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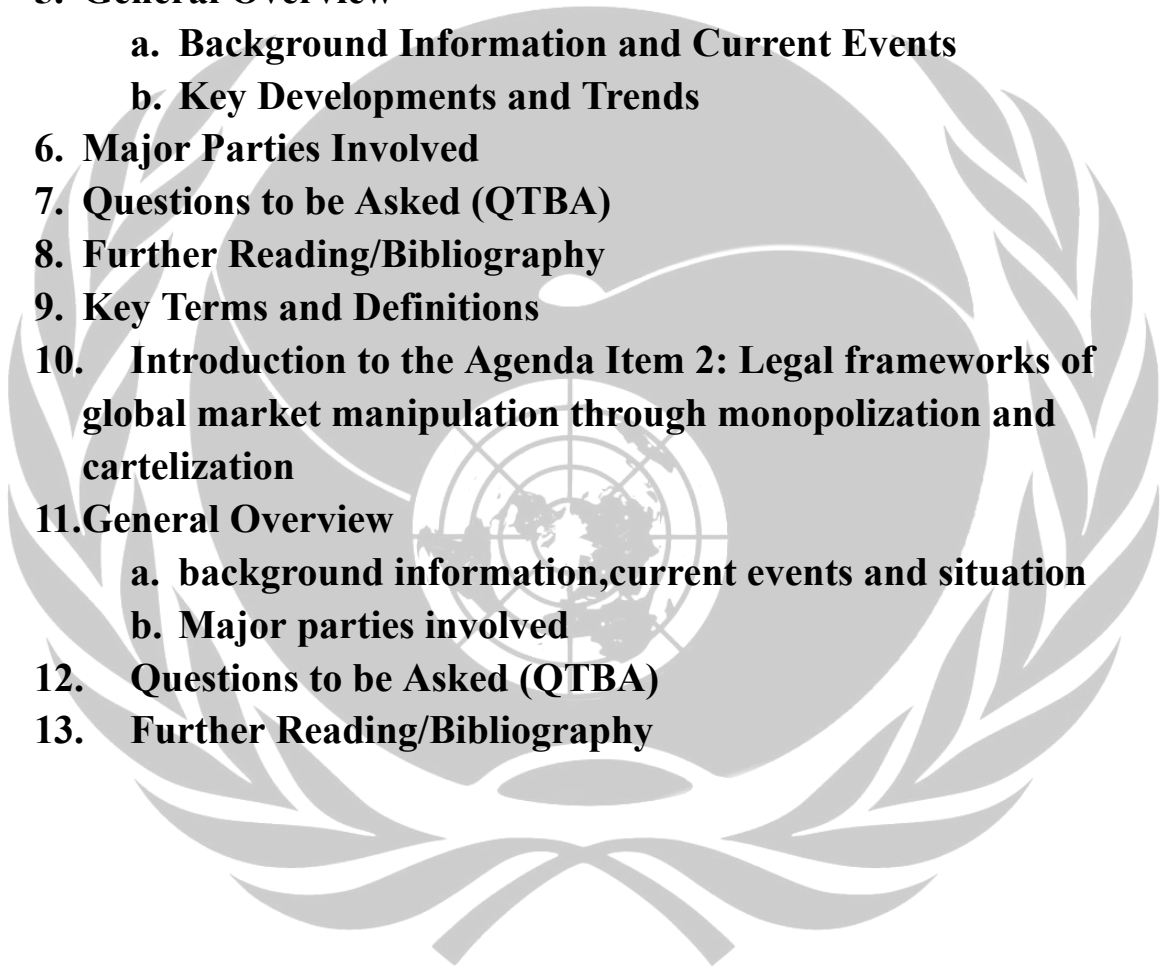


ŞEHREMINİMUN

25

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Letter from Secretary General

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Letter from Secretary General

The most esteemed participants,

It is but an utmost pleasure and privilege to serve as the secretary general of ŞehreminiMUN'25 and it is most certainly an honor to extend you the welcome to our conference.

Our academic and organization teams have been working for countless months and hours, perfecting every detail and pouring their hearts out into shaping this enriching experience that is yet to come for you, proving that impossible is, in fact, nothing.

Throughout the conference days, you will step into the roles of diplomats and policymakers, tackling real-world problems and seeking real solutions. We wish to create an environment that encourages you to think critically, engage respectfully with diverse viewpoints, and expand your comprehension of our interconnected world.

Embrace this vision, for it is through such an approach that we create positive change. Acting is one of the greater strengths of people, born from duty and instinct, and we cannot be prouder to address ourselves as the organizing team of a conference which aims to bring that strength forth.

We hope this conference will be a fruitful and enjoyable experience, providing you with a fresh outlook on global issues and empowering you to become bringers of change. Once again, welcome to the second edition of ŞehreminiMUN.

Best Regards,
Secretary General of ŞehreminiMUN'25
Zeyal Türkoğlu

1. Letter from the Under Secretary-General

Distinguished participants,

I take great pleasure in welcoming you all to the second edition of ŞEHREMİNİMUN. I, Bahar Serter, am a 11th grader at Adnan Menderes Anatolian High School and will be serving as the Under-Secretary General of the committee GA:6 LEGAL. I wish all of you fruitful debates and a joyful committee with a friendly environment and academically fulfilling experience.

Our committee faces the problems of ‘ Taking Measures to Limit Government Control on Higher Education Institutions and Recognition of Institutional Autonomy’ and ‘Legal frameworks of global market manipulation through monopolization and cartelization’.As we approach this important issues, you are expected to be able to come up with durable and good solutions in order to solve these big issues.

I am sure that we are going to make this committee as fun, good, useful as possible with the participation of our dear chairs and our academic assistant and of course with you our dear delegates.

If you have any kind of questions regarding either the agenda item or the committee, always feel free to contact me via my email address:
baharserterr28@gmail.com.

