

# HPS FAIRGAZE MUN 2021



## UNITED NATIONS GENERAL ASSEMBLY

**Agenda:** *International trade and development: Translating Agenda 2030 for Sustainable Development into reality and the role of international trade.*

**11<sup>th</sup> December 2021**

## BACKGROUND GUIDE

# LETTER FROM THE EXECUTIVE BOARD

Dear Delegates,

It is an honor to be serving as the Executive Board of the United Nations General Assembly at the **HPS FAIRGAZE MUN 2021**. Please consider that the aim of this guide, as the name suggests, is to provide you with the background of the agenda solely and is by no means exhaustive. Your real research lies beyond this guide and we hope to see strong content and debate in the conference. This background guide would serve as a starting point for your research.

The agenda at hand is a highly sensitive and relevant issue, and a successful discussion on it would entail the collective participation of all of you. Our objective, as the executive board of the committee, will be to facilitate debate as a means to developing a common understanding of how this issue impacts and affects millions of lives. Do not feel taken aback because you feel that this is too much for you to understand. It's simple if you open Google and are determined to make notes about any terminology or anything that is new to you. We are not looking for existing solutions, or strategies that would be a copy paste of what countries you are representing have already stated; instead, we seek an out-of-the-box solution from you, while knowing and understanding your impending practical and ideological limitations.

Please note that anything written in the Background Guide **cannot** be used as proof in the committee.

Lastly, put your best foot forward as you research into the varied aspects of the agenda and display the best of your diplomatic courtesy. Feel free to revert back to the executive board for any queries or any form of assistance that you may require at the email ids mentioned below. Wishing you luck for the conference.

Looking forward to (virtually) meet you all!

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## **About the committee**

The Economic and Financial Committee (Second Committee) of the General Assembly at its seventy-sixth session, is chaired by Her Excellency Vanessa Frazier of Malta.

During this session, it will deal with issues relating to economic growth and development such as macroeconomic policy questions; financing for development; sustainable development; globalization and interdependence; eradication of poverty; operational activities for development; agriculture development, food security and nutrition; information and communications technologies for development; and towards global partnerships.

The Second Committee will also consider issues relating to groups of countries in special situations, as well as the item on permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources.

At the seventy-fifth session, the Second Committee took action on 38 draft proposals. It is expected that the Committee will consider fewer proposals during this year's session.

In accordance with the on-going process of revitalization of the General Assembly, the Second Committee is engaged in updating its working methods and practices in order to improve the quality of debates and the impact of their deliberations and decisions, as well as to further streamline the Committee's agenda and programme of work, biennialize agenda items, cluster the consideration of agenda items thematically, hold interactive "question time" sessions with secretariat officials after the presentation of substantive reports, and actively work to reduce the number and length of draft resolutions adopted during its sessions.

## **Sustainable development Goals**

The 70th Session of the United Nations (UN) General Assembly held on 25th September 2015 adopted the document titled "Transforming our World: the 2030 Agenda for Sustainable Development"; consisting of 17 Sustainable Development Goals (SDGs) and associated 169 targets. The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity. The 17 SDGs are interlinked- they recognise that the action in one are will affect outcomes in others, and integrate social, economic and environmental dimensions of development.

### **GOAL 1: NO POVERTY**

End poverty in all its forms everywhere.

- By 2030, SDG No. 1 aims to reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.
- Build resilience of poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other social, economic and environmental shocks and disasters.
- Create sound policy framework at regional, national and international levels based on pro-poor and gender-sensitive development strategies.

## GOAL 2: ZERO HUNGER

End hunger, a hive food security and improved nutrition and promote sustainable agriculture.

- By 2030, end all forms of malnutrition and address the nutritional need of adolescent girls, pregnant and lactating women and older persons.
- Double agriculture productivity and income of small-scale food producers.
- Ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production.
- Adopt measure to ensure proper functioning of food commodity markets.

## GOAL 3: GOOD HEALTH AND WELL-BEING

Ensure healthy lives and promote well-being for all at all ages.

- By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births.
- Ensure universal access to sexual and reproductive health-care service.
- Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.

