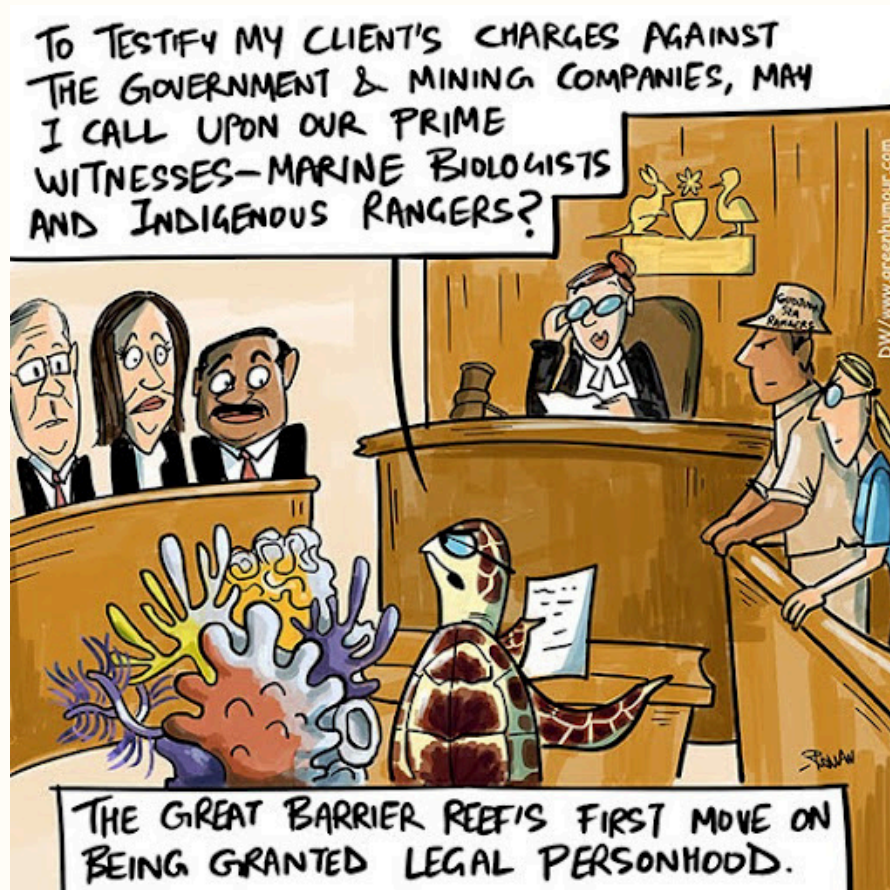


15. Pain and Pepper, “Can Personhood Protect The Environment?”

16. Zeebroeck, Shanthi Van. 2022. “Nature Rights: What Countries Grant Legal Personhood Status to Nature and Why?” Earth.org. October 6, 2022. <https://earth.org/nature-rights/>.

Other nations have granted explicit narrow personhood to protect certain environmental entities. In 2014, New Zealand passed the *Te Urewera Act* granting legal personhood to the Te Urewera rainforest, giving it the same rights and responsibilities as a legal person. This included land ownership rights, legal standing in court, and statutory guardians, and also established which activities were permitted in the forest and which needed authorization. (17) In March 2017, New Zealand passed another law granting legal personhood to the Whanganui River, making it the first river in the world to receive such status.

Following its lead, the Australian State of Victoria enacted the *Yarra River Protection Act* in 2017 to recognize the status of the Yarra river and appoint a body to serve as its independent voice. Bangladesh took a similar approach in 2019, when the Supreme Court issued a decision granting legal rights to all of its rivers, and appointing the National River Conservation Commission to bring suits on behalf of all rivers. (18) India and Colombia have seen similar legal cases giving rights to their rivers.



17. Anima Mundi Law Initiative. 2021. "Rights of Nature Case Study Te Urewera."

<http://files.harmonywithnatureun.org/uploads/upload1137.pdf>.

18. Van Ho, "International Legal Personality of Corporations."

While the impact of most of these decisions is too early to be seen, analysis of 14 global rights-of-nature cases with both public and appointed guardianship found that Indigenous people and local communities have largely acted as advocates in these cases. (19) However, frameworks need to have well-defined legal rights and liability processes to be successful. A lack of clear liability standards has caused multiple rights-to-nature provisions to be overturned, such as with the US Lake Erie Bill of Rights in 2020, and India’s decisions about the Ganges and Yamuna rivers. In both cases, uncertainty about who was supposed to protect the river and be liable for what damages caused backlash from farmers and other local groups concerned about their potential liability.