I am once again looking forward to seeing you all in ŞEHREMİNİMUN!

Sincerely,

Bahar Serter

Under-Secretary General of GA:6 LEGAL

2. Introduction to the committee

GA:6 LEGAL Introduction to the Committee: GA Legal

The Legal Committee (GA6), also known as the Sixth Committee of the United Nations General Assembly, is one of the six main committees of the UN. It is focused on addressing a wide range of issues concerning international law, legal reforms, and the establishment of new norms in the global legal system. Delegates in this committee play a crucial role in shaping the legal landscape of the international community, through developing binding resolutions, proposing legal reforms, and negotiating standards that impact countries, organizations, and individuals across the globe.

In GA6, the issues debated are often complex, requiring both a deep understanding of international legal principles and an awareness of the political dynamics surrounding each issue. This committee tackles matters that have significant legal and social consequences, such as human rights, environmental law, international treaties, and global trade regulations. Therefore, delegates need to be prepared not only to engage in detailed legal discourse but also to recognize the broader political and diplomatic implications of the issues at hand.

While the Security Council deals primarily with peace and security issues, and the Economic and Social Council Focuses on development and welfare, GA6 holds the unique responsibility of addressing the legal frameworks that undergird all international relations. Whether dealing with the legal status of various international agreements, or the need for new legal conventions, the decisions made in GA6 set precedents for future legal norms and conventions.

**AGENDA ITEM 2:
RECOGNITION OF INSTITUTIONAL
AUTONOMY**



3. Key terms and definitions

Institutional Autonomy: The right and competence of an institution-being, especially a university-to govern itself autonomously, uninfluenced and unhampered by the unnecessary involvement of forces from outside, generally the government.

Academic Freedom: Academic freedom involves the freedom of teachers, researchers, and students to engage in the entire range of activities involved in the production of knowledge, including choosing a research focus, determining what to teach in the classroom, presenting research findings to colleagues, and publishing research findings.

Government Intervention: The involvement of government in the decision-making and the operations processes of higher education institutions, which can include; influencing curriculum, faculty appointments, funding, or research subjects which can all lead to problems.

Research Independence: The ability of the higher education institutions and researchers to make studies and investigations based on their topics, integrity and scholarly aims and standards, free and also not influenced from the political, economic, or external pressures.

Curriculum Design: The process of creating the academic content, courses and learning experiences offered by a university. This should, if anything is to be considered 'academic', be determined by academic experts rather than external authorities.

Global Standards and Best Practices: Many international organizations, ranging from UNESCO to the United Nations, express the need for academic freedom and institutional autonomy. The World Declaration on Higher Education for the Twenty-First Century, issued by UNESCO in 1998, stressed that the institution should be free from improper governmental interference to meet the highest standards of education and research.

4. Introduction to the Agenda Item I: Taking measures to limit government control on higher education institutions and recognition of institutional autonomy

The relationship between government control and institutional autonomy in higher education has become a critical point of debate in the modern educational landscape. Higher education institutions, including universities, colleges, and research centers, play a vital role in shaping not only the future of individuals but also the direction of society at large.

These are to promote intellectual development, advance research and innovation, and train future leaders in different fields. In practice, however, the extent of the governments' control over such institutions greatly varies in accordance with political, cultural, and economic contexts.

For instance, in some countries, the government plays a central role in regulating policies on higher education, setting curricula, controlling funding, and overseeing academic governance. While some degree of government involvement is necessary to ensure that education remains accessible, equitable, and meets national standards, excessive or intrusive government control can choke the very principles that allow academic institutions to flourish, such as academic freedom, institutional independence, and the pursuit of research and teaching without political interference. Where colleges and universities are made too dependent on government mandates, or pressured to link their work to political agendas, this seriously undermines their role in fostering critical thinking, innovation, and the free flow of ideas.

5. General Overview

a. Background information

The issue of government control versus institutional autonomy in higher education is a global concern that has gained increasing importance in recent years.

While the role of governments in regulating higher education is vital for making sure of both the quality and the equity, excessive state interference can undermine academic freedom, limit innovation, and threaten the academic and institutional independence.

These problems have been shaped by various political, social, and economic trends in multiple countries.

Below is a chronological overview of key developments, incorporating the perspectives of various countries, that have influenced the discourse on government control and institutional autonomy in higher education.

b. Current events and Situation

I. 1990s – International Recognition of Academic Freedom and Autonomy

1998 UNESCO World Declaration on Higher Education for the Twenty-First Century:

The declaration brought to the forefront the importance of academic freedom and institutional autonomy in the creation of knowledge and development of society. This paved the way for many countries and international organizations to begin to formally recognize the importance that institutional independence plays in higher education. UNESCO's call for "unrestricted academic inquiry" echoed across the globe, with many countries applying these principles to their respective national education policies.

Global Initiatives on Academic Freedom:

In countries like Germany, this autonomy was already deeply entrenched, based on the country's commitment to democratic values and freedom of intellect. Countries of Eastern Europe were in transition: Poland and the Czech Republic, for example, had recently begun to move toward systems of greater independence after the fall of the Soviet Union.

II. 2000s – Increased Government Intervention and Global Political Trends

China: The Hu Jintao-era China (2002–2012) saw a significant tightening of control through research funding policy, which aligned it with national economic and political priorities. In 2006, the government of China initiated a series of educational reforms designed to "harmonize" the higher education system, thereby bringing institutions of higher learning closer to government priorities. This involved expanded monitoring of the faculty in fields touching on politics, social issues, and foreign relations.

Russia: Under President Vladimir Putin, Russia moved to consolidate control over higher education as part of broader efforts to centralize power. In the mid-2000s, the government introduced laws that increased oversight of universities and controlled what academic institutions could teach, particularly in history, political science, and social studies. The Ministry of Education of Russia began to implement more stringent procedures of accreditation to ensure that universities did not deviate from national policies, especially in regard to historical narratives and the role of the state in education.