## GOAL 4: QUALITY EDUCATION

Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

- By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education.
- Ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.
- Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable.

## GOAL 5: GENDER EQUALITY

Achieve gender equality and empower all women and girls

- End all forms of discrimination against all women and girls everywhere.
- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.
- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

## GOAL 6: CLEAN WATER AND SANITATION

Ensure availability and sustainable Management of water and sanitation for all

- By 2030, achieve universal and equitable access to safe and affordable drinking water for all.
- Achieve access to adequate and equitable sanitation and hygiene for all and end open defecation.
- Improve water quality by reducing pollution, eliminating dumping and minimising release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally.

## GOAL 7: AFFORDABLE AND CLEAN ENERGY

Ensure access to affordable, reliable, sustainable and modern energy for all.

- By 2030, ensure universal access to affordable, reliable and modern energy services.
- Increase substantially the share of renewable energy in the global energy mix.
- Double the global rate of improvement in energy efficiency.

## GOAL 8: DECENT WORK AND ECONOMIC GROWTH

Promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all

- Sustain per capita economic growth in accordance with national circumstances.
- Achieve higher levels of economic productivity through diversification, technological upgrading and innovation.

- By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

## GOAL 9: INDUSTRY, INNOVATION AND INFRASTRUCTURE

Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation

- Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure.
- Increase the access of small-scale industrial and other enterprises.
- Promote inclusive and sustainable industrialization .

## GOAL 10: REDUCED INEQUALITIES

Reduce inequality within and among countries.

- By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average
- empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status
- Ensure equal opportunity and reduce inequalities of outcome

## GOAL 11: SUSTAINABLE CITIES AND COMMUNITIES

Make cities and human settlements inclusive, safe, resilient and sustainable.

- By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.
- Provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport.
- Strengthen efforts to protect and safeguard the world's cultural and natural heritage.

## GOAL 12: RESPONSIBLE CONSUMPTION AND PRODUCTION

Ensure sustainable consumption and production patterns.

- By 2030, achieve the sustainable management and efficient use of natural resources
- Halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses

- Implement the 10-year framework of programmes on sustainable consumption and production

### GOAL 13: CLIMATE ACTION

Take urgent action to combat climate change and its impacts.

- Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.
- Integrate climate change measures into national policies, strategies and planning
- Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning

### GOAL 14: LIFE BELOW WATER

Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

- By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution.
- By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts.
- Provide access for small-scale artisanal fishers to marine resources and markets.

### GOAL 15: LIFE ON LAND

Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

- Ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services.
- Promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally.
- Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products.

### GOAL 16: PEACE, JUSTICE AND STRONG INSTITUTIONS

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all  
and build effective, accountable and inclusive institutions at all levels.

- Significantly reduce all forms of violence and related death rates everywhere.
- End abuse, exploitation, trafficking and all forms of violence against and torture of children.
- Promote the rule of law at the national and international levels and ensure equal access to justice for all.

## GOAL 17: PARTNERSHIP FOR THE GOALS

Strengthen the means of implementation and revitalize the global partnership for sustainable development.

- Enhance global macroeconomic stability, including through policy coordination and policy coherence.
- Enhance policy coherence for sustainable development.
- Adopt and implement investment promotion regimes for least developed countries.

## **International Trade**

### **United Nations Commission on International Trade Law (UNCITRAL)**

The United Nations Commission on International Trade Law (UNCITRAL), established in 1966, is the principal legal body of the United Nations system in the field of international trade law. It is a legal body with universal participation specialized in the reform of the commercial law in the world for more than 50 years. UNCITRAL works to unify and harmonize the rules of international trade.

UNCITRAL should not be confused with the World Trade Organization (WTO) created in 1995 and which follows on from GATT (General Agreement on Tariffs and Trade) activities. The WTO deals with trade policy issues, such as trade liberalization, the removal of trade barriers and unfair trading practices, while UNCITRAL deals with the rules of law applicable to private law subjects in operations international and is therefore not interested in matters relating to relations between States, such as the fight against dumping, countervailing duties or import quotas.