Outer Space

Following the introduction of environmental personhood as a popular concept, legal scholars have begun to argue for the extension of similar principles to protect the environment of outer space. (20)

International law governing Outer Space primarily rests on the 1967 Outer Space Treaty and the 1972 Liability Convention. The Outer Space Treaty establishes that space should be used for the benefit of all mankind, and is not subject to appropriation, along with requiring states to avoid harmful contamination. The Liability convention establishes processes for resolving damages to “persons, natural or juridical”, which has primarily been used to let countries seek remedy and resolve disputes when their space assets are damaged by space debris or interference from another country.

However, the existing regulatory regime is weak in many areas. Agreements like the Moon Treaty which aimed to further environmental protection beyond the original treaties have struggled to gain many signatories, and there is a significant lack of uniformity between national standards. While there is a clear basis for litigation when objects like satellites are damaged, there is no clear framework that would allow claims to protect a planetary body itself. In the absence of international legal personhood, it is unclear if anyone would have the jurisdiction to sue for damages that may be caused to the moon or other celestial bodies from exploitation such as mining or terraforming, or biological contamination. With corporate actors expanding their actions in space in recent years, this risk of contamination has increased without clear legal processes for holding states accountable. (21)

19. Kahui, Viktoria. 2024. “Granting Legal ‘Personhood’ to Nature Is a Growing Movement – Can It Stem Biodiversity Loss?” *The Conversation*. April 25, 2024. <https://theconversation.com/granting-legal-personhood-to-nature-is-a-growing-movement-can-it-stem-biodiversity-loss-227336>.

20. Altabef, William B. 2021. “The Legal Man in the Moon: Exploring Environmental Personhood for Celestial Bodies.” *Chicago Unbound*. 2021. <https://chicagounbound.uchicago.edu/cjil/vol21/iss2/7/>.

21. Hall, Shannon. 2024. “The New Space Race Is Causing New Pollution Problems.” *The New York Times*, January 9, 2024, sec. Science. <https://www.nytimes.com/2024/01/09/science/rocket-pollution-spacex-satellites.html>.

As a result, some scholars have proposed recognizing celestial bodies as holding legal personality, allowing either distinct appointees or any state to bring claims on behalf of them. Article III of the Outer Space Treaty makes all public international law applicable to space activities, so an international law recognizing environmental personhood could be applied to allow protection for outer space objects. (22) Legal personality could supplement existing negotiations used for dispute settlement, and bring the possibility of referring disputes under the Outer Space Treaty to the ICJ by allowing a state to gain third-party standing and seek damages for environmental degradation.

Artificial Intelligence

While several proposals for extending legal personhood to non-human entities aim to give those entities special protection and rights, the main goal of proposals to extend this status to AI systems is to give them distinct responsibilities rather than rights. Issues involving harmful or biased AI outputs have become more salient over the past few years, highlighting the deficits of the current legal system in handling these technological advances. It can often be difficult to determine who is at fault for the harms caused by AI systems due to their autonomous and frequently opaque and decision making processes. Amidst these concerns, extending legal personhood status to AI may allow for a way to attribute responsibility to those in charge when AI commits certain harms by more formally codifying who is responsible for the actions an AI system takes, and endowing these systems with certain responsibilities as a whole, regardless of what their specific development process may look like.



A few cases in the status quo illustrate how this special status could look. One option is dependent legal personhood, which is typically granted to children.(23) Similar to AI systems, children make independent decisions, but are also directly under the care of a parent or legal guardian, so a higher authority is entrusted with a certain degree of responsibility for their behavior. The German law concept of *Teilrechtsfähigkeit* provides a similar example of partial legal subjectivity which may be afforded to

22. Altabef, “The Legal Man in the Moon.”

23. Kurki, Visa. 2021. “Active but Not Independent: The Legal Personhood of Children.” *Griffith Law Review*, October, 1–18. <https://doi.org/10.1080/10383441.2021.1996881>.