United States: Within the 2000s, U.S. universities started to become increasingly dependent upon state and federal funding of higher education, raising fervent debates about the extent to which government influence on curricula, research priorities, and faculty appointments was acceptable. Yet academic freedom remained a cornerstone, with the AAUP fighting off growing pressures to align university policies with political or ideological goals. The U.S. maintained a high degree of institutional autonomy, though concerns about political correctness and corporate funding did start to raise questions about the independence of research.

III. 2010s – Heightened Government Control and Protests Across Regions

Türkiye (2016): These were exactly the sort of measures imposed on universities in Türkiye after the failure of the 2016 attempted coup. President Recep Tayyip Erdoğan saw thousands of academics cleansed from universities across Türkiye on suspicion of supporting terrorists and the plotters of the military coup against him. Universities thus lost the very substantial autonomy, while political loyalty towards the state became a principal factor in academic appointments. These interventions by the government in Türkiye brought wide-ranging protests and resistance from the faculty, students, and international academic organizations. The situation underlined a certain tension between national security concerns and the protection of academic freedoms.

Brazil (2018-2022): During the president Jair Bolsonaro administration, political interference has surged at academic institutions in Brazil. The government had forced a call for more severe controls on university curricula, especially in social sciences, and called for new mechanisms that would limit the so-called "leftist" orientation of universities. Bolsonaro even threatened to cut funding for those who refused to kowtow to his regime—a predominantly strong progressive tilt. These were followed by student and faculty demonstrations arguing that such moves threatened academic freedom and the autonomy of higher learning institutions. International organizations such as

the Latin American Council of Social Sciences expressed their concerns through this move, which they branded an evident attack on academic independence.

Hungary (2018): The government of Hungary, led by Prime Minister Viktor Orbán, took direct action to suppress academic freedom, with legislation that compelled the Central European University, founded by philanthropist George Soros, to pull out of Budapest to Vienna. The 2018 law subjected universities offering programs in Hungary but with foreign accreditation to new regulations that many considered politically motivated. The event had drawn wide condemnation from the global academic community, as it was perceived to be an open case of government intrusion into university affairs.

Egypt (2013-2020): Academic freedom became severely curtailed in Egypt under President Abdel Fattah el-Sisi, forcing both universities and faculty members evermore to toe the official state line. The State did not tolerate student demonstrations or protests, banned majoring in certain academic courses in sociology and political sciences, and placed severe curbs on what could be offered as courses in universities. Government control over higher education was framed as part of a greater attempt to make education "stable" and "nationalist", resulting in less academic independence and a sense of self-censorship within universities.

IV. 2020s – Global Pushback and New Threats to Autonomy

India (2020–2023): In India, the National Education Policy (NEP) 2020, introduced by the Bharatiya Janata Party (BJP) government, raised alarms among academics about potential state interference in university governance. Critics also attacked it as a policy likely to spur political interference in what the nation's universities teach, especially courses dealing with history and social studies. Efforts by the government to centralize administration at a higher level using such autonomous bodies as NTA for testing and

accreditation processes (NBA) are considered by many observers an indirect attempt to whittle away institutional autonomy. Protests in several universities protested especially against the government's increasing influence on academic appointments and the imposition of a "nationalistic" curriculum.

United States (2021-2023):In the U.S., meanwhile, debates about political influence in universities continued, with particular debate over free speech, cancel culture, and DEI. States like Florida and Texas passed laws restricting how universities can teach about race, gender, and American history-to many, a politicizing of academic content. In response, several academic organizations, including the AAUP, called for increased institutional autonomy and protection for academic freedom, warning of rising political pressures on institutions of higher education.

China (2020-2024):The Chinese government continued its drive to exert greater control over universities in the 2020s, even regarding scientific research. The Chinese government started clamping down on foreign-funded research while urging universities to intensify aligning research priorities with state objectives linked to technological innovation and national security. Restrictions on academic exchanges with foreign universities went up, with the introduction of new laws by the government for keeping track of academic partnerships. These moves have raised concerns that China is abandoning academic openness for a more controlled and ideologically oriented academic system.

Russia (2022-2024):Since the 2022 invasion of Ukraine, the Russian government has tightened its grip on academic institutions even more, especially those with international connections. Universities were forced to toe the official line on the war, while academics who spoke against it were either silenced or forced out of their jobs. The Russian Ministry of Education introduced new legislation banning "unpatriotic" teaching; some universities lost their right to provide education for not following the new law. This academic freedom crackdown has gained international criticism from groups as large as the European University Association and the International Association of Universities.

V. Ongoing Trends and International Dialogue (2023-2024)

International Advocacy: In 2023, UNESCO, the European Union, and the Global Forum on Higher Education, among other global organizations, started to increase the calls for the protection of academic freedom and institutional autonomy. Large sections of the international community began to realize that disproportionate interference from the state harms quality, damages democratic values through the restriction of free inquiry, and inhibits the free exchange of ideas. Many countries are now under international scrutiny in light of prioritizing academic freedom and institutional autonomy globally.

Rising Corporate Influence: The universality of such pressure in alignment with corporate interests rather than a shrinking public base is felt everywhere worldwide. This fear exists in other countries, like South Korea or Japan, where the biggest part of higher education expenditure is provided by the State for fear of universities becoming independent from corporate sponsorship. At the same time, concern has been raised that researchers' agendas may be focused more on corporate needs and less on academic integrity.

Global Solidarity for Academic Freedom: In recent years, academic organizations worldwide have united for the increased protection of higher education institutions. From the Academics for Peace Movement in Turkey to the AAUP in the United States and the European Universities Association, these entities have demanded that their countries establish legal frameworks that will protect institutional autonomy from government and corporate interference.

In conclusion the ongoing debate about government control versus institutional autonomy is increasingly urgent.