UNCITRAL should not be confused with the International Institute for the Unification of Private Law (Unidroit), created in 1926 and based in Rome, whose purpose is to study means and methods with a view to modernizing, harmonize and coordinate private law, and in particular commercial law, between States or groups of States and, to this end, to develop uniform legal instruments, principles and rules.

Each of these organizations plays a particular role in international trade law. France actively participates in all the work of these international organizations.

### **What is international trade law?**

International commercial law can be defined as "the study of the rules applying to operators and operations in international trade".

The Lex Mercatoria has long governed international trade relations between traders. It was a set of unwritten rules of law based on custom and usage. These include loyalty in the conclusion and execution of contracts, the rights of the defense, the rule of the word given. After the First World War, the rapid expansion of international trade revealed the need for a set of common standards and rules. It was from this date that the foundations of the modern free trade order were laid.

International commercial law is the tool enabling the various economic actors to establish international commercial relations framed by the law. International trade law is a complex matter which involves several branches of law (commercial law, business law, company law, international payments law) and draws on multiple sources (national laws, international conventions, lex mercatoria) .

It is necessary to make a distinction between, on the one hand, private international trade law which is a branch of private international law, which governs trade relations between private parties, and on the other hand, international trade law which is a branch of public international law which governs trade relations between states.

### **Sources of International Trade Law**

International trade law comes from three sources:

- National laws, which are the fundamental source of international trade law.
- International sources, consisting of all international conventions relating to the fields of international commercial law. Three conventions are particularly important: The Vienna Convention on the International Sale of Goods (1980) which aims to provide a modern, uniform and fair system for contracts for the international sale of goods and which contributes to the security of trade. The Rome I Regulation (2008), which establishes uniform rules for determining the law applicable to contractual obligations of the European Union. The 1988 Ottawa Convention on International Factoring.
- The Lex Mercatoria, which is a collection of customs and practices that form binding rules for those involved in international trade. Certain private associations have given themselves the objective of codifying these uses. For example, the International Chamber of Commerce is the source of "Incoterms" or Uniform Customs and Practice for Documentary Credits.

### **International trade law actors**

The actors of international trade are private and public actors. The particularism of international trade law is also at the stage of international trade operations: sales, transport, distribution, which obey specific rules.

### **Arbitration in international trade law**

The importance and originality of international trade is manifested in the use of arbitration, which has become the mode of ordinary law resolution of international trade disputes, with the exception of the courts.

Arbitration is an alternative method of dispute resolution, the main advantage of which is that parties to a contract do not have to choose a national jurisdiction. Thus, when the parties have

recourse to arbitration, the law chosen to govern the contract will be applied impartially since the arbitrators chosen will generally have neither the nationality of the parties to the contract nor the nationality of the law applicable to the contract.

## **INTERNATIONAL TRADE AND UN**

### **□ UNCTAD**

United Nations Conference on Trade and Development (UNCTAD) is a permanent intergovernmental body established by the United Nations General Assembly in 1964. It has helped developing countries to negotiate trade agreements and win preferential treatment for their exports. Its work is carried out by five divisions, under the leadership of Secretary General. One of the division under it is the “Division on International Trade and Commodities.” The division seeks to build consensus, strengthen capacity and promote partnerships for trade policy, trade negotiations, trade in goods and services, competition law and consumer protection, and managing issues arising at the intersection of trade, the environment and climate change. It aims to ensure the effective, qualitative and beneficial participation of all countries in international trade, strengthen development gains from the commodity economy and address the trade and development challenges of commodity dependence. Alignment with the SDGs- Goal 1, 5, 8, 10, 12, 14, 15, 17.

### **□ OECD**

The United States and the Organisation for Economic Co-operation and Development(OECD) is an intergovernmental organisation grouping 30 countries with democratic government systems and market economies, whose mission is to help economies to function smoothly in support of increased prosperity for all.

### **□ WTO**

The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. Its goal is to help producers of goods and services, exporters, and importers conduct their business. It operates a system of trade rules. Essentially, the WTO is a place where member governments try to sort out the trade problems they face with each other.