AI or other intelligent agents like animals. (24) This status gives a partial degree of legal personhood to certain entities based on their functions and levels of autonomy. Laws can also take into account the unique circumstances of AI as an inanimate entity: while an AI can not be conventionally ‘punished’, it may be “physically disabled, barred from future participation in certain economic transactions, deregistered, or have its assets seized”. (25)

Some of these suggestions mirror already-existing models of personhood applied to corporations. (26) The hybrid model of corporate legal personhood allows for corporations to be recognized as entities that are both aggregates of their members and distinct from the sum of the members that compose it (in other words, company decisions are made by groups of people, but the special purpose of a corporation also allows it to have its own identity and rights that extend beyond those of its individual members). This hybrid model allows for a more nuanced understanding of how different internal structures may create different degrees of corporate autonomy, affording more flexibility than a single model on its own. A similar legal status for AI could recognize that different AI systems operate with different amounts of human supervision and autonomy, and use these nuanced distinctions to create a sliding scale of responsibility.

However, some researchers worry that “AI having similar legal status as a company would indicate that it is more than its constituent parts” and create possible conflicts of interest between the ‘legal person’ and the natural persons responsible for its development and operation. (27) Focusing too much on creating a new legal status for AI systems might also complicate practical efforts to regulate these technologies and apply preventative measures against harm in the status quo. (28)

Scholars have raised other issues with extending legal personhood to AI as well, both in terms of technical difficulty and concerns that it might backfire, allowing companies to evade accountability by granting an exaggerated level of agency to the AI. (29) While AI may appear to behave independently, its outputs are still based on advanced pattern matching and statistical analysis rather than any truly

24. Schirmer, Jan-Erik. 2019. “Artificial Intelligence and Legal Personality: Introducing ‘Teilrechtsfähigkeit’: A Partial Legal Status Made in Germany.” *Regulating Artificial Intelligence*, November, 123–42. https://doi.org/10.1007/978-3-030-32361-5_6.

25. Massaro, Toni M, Helen L Norton, and Margot E Kaminski. 2017. “SIRI-OUSLY 2.0: What Artificial Intelligence Reveals about the First Amendment.” *Social Science Research Network*. June 28, 2017. <https://ssrn.com/abstract=2896174>.

26. Siina Raskulla. 2023. “Hybrid Theory of Corporate Legal Personhood and Its Application to Artificial Intelligence.” *SN Social Sciences* 3 (5). <https://doi.org/10.1007/s43545-023-00667-x>.

27. Altabef, “The Legal Man in the Moon.”

28. Marshall, Brandeis. 2023. “No Legal Personhood for AI.” *Patterns* 4 (11): 100861–61. <https://doi.org/10.1016/j.patter.2023.100861>.

29. Eliot, Lance. 2023. “Legal Personhood for AI Is Taking a Sneaky Path That Makes AI Law and AI Ethics Very Nervous Indeed.” *Forbes*, October 5, 2023. <https://www.forbes.com/sites/lanceeliot/2022/11/21/legal-personhood-for-ai-is-taking-a-sneaky-path-that-makes-ai-law-and-ai-ethics-very-nervous-indeed/?sh=2d823448f48a>.

‘autonomous’ logic and reasoning.⁽³⁰⁾ Extending legal status to AI systems doesn’t mean as affording consciousness to them, as many of the above examples show how this status has been given to entities we know to certainly lack consciousness.⁽³¹⁾ However, proposals should be careful to avoid conflating the responsibility-based aspects of legal personhood with the rights-based aspects that are afforded in some cases. If done properly, a nuanced application of the concept could resolve many of the current deficiencies in existing law while tailoring these policies specifically to the needs of AI. ⁽³²⁾

30. Marshall, “No Legal Personhood for AI.”

31. Raskulla, “Hybrid Theory of Corporate Legal Personhood.”

32. Kurki, Visa A.J. 2019. “The Legal Personhood of Artificial Intelligences.” *A Theory of Legal Personhood*, August, 175–90. <https://doi.org/10.1093/oso/9780198844037.003.0007>.

Questions to Consider

1. What are the fundamental factors that should determine whether or not to extend legal personhood status to non-human entities?
2. Will these factors be different depending on the type of legal status being proposed?
3. How should states resolve the differences between domestic and international legal systems if an entity may be given independent legal status in one realm but not the other?
4. To what extent should states seek to harmonize their legal systems with other states vs preserve their own views on what should be a subject of the law?
5. What rules or legal principles should govern the extension of legal personhood to specific circumstances such as “state-like” independent groups, corporations, NGOs, the natural environment, animals, outer space, and AI systems?