6. Major parties involved

The problem of government control over higher education institutions and the protection of academic autonomy involves a big range of stakeholders, each with well defined interests and perspectives.

6.1. National Governments

Governments are the primary stakeholders in the debate, since they hold all of the necessary powers that can either protect or undermine the autonomy of higher education institutions. Governments are able to influence education policy, funding mechanisms, regulations, and accreditation systems, which directly impact universities ability to operate independently

There are reasons ranging from attempts on the part of governments to align higher education with national priorities such as political ideologies, economic development, or social stability. Some argue that such regulations by the government give a guarantee of quality, accountability, and access to education. However in most authoritarian regimes, the tendencies of governments are more inclined to restrict academic freedom, politicize curricula, or limit university governance to maintain their power over public discourse.

For example; Türkiye, China, Brazil.

6.2. Higher Education Institutions (Universities and Colleges)

Universities and also other higher education institutions are at the center of this ongoing debate. They are the primary beneficiaries of academic autonomy and institutional independence, which are highly necessary for promoting free inquiry, critical thinking, and academic innovation. Universities are responsible for developing curricula, conducting research, and making administrative decisions without external political interference.

Higher education institutions, especially in democratic nations, advocate for greater institutional autonomy to protect academic freedom and maintain the integrity of education. Universities often resist governmental policies that threaten their

independence, arguing that academic institutions should be free from political pressures to foster innovation, diversity of thought, and objective research.

Examples; Central European University (Hungary), University Protests in Turkey, U.S. Universities

6.3. Academic Staff and Faculty Associations

Faculty members, including professors, researchers, and academic staff, are directly impacted by government control over higher education. They are the people who carry out teaching, research, and academic leadership within institutions. Academic staff associations play a key role in advocating for the protection of academic freedom, the preservation of institutional autonomy, and the prevention of undue political influence.

Faculty members, represented by academic unions or professional associations, generally argue for a robust protection of academic freedom and institutional autonomy. They believe that universities should be spaces for free inquiry, where research is not dictated by political agendas or external pressures. These associations also advocate for greater transparency in government decision-making regarding education policy and funding.

Examples:

American Association of University Professors (AAUP): The AAUP in the United States has been a powerful advocate of academic freedom, opposing government interference in university governance and policies.

Academic Staff Unions in Turkey: Turkish faculty members have organized protests against government purges and the erosion of academic independence post-2016 coup attempt.

European University Association (EUA): The EUA represents universities across Europe and advocates for institutional autonomy, often intervening in cases where political interference threatens academic independence.

6.4. Students and Student Unions

Students are the primary beneficiaries of higher education and are often at the forefront of movements demanding academic freedom and institutional autonomy. Student unions and organizations play an important role in advocating for the protection of their rights within the university system, including the right to engage in free expression, participate in academic governance, and resist political interference in education.

Students generally support policies that protect academic freedom and university independence, as these principles allow them to pursue education without fear of political or ideological censorship. They are often active in protesting government actions that limit the freedom of higher education institutions or threaten to politicize their education.

Examples:

Protests in Egypt: In Egypt, most of the student protests against government control over university curricula and the detention of student activists highlight the role of students in defending institutional autonomy.

Protests in Brazil: Student unions in Brazil were insistent in resisting government proposals to cut university funding and restrict academic freedoms under the Bolsonaro administration.

Protests in Hong Kong (2019): Students in Hong Kong played a significant role in protests against the government, which included resistance to political control over educational institutions and the suppression of free speech on campuses.

6.5. International Organizations and NGOs

International organizations such as UNESCO, the United Nations, and regional bodies like the European Union (EU) and the Organization of American States (OAS) play a significant role in advocating for the protection of academic freedom and the autonomy of higher education institutions. These organizations provide frameworks, conventions, and guidelines for member states, aiming to ensure that universities can function free from political or government interference.

These organizations often issue statements, publish reports, and organize forums to raise awareness about violations of academic freedom and institutional autonomy. They also offer mechanisms for international cooperation and legal recourse for academic institutions facing undue interference. For instance, UNESCO has long advocated for the protection of academic freedom as a fundamental human right.

Examples:

UNESCO: UNESCO's efforts to promote the World Declaration on Higher Education for the Twenty-First Century set international standards for the protection of institutional autonomy.

European Union: The EU has raised concerns about restrictions on academic freedom in member states like Hungary and Poland several times, especially in cases where governments interfere with university governance or academic content.

Human Rights Watch (HRW): HRW has documented cases of political persecution and academic suppression, particularly in authoritarian regimes like Russia, China, and Egypt, advocating for greater protections for academic freedom globally.

6.6. Political Parties and Ideological Groups

Political parties and ideological groups can play a major role in shaping policies that either protect or undermine institutional autonomy. Political ideologies influence how governments regulate education and whether academic institutions are allowed to operate freely or are subject to state control.

Political parties on the left often advocate for greater academic freedom and oppose government interference in universities, arguing that autonomy is critical for fostering diversity of thought and critical inquiry. In contrast, right-wing and populist governments may favor more control over higher education to promote nationalistic or conservative values, which can lead to restrictions on academic freedom and institutional independence.

Examples:

U.S. Republican Party: In the U.S., the Republican Party has often supported policies that encourage government intervention in university curricula, particularly regarding issues like diversity, free speech, and the teaching of controversial subjects.

Hungarian Fidesz Party: The Fidesz government in Hungary has targeted universities critical of its policies, leading to legislative changes that restrict academic freedom.

6.7. Private Sector and Corporate Interests

The private sector, including corporations, think tanks, and donors, also plays a growing role in higher education. As universities become increasingly reliant on private funding and corporate partnerships, the influence of these entities on university research agendas and curricula has increased.

Corporations may push for university research that aligns with their commercial interests, potentially compromising academic independence. Some governments may also seek to channel public university research in directions that benefit corporate or political interests.