### **□ ITC**

Established in 1964, the International Trade Centre (ITC) is the joint agency of the World Trade

Organization and the United Nations. ITC's mission is to foster inclusive and sustainable economic development, and contribute to achieving the United Nations Global Goals for Sustainable Development. ITC works towards creating 'trade impact for good'. It aims at strengthening the integration of the business sector of developing countries and economies in transition into the global economy and Improving the performance of trade and investment support institutions for the benefit of small and medium-sized enterprises (SMEs). ITC's work also directly contributes to 10 of the Global Goals.

## **INTERNATIONAL TRADE THEORIES**

### **Mercantilism**

Developed in the sixteenth century, mercantilism was one of the earliest efforts to develop an economic theory. This theory stated that a country's wealth was determined by the amount of its gold and silver holdings. In its simplest sense, mercantilists believed that a country should increase its holdings of gold and silver by promoting exports and discouraging imports. The objective of each country was to have a trade surplus, or a situation where the value of exports are greater than the value of imports, and to avoid a trade deficit, or a situation where the value of imports is greater than the value of exports. Although mercantilism is one of the oldest trade theories, it remains part of modern thinking.

### **Modern or Firm-based Trade Theory**

The firm-based theories evolved with the growth of the multinational company (MNC). The country-based theories couldn't adequately address the expansion of either MNCs or intraindustry trade, which refers to trade between two countries of goods produced in the same industry. For example, Japan exports Toyota vehicles to Germany and imports Mercedes-Benz automobiles from Germany.

## **International legal framework regarding international trade**

### **United Nations Commission On International Trade Law**

In an increasingly economically interdependent world, the importance of developing and maintaining a robust cross-border legal framework for the facilitation of international trade and investment is widely acknowledged. The United Nations Commission on International Trade Law (UNCITRAL) plays a key role in developing that framework in pursuit of its mandate to further the progressive harmonization and modernization of the law of international trade. UNCITRAL

does this by preparing and promoting the use and adoption of legislative and non-legislative instruments in a number of key areas of commercial law.

UNCITRAL texts are developed through an international process involving a variety of participants. UNCITRAL membership is structured so as to be representative of different legal traditions and levels of economic development, and its procedures and working methods ensure that UNCITRAL texts are widely accepted as offering solutions appropriate to many countries at different stages of economic development.

To implement its mandate and to facilitate the exchange of ideas and information, UNCITRAL maintains close links with international and regional organizations, both inter-governmental and non-governmental, that are active participants in the work programme of UNCITRAL and in the field of international trade and commercial law.

### **Methods of work**

The Commission carries out its work at annual sessions, which are held in alternate years at United Nations Headquarters in New York and at the Vienna International Centre at Vienna. Each working group of the Commission typically holds one or two sessions a year, depending on the subject-matter to be covered; these sessions also alternate between New York and Vienna.

In addition to Member States, all States that are not members of the Commission, as well as interested international organizations, are invited to attend sessions of the Commission and of its working groups as observers. Observers are permitted to participate in discussions at sessions of the Commission and its working groups to the same extent as members.

*The Declaration of the High-level Meeting on the Rule of Law* recognizes the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship. In that regard, it commended the work of the United Nations Commission on International Trade Law (UNCITRAL) in modernizing and harmonizing international trade law.

General Assembly has repeatedly reaffirmed its belief that the progressive modernization and harmonization of international trade law, and reducing or removing legal obstacles to the flow of international trade. This contributes significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, and to the elimination of discrimination in international trade. General Assembly has also emphasized that the implementation and effective use of modern private law standards in international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger (for example, in resolution 69/115)

In accordance with Article 102 of the Charter of the United Nations, and with the aim of ensuring that all treaties and international agreements remain in the public domain, the Secretariat of the United Nations, through the Treaty Section of the Office of Legal Affairs, also supports the registration and subsequent publication of all treaties concluded by Member States.