Examples:

Pharmaceutical and Tech Companies: Companies in industries like pharmaceuticals and technology often fund research at universities, leading to potential conflicts of interest when research is aligned more with commercial goals than academic inquiry.

Corporate Influence on U.S. Universities: U.S. universities have faced increasing pressure from corporate donors to align research and curricula with the interests of their sponsors, raising concerns about academic independence.

6.8. Conclusion

The debate over government control and institutional autonomy in higher education involves a complex array of stakeholders, each with differing views and interests. While governments, political parties, and corporate entities may seek to exert control over academic institutions, universities, faculty, students, and international organizations all work to safeguard academic freedom and protect the autonomy that is essential for intellectual growth, diversity of thought, and academic integrity.

7. Questions to be answered

1. What role do national governments play in ensuring or limiting the autonomy of higher education institutions?
2. How can international organizations, such as UNESCO, support academic freedom while respecting national sovereignty?
3. What legal frameworks exist to protect university autonomy, and how can they be strengthened?
4. How can higher education institutions legally challenge government interference with their autonomy?
5. To what extent should universities be free to engage in controversial research without government reprisal?
6. How can academic freedom be balanced with national security or public interest concerns?
7. What legal protections should be in place for faculty and students facing government overreach?
8. What legal consequences can governments face for violating institutional autonomy?
9. How can authoritarian regimes be encouraged to respect academic freedom through international legal pressure?
10. What measures can ensure institutional autonomy in countries with significant government control over education?
11. How can international courts help resolve disputes related to government interference in higher education?

12. What role do academic unions play in advocating for legal protections for academic freedom?

8.Further reading/Bibliography

<https://academic.oup.com/spp/advance-article/doi/10.1093/scipol/scae069/7917085>

<https://unesdoc.unesco.org/ark:/48223/pf0000227242>

<https://pmg.org.za/committee-meeting/34680/>

https://www.oecd.org/content/dam/oecd/en/publications/reports/1999/11/the-response-of-higher-education-institutions-to-regional-needs_g1gh227e/9789264180550-en.pdf

<https://oxfordre.com/education/display/10.1093/acrefore/9780190264093.001.0001/acrefore-9780190264093-e-99?p=emailAu81vCw3snE7c&d=/10.1093/acrefore/9780190264093.001.0001/acrefore-9780190264093-e-99>

<https://www.acenet.edu/Documents/Higher-Education-Regulations-Task-Force-Report.pdf>

<https://en.unesco.org>

<https://www.oecd.org/education>

<https://eua.eu>

<https://www.iie.org>

<https://www.nea.org>

<https://www.hepi.ac.uk>

<https://www.iau-aiu.net>

<https://www.chen.org>

<https://www.ohchr.org/en/hr-bodies>

<https://www.guni.org>

<https://www.academicfreedom.ca>

<https://www.acenet.edu>

<https://www.inqaahe.org>

AGENDA ITEM 2:
LEGAL FRAMEWORKS OF GLOBAL MARKET
MANIPULATION THROUGH
MONOPOLIZATION & CARTELIZATION



9. Agenda Item II: Legal frameworks of global market manipulation through monopolization and cartelization

Key Terms and Definitions

Unilateral Conduct: The unilateral conduct of one firm abusing its dominant position is the focus of concern in many jurisdictions, including price manipulation, refusal to deal, predatory pricing, and exclusive contracts that foreclose competition.

Market Manipulation: The act of artificially affecting the price or supply of goods and services in a market to gain an unfair advantage or distort competition. This can include practices like price-fixing, market sharing, and artificial scarcity.

Monopolization: The process through which a single company or group of companies gains dominant control over a particular market or industry, often by eliminating competition through unfair practices. Monopolies can harm consumers by reducing choice and raising prices.

Abuse of Dominance: Refers to the abuse of market power by a firm in a dominant position. It may take various forms such as predatory pricing—undercutting the competitors to force them out of business, tying—forcing customers to purchase unrelated products, and refusal to deal—refusal to deal with competitors.

Cartelization: Cartels occur when companies within the same industry or market agree to collectively decrease competition, often through secret agreements to fix prices, share markets, limit production, or rig bids. They undermine free-market competition and often lead to higher prices and lower quality for consumers.

Antitrust Laws: Laws to regulate and to ensure competition, prohibiting monopolies, cartels, and other anti-competitive conduct. Because antitrust laws vary by country, generally they prohibit conduct that abuses markets and harms consumer interests.

Price-Fixing: A core cartel practice that directly harms consumers by artificially inflating prices, making it one of the most significant anti-competitive behaviors.

Competition Law: The law regulating antitrust regulations, including controlling monopolies, cartels, and other anti-competitive practices.

Leniency Programs: These are programs that help in the detection and prosecution of cartels by offering whistleblowers some form of amnesty with reduced penalties and, therefore, crucial for enforcement.

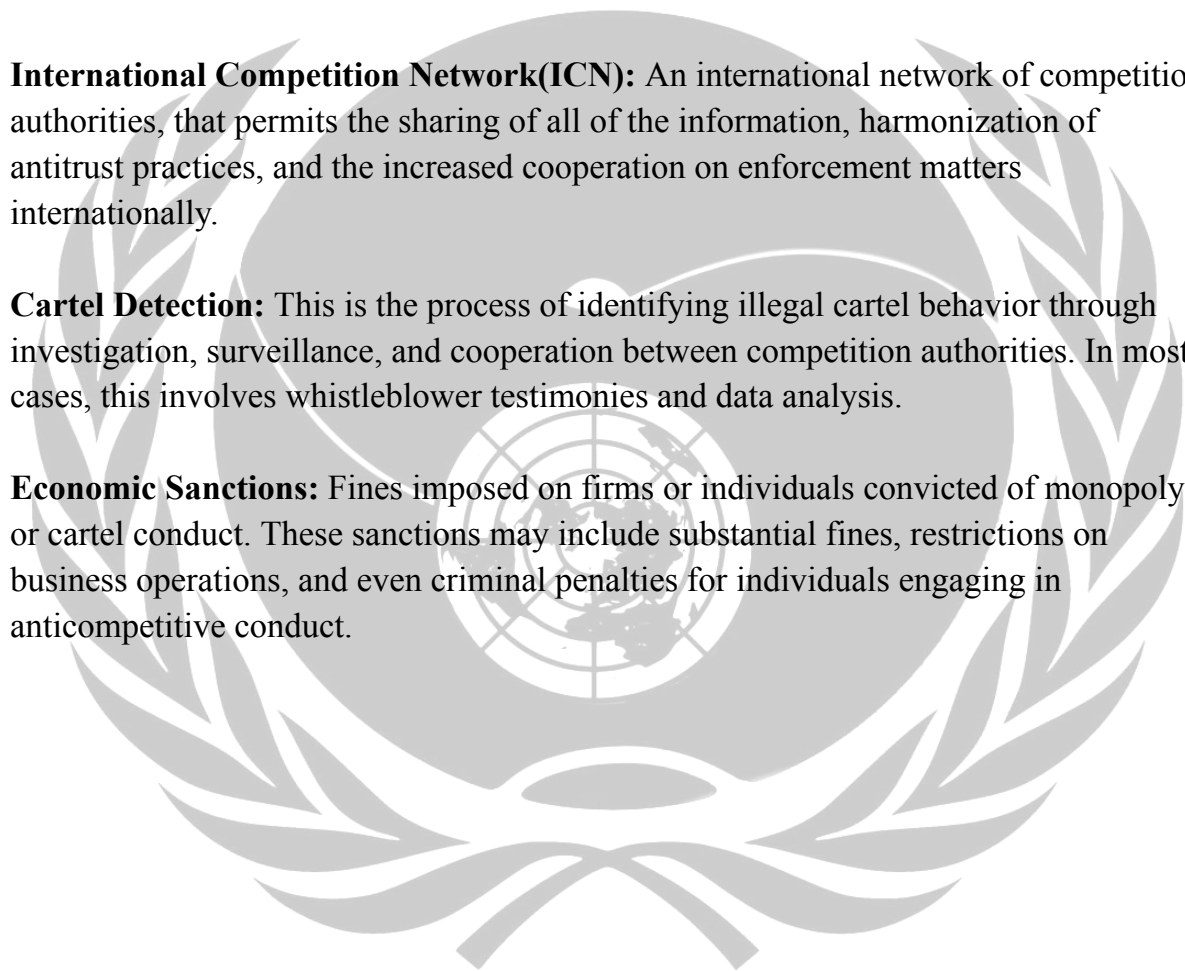
Consumer Welfare: The principle behind competition law, emphasizes protection for consumers against practices that will hurt them, such as monopolies and cartels.

Global Competition Authorities: International regulatory bodies that run antitrust laws across borders with the end of ensuring that multinational firms are not anti-competitive on an international scale.

International Competition Network(ICN): An international network of competition authorities, that permits the sharing of all of the information, harmonization of antitrust practices, and the increased cooperation on enforcement matters internationally.

Cartel Detection: This is the process of identifying illegal cartel behavior through investigation, surveillance, and cooperation between competition authorities. In most cases, this involves whistleblower testimonies and data analysis.

Economic Sanctions: Fines imposed on firms or individuals convicted of monopoly or cartel conduct. These sanctions may include substantial fines, restrictions on business operations, and even criminal penalties for individuals engaging in anticompetitive conduct.



10. Introduction to the Agenda Item II: Legal frameworks of global market manipulation through monopolization and cartelization

In today's interdependent world economy, market manipulation through monopolization and cartelization poses critical challenges to competitive markets and the welfare of consumers. These anti-competitive behaviors not only undermine economic development and put at risk the integrity of the markets, translating into higher consumer prices, curtailed innovation, and decreased choices for consumers. The expanding operations of a multinational corporation have caused the operation to transcend or expand beyond the country of origin, but market manipulation's sphere has also breached national boundaries because of globalization; this calls for an unflinching and matched-up legal framework approachable to its nuances at a global level.

Monopolization is when a firm or group of firms uses its market power to eliminate or suppress competition, thereby controlling prices and market access. Similarly, cartelization involves illegal agreements by firms to fix prices, divide markets, or rig bids, creating an unfair playing field for competitors and consumers. Both practices distort the free market system, which relies on competition to drive efficiency, innovation, and consumer protection.

To cope with such threats, governments and international organizations have so far developed a variety of legal frameworks with the dual purpose of regulation and prevention of monopolistic behaviors and cartel activities. Such a framework aims to increase competition and protect the consumer, thus keeping markets dynamic and open. Their enforcement remains nevertheless hard due to global perspectives of contemporary trade, digital markets' multimodal character, and firm manipulation capability in covert manners.

This agenda item will discuss legal frameworks developed to combat monopolization and cartelization in world markets. It will look at existing antitrust laws, the role of international cooperation, the effectiveness of enforcement mechanisms, and the evolving challenges in regulating new forms of market manipulation in the digital age. It is intended to foster a collaborative approach in strengthening such frameworks to ensure fair competition worldwide and, ultimately, protect consumer interests across borders.

Tools and Techniques for Detecting Cartel Behavior



11. General Overview

a. Background information, Current events and Situation

I. Early Development of Antitrust Laws (Late 19th Century to Early 20th Century)

Modern antitrust law had its origin in the late 19th century, which witnessed the formation of enormous corporations and subsequently their consolidation into powerful trusts or cartels both in the US and in Europe. In America, the first main legal device was the Sherman Antitrust Act in 1890 to bring order in place through dissuasion against the formation of monopolies, together with restrictive or unfair anticompetitive operations. It banned pricing by agreement, market division, and monopolistic control of any industry by firms. The Act was enacted in response to the growth of corporations such as Standard Oil, which controlled huge sectors of the economy along with railroad monopolies.