In fulfillment of these functions, the Secretary-General maintains a comprehensive on-line resource, the United Nations Treaty Collection, which provides access to up-to-date information on the status of all Multilateral Treaties Deposited with the Secretary-General and the tens of thousands of treaties registered by States in accordance with Article 102 of the Charter.

In the Declaration of the High-level Meeting on the Rule of Law, Member States reaffirmed their duty to settle international disputes by peaceful means, inter alia through negotiation, enquiry, good offices, mediation, conciliation, arbitration and judicial settlement, or other peaceful means of their own choice

**Judicial dispute settlement mechanisms include inter alia the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS).(Tribunals)** The Declaration brought specific attention to the contributions of these international adjudicatory bodies, as well as other international courts and tribunals, in advancing the rule of law at the international and national levels. Established in June 1945 by the Charter of the United Nations, the ICJ is the principal judicial organ of the United Nations. The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The ITLOS is an independent judicial body established by the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to adjudicate disputes arising out of the interpretation and application of the Convention between States Parties. There are 167 States Parties to the Convention.

**The International Tribunal for the Law of the Sea (ITLOS)** is an independent judicial body established by the 1982 United Nations Convention on the Law of the Sea. It has jurisdiction over any dispute concerning the interpretation or application of the Convention, and over all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal. Disputes relating to the Convention may concern the delimitation of maritime zones, navigation, conservation and management of the living resources of the sea, protection and preservation of the marine environment and marine scientific research.

#### Administrative Sessions

The Tribunal holds two administrative sessions a year to carry out functions not necessarily related to cases. These include the preparation of budget proposals, adoption of an annual report to the Meetings of States Parties, consideration of organizational and procedural matters related to the Tribunal and the preparation of further reports and publications. To date fifty-one administrative sessions have been held by the Tribunal. The Tribunal has established six committees to deal with matters not directly related to cases. Each committee is constituted annually. The committees are as follows:

### 1. Committee on Rules and Judicial Practice

The Committee on Rules and Judicial Practice is entrusted with the function of reviewing the Rules of the Tribunal and their application, the Resolution on the Internal Judicial Practice of the Tribunal and the Guidelines concerning the Preparation and Presentation of Cases before the Tribunal. The Committee is responsible for proposing any modification which it may determine necessary or appropriate for the consideration of the Tribunal. The Committee is chaired by the President of the Tribunal, Judge Hoffmann; its other members are Vice-President Heidar and Judges Pawlak, Yanai, Kateka, Paik, Chadha, Kittichaisaree, Kolodkin and Kamga.

### 2. Committee on Budget and Finance

The Committee on Budget and Finance makes proposals to the Tribunal on budgetary and financial matters. In particular, the Committee is responsible for considering and making recommendations on draft budget proposals and financial regulations, as prepared by the Registrar, and on the management of the finances and accounts of the Tribunal. It also reviews the accounting and financial reports of the Tribunal and makes recommendations thereon, as necessary. Judge Yanai is the Chairman of the Committee; the other members of the Committee are Judges Jesus, Pawlak, Bouguetaia, Kulyk, Cabello Sarubbi, Chadha, Lijnzaad and Duan.

### 3. Committee on Staff and Administration

The Committee on Staff and Administration is mandated to make recommendations to the Tribunal on matters concerning the administration and the staffing of the Registry, with special reference to the terms and conditions of service and the procedures for recruitment, discipline and separation from service. The Chairman of the Committee is Judge Lijnzaad; the other members of the Committee are Judges Jesus, Kulyk, Chadha, Infante Caffi and Caracciolo.

### 4. Committee on Library, Archives and Publications

The Committee on Library, Archives and Publications advises on the organization, requirements and functioning of the library including, in particular, policy and procedures for the development of the collections. The Committee also makes recommendations concerning publications, with special reference to the nature and format of publications to be issued. The Chairman of the Committee is Judge Kolodkin; the other members of the Committee are Judges Attard, Gómez-Robledo Verduzco, Kittichaisaree, Infante Caffi and Kamga.

## 5. Committee on Buildings and Electronic Systems

The Committee on Buildings and Electronic Systems makes recommendations with respect to the permanent premises of the Tribunal, including associated electronic systems and services. In addition its mandate encompasses the works of art, information systems and electronic equipment for the premises. The Chairman of the Committee is Judge Cabello Sarubbi. The members of the Committee are Judges Kateka, Attard, Duan, Brown and Caracciolo.

## 6. Committee on Public Relations

The Committee on Public Relations is responsible for preparing and proposing measures to promote the work of the Tribunal with a view to the wider dissemination of practical information on the activities of the Tribunal, and for maintaining its relations with other international organizations and institutions, international bodies and conferences dealing with international law, law of the sea and maritime law. The Chairman of the Committee is Judge Paik; the other members of the Committee are Judges Pawlak, Bouguetaia, Gómez-Robledo Verduzco and Brown.

- *The United Nations Convention on the Law of the Sea* was opened for signature at Montego Bay, Jamaica, on 10 December 1982. It entered into force 12 years later, on 16 November 1994. A subsequent Agreement relating to the implementation of Part XI of the Convention was adopted on 28 July 1994 and entered into force on 28 July 1996. This Agreement and Part XI of the Convention are to be interpreted and applied together as a single instrument.

- The origins of the Convention date from 1 November 1967 when Ambassador Arvid Pardo of Malta addressed the General Assembly of the United Nations and called for "an effective international regime over the seabed and the ocean floor beyond a clearly defined national jurisdiction". This led to the convening, in 1973, of the Third United Nations Conference on the Law of the Sea, which after nine years of negotiations adopted the Convention.

- The Convention establishes a comprehensive legal framework to regulate all ocean space, its uses and resources. It contains, among other things, provisions relating to the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone and the high seas. It also provides for the protection and preservation of the marine environment, for marine scientific research and for the development and transfer of marine technology. One of the most important parts of the Convention concerns the exploration for and exploitation of the resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (the Area). The Convention declares the Area and its resources to be "the common heritage of mankind". The International Seabed Authority, established by the Convention, administers the resources of the Area.

## **Settlement of disputes mechanism**

Lists of conciliators and arbitrators nominated under article 2 of annexes V and VII to the Convention

### 1. List of conciliators nominated under article 2 of annex V to the Convention

Under article 2, Annex V, of the Convention, a list of conciliators shall be drawn up and maintained by the Secretary-General of the United Nations. Every State Party shall be entitled to nominate four conciliators, each of whom shall be a person enjoying the highest reputation for fairness, competence and integrity. The names of the persons so nominated shall constitute the list. If at any time the conciliators nominated by a State Party in the list so constituted shall be fewer than four, that State Party shall be entitled to make further nominations as necessary. The name of a conciliator shall remain on the list until withdrawn by the State Party which made the nomination, provided that such conciliator shall continue to serve on any conciliation commission to which that conciliator has been appointed until the completion of the proceedings before that commission.

### 2. List of arbitrators nominated under article 2 of annex VII to the Convention

Under article 2, Annex VII to the Convention, a list of arbitrators shall be drawn up and maintained by the Secretary-General of the United Nations. Every State Party shall be entitled to nominate four arbitrators, each of whom shall be a person experienced in maritime affairs and enjoying the highest reputation for fairness, competence and integrity. The names of the persons so nominated shall constitute the list. If at any time the arbitrators nominated by a State Party in the list so constituted shall be fewer than four, that State Party shall be entitled to make further nominations as necessary.

Refer to this link to learn more about the conventions -  
<https://treaties.un.org/Pages/Treaties.aspx?id=21&subid=A&clang=en>

United Nations Convention on the Law of the Sea

Agreement relating to the implementation of Part XI of the Convention

Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

**THE SWISS CONFEDERATION AND THE FEDERAL REPUBLIC OF NIGERIA  
TRANSFER THEIR DISPUTE CONCERNING THE M/T "SAN PADRE PIO" TO THE  
TRIBUNAL**

On 17 December 2019, the Swiss Confederation and the Federal Republic of Nigeria transmitted a special agreement and notification to the International Tribunal for the Law of the Sea (“the Tribunal”) to submit to the Tribunal their dispute concerning the arrest and detention of the M/T “San Padre Pio”, its crew and cargo.