In Europe, the development of competition law took a similar path, but in reality, competition law started to be established after the end of World War II. The Treaty of Rome in 1957 formally established the EEC, and for the first time, the EU had formal legal and institutional arrangements regulating competition for a single market. This also gave the European Commission powers to monitor and enforce antitrust laws in member states to ensure anti-competitive practices were checked.

II. Post-War Expansion and Institutionalization of Antitrust (1940s–1970s)

In the years immediately following World War II, several countries increasingly recognized that an effective system of competition laws was crucial for healthy market operation. The Clayton Act of 1914 and the Federal Trade Commission Act of 1914 furthered antitrust protection in the United States. It was now granted to the F.C.C. to investigate unfair trade practices, and it was tasked upon the Department of Justice to enforce the antitrust laws and prosecute cartel activity such as price fixing or collusion.

During the 1960s and the 1970s, the U.S. experienced unprecedented enforcement of antitrust laws in the areas of chemicals, telecommunications, and airlines. Correspondingly, during this time in Europe, national competition authorities increasingly asserted themselves within the confines of the Treaty of Rome framework, often finding and punishing anti-competitive conduct in the European market.

III. The Era of Globalization and Multinational Cartels (1980s–2000s)

That dramatically changed until the 1980s, when markets started to become global, and multinational corporations were powerful drivers of international trade. Cartel behavior, or collusion by firms to agree on prices, market shares, or levels of competition, was becoming an increasingly serious matter. In the 1980s and 1990s, major cases involving worldwide cartels in lye and vitamins revealed an expanding global scope of anti-competitive practices.

During this period, the European Commission and U.S. antitrust authorities began cooperating more closely on cross-border investigations. The Microsoft antitrust case in the late 1990s and early 2000s was a landmark case in global competition law, as Microsoft's dominance in the PC operating system market was challenged. The case resulted in the first enforcement action of antitrust law in a high-profile technology case and set a new standard for how regulators might use the statutes to manage market power in emerging industries.

IV. Globalization and Strengthening of Antitrust Enforcement Era(2000s)

In the 2000s, the expansion of global trade and the rise of large multinational firms heightened the risk of monopolistic and cartel behavior. As cartels operated across borders, international cooperation on antitrust enforcement became more important. The OECD and EU led efforts to strengthen competition laws, with key cases such as LCD price-fixing and the vitamin cartel highlighting the scale of the problem. The U.S. FTC and the European Commission took aggressive actions, imposing hefty fines on companies involved in anti-competitive practices.

The 2008 global financial crisis further highlighted the dangers of concentrated market power, particularly in sectors like finance and automotive. Post-crisis, governments cracked down on monopolistic behavior, especially in industries that had received bailout funds. By the 2010s, global antitrust enforcement was enhanced through stronger cooperation among regulatory agencies, with new legal frameworks introduced in regions like China and India to regulate monopolies and cartels more effectively.

V. The Digital Economy and New Antitrust Challenges (2010s–Present)

The 2010s saw Big Tech players like Google, Amazon, Facebook, Apple, and Microsoft come up and around which global competition concerns presently revolve. Their dominance in the digital markets-particularly in search engines, e-commerce, social media, and cloud computing-developed new challenges for the competition authorities. In 2017, the European Commission fined Google €2.42 billion for breaching EU antitrust rules by abusing its dominance in the market for internet search services: it had abused its dominance by giving an illegal advantage to its own comparison shopping service. This was one of the highest fines imposed under European antitrust law to date.

In the same period, Amazon and Facebook came increasingly under scrutiny regarding their dominance in the market and anti-competitive behavior. Think of how Amazon treats third-party sellers on its platform, questions of price manipulation, and the promotion of Amazon's own products. Similarly, investigations have looked into Facebook's acquisitions, including Instagram and WhatsApp, with regulators suspecting that the deals put a lid on competition within social media and messaging platforms.

The further expansion of digital markets in the 2020s, with the increasing development of AI and algorithmic pricing that rendered traditional methods of antitrust enforcement increasingly ineffective, made reform of competition law a priority. For this reason, regulatory bodies started considering new approaches toward dealing with digital monopolies and preventing algorithmic collusion.

VI. Emerging Challenges and International Cooperation (2020s–Present)

As it was, there came increasing clamors for the need for international cooperation on antitrust issues occasioned by the globalization of markets and domination by Big Tech. Cross-border collaborations were deepened with support by the Organisation for Economic Co-operation and Development, while the International Competition Network assists in increasing the power of competition authorities by sharing information and coalescing investigations in respect of multinationals and international cartels. Regulators now increasingly try together to take hold of monopolies and cartel practices in the new digital economy.

New challenges have also emerged regarding data privacy and monopolistic control of consumer data by big technology platforms. An example of such efforts, not only to regulate market behavior but also to rein in the increasing power of technology giants over consumer information, is the EU's General Data Protection Regulation, enacted in 2018.

b. Major parties involved

The problem of market manipulation through monopolization and cartelization involves various stakeholders, ranging from national regulatory bodies to multinational corporations, international organizations, consumer advocacy groups, and legal experts. Each of these parties plays a key role in either perpetuating or combating anti-competitive practices.

I. National Competition Authorities

National competition authorities are the most responsible agencies to investigate and enforce laws on monopoly and cartelization. Though quite independent, most of the time operating within their jurisdiction, they increasingly cooperate on global investigations.

FTC and Department of Justice (DOJ) - United States: The major government agencies that work on behalf of the US in antitrust enforcement are FTC and DOJ. While FTC covers investigations over anti-competitive conduct such as monopolies and mergers, DOJ handles the criminal prosecution against cartels and most notably cases related to price fixing and market allocation.

European Commission (EC)-European Union: It plays the leading role in the enforcement of competition laws throughout the Union by investigating monopolies and cartel behaviors injuring competition. The powers given to the EC are immense, such as being able to impose large fines on firms for breaching EU competition laws.

Japan Fair Trade Commission JFTC - Japan: The JFTC is Japan's competition authority, which is in charge of the enforcement of the Antimonopoly Act. It investigates monopolistic practices, cartel activities, and other anti-competitive behaviors within Japan.

Competition and Markets Authority, CMA - United Kingdom: The CMA is the UK competition laws enforcement agency in mergers and cartels of both national and international nature. Recently, it has widened its scope of work to target digital platforms and monopolistic tendencies in new sectors such as online retail.

II. Multinational Corporations

Large multinational corporations have more often than not faced several antitrust investigations due to their large size and dominant positions, which give way to practices of monopoly and cartel conduct across many different jurisdictions.

Technology Giants: Google, Facebook, Amazon, Apple, and Microsoft are often under scrutiny for monopoly practices, especially in the spheres of dominance of digital markets and consumer data. For instance, Google has been investigated multiple times for rigging search results to favor its services over others. Amazon has been investigated for its treatment of third-party sellers on its platform.

Large pharmaceutical firms, such as Pfizer, Merck, and Johnson & Johnson, have participated in monopolistic behavior along with cartel-like activities that center on setting prices of important drugs and manipulating their patents.

Energy Companies: Companies that dominate the energy market include ExxonMobil, Shell, and Chevron; market manipulation has mainly involved the fixing of oil prices along with cartel behavior within organizations such as OPEC and, the Organization of the Petroleum Exporting Countries.

III. International Organizations

International organizations also play a vital role in fostering cooperation and coordination among national competition authorities, especially in dealing with global monopolistic practices and cartels.

Organization for Economic Co-operation and Development (OECD): The OECD has a critical role in facilitating dialogue and cooperation between national competition authorities in developing best practices for regulating monopolies and cartels across borders.

International Competition Network (ICN): The ICN is an informal network of competition authorities from around the world. It helps in coordinating enforcement efforts and sharing information, especially in cases involving global cartels or multinational corporations.

World Trade Organization (WTO): While not a direct regulator of competition, the WTO plays a role in the promotion of fair trade by encouraging countries to address anti-competitive practices that distort international trade.

IV. Consumer Advocacy Groups

Consumer groups and organizations are very helpful in underlining the impact that monopolies and cartels have on consumers in general, through the increase in prices, lowering quality, and decreased choice.

International Consumer Forum: This worldwide coalition of consumer organizations works toward changing anti-competitive practices that hurt consumers and promote greater consumer protection laws.

V. Legal Experts and Economists

Legal professionals and economists are in indispensable positions in formulating competition laws, interpreting already existing regulations, and giving their expert opinions regarding antitrust cases. They serve continuously in research and competition policy development and even assess the economic effects of monopolies and cartels.

Competition Lawyers: These lawyers represent regulators and companies in cases concerning antitrust. They work on the frontline in promoting more enforcement and building case laws in antitrust law.

Economists: In the course of an antitrust investigation, economists may be used to provide input regarding the understanding of markets, competition economics, and how certain monopolistic or cartel behaviors will affect consumers and marketplaces.

The problem of global market manipulation through monopolization and cartelization involves various stakeholders, each of whom plays an important role in either enforcing laws, perpetuating anti-competitive behavior, or advocating for change. From national regulators to multinational corporations and international organizations, there is an ongoing effort to address these issues and ensure fair competition across global markets.

12. Questions to be answered

1. What specific legal frameworks or international agreements can be proposed to ensure greater cooperation between national competition authorities, particularly for cross-border investigations into monopolies and cartels?
2. How could new legal mechanisms balance the protection of market competition and innovation in regulating digital monopolies in areas such as e-commerce, social media, and data analytics?
3. How might the WTO and regional trade agreements serve as effective forums of binding international rule-making acting to discourage cartels from affecting industries vital to international trade in products such as energy and pharmaceuticals?
4. How might mergers and acquisitions be further scrutinized under international antitrust review mechanisms as a means to prevent monopolies from forming, particularly in high-consumer-impact industries such as telecommunications and technology?
5. What possible legal and regulatory measures could be proposed to aid developing countries in formulating and enforcing competition laws that offer protection against multinational corporations' exploitative practices?
6. What new legal provisions can be implemented regarding the use of artificial intelligence and machine learning in business practices to avoid algorithmic collusion and price-fixing?
7. How will the development of international consumer protection standards contribute to controlling monopolistic behavior at the expense of consumers in such vital sectors as healthcare, energy, and telecommunications?
8. How can international antitrust laws be adapted to address the challenges posed by global supply chains, where cartels may operate in multiple countries, affecting product pricing and market access?
9. How can legal frameworks balance the need for monopoly regulation while ensuring that dominant firms in industries like telecommunications, energy, and utilities do not face excessive regulation that might hinder their ability to provide essential services?

10. What new frameworks can be implemented to hold corporations accountable for market manipulation, particularly in the form of cartels, and what penalties should be proposed for companies that engage in such anti-competitive behavior?

13. Further reading/Bibliography

<https://unctad.org>

<https://www.oecd.org/competition>

<https://www.wto.org>

<https://ec.europa.eu/competition>

<https://www.ftc.gov>

<https://www.internationalcompetitionnetwork.org>

<https://www.worldbank.org/en/topic/competitionpolicy>

<https://iccwbo.org>

<https://www.gai.gmu.edu>

<https://www.ssrn.com>

<https://www.competitionlawforum.com>

<https://academic.oup.com/antitrust>

<https://www.gov.uk/government/organisations/competition-and-markets-authority>

<https://www.cofece.mx>