The M/T “San Padre Pio” is a motor tanker flying the flag of Switzerland, which was arrested by Nigerian authorities while it was allegedly engaged in ship-to-ship transfers of gasoil in Nigeria’s exclusive economic zone. Arbitral proceedings under Annex VII to the United Nations Convention on the Law of the Sea (“the Convention”) were instituted by Switzerland against Nigeria on 6 May 2019.

Pending the constitution of the arbitral tribunal, a request for the prescription of provisional measures under article 290, paragraph 5, of the Convention was submitted to the Tribunal by Switzerland on 21 May 2019. The Tribunal prescribed provisional measures by Order of 6 July 2019. During consultations with President Paik, held at the Tribunal on 2 and 3 December 2019, the Parties agreed to transfer the dispute to the Tribunal. The case has been entered in the List of cases as Case no. 29

NOTE: Refer to this link to know more about this case - [https://www.itlos.org/fileadmin/itlos/documents/cases/29/C29\\_Order\\_10.08.2021\\_2021-4.pdf](https://www.itlos.org/fileadmin/itlos/documents/cases/29/C29_Order_10.08.2021_2021-4.pdf)

### **International Court of Justice**

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began work in April 1946.

The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York (United States of America).

The Court’s role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

## Chambers

The Court generally discharges its duties as a full Court (a quorum of nine judges, excluding judges *ad hoc*, being sufficient). But it may also form permanent or temporary chambers.

The Court has three types of chamber:

- The Chamber of Summary Procedure, comprising five judges, including the President and Vice-President, and two substitutes, which the Court is required by Article 29 of the Statute to form annually with a view to the speedy despatch of business;
- Any chamber, comprising at least three judges, that the Court may form pursuant to Article 26, paragraph 1, of the Statute to deal with certain categories of cases, such as labour or communications;
- Any chamber that the Court may form pursuant to Article 26, paragraph 2, of the Statute to deal with a particular case, after formally consulting the parties regarding the number of its members - and informally regarding their name - who will then sit in all phases of the case until its final conclusion, even if in the meantime they cease to be Members of the Court.

With respect to the formation of a Chamber pursuant to Article 26, paragraph 1, of the Statute, it should be noted that in 1993 the Court created a Chamber for Environmental Matters, which was periodically reconstituted until 2006. However, in the Chamber's 13 years of existence no State ever requested that a case be dealt with by it. The Court consequently decided in 2006 not to hold elections for a Bench for the said Chamber.

The provisions of the Rules concerning chambers of the Court are likely to be of interest to States that are required to submit a dispute to the Court, or have special reasons for doing so, but prefer, for reasons of urgency or other reasons, to deal with a smaller body than the full Court.

Despite the advantages that chambers can offer in certain circumstances, under the terms of the Statute their use remains exceptional. Their formation requires the consent of the parties. While, to date, no case has been heard by either of the first two types of chamber, by contrast six cases have been dealt with by *ad hoc* chambers.

## Committees

### 1. Budgetary and Administrative Committee

Administrative decisions are prepared for the full Court by a Budgetary and Administrative Committee composed of the President (chair), the Vice-President and four or five other judges elected triennially.

### 2. Rules Committee

In 1979, the Court established a standing Rules Committee. This committee advises the Court on procedural issues and working methods.

### 3. Library Committee

Established in 1970, the Library Committee oversees the library's programme of acquisitions and supervises its ongoing modernization.

### How the Court Works

The Court may entertain two types of cases: legal disputes between States submitted to it by them (contentious cases) and requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies (advisory proceedings).

***Refer to this link for details - <https://www.icj-cij.org/en/how-the-court-works>***

### Relationship between International trade and sustainable development goals

Let's begin by looking at the "AAAA" – Addis Ababa Action Agenda which works on the 6 themes-

1. Domestic public resources
  2. Domestic international private business and finance
  3. International trade as an engine for development
  4. Debts and debt sustainability
  5. Addressing systemic issues
  6. Science, technology, innovation and capacity-building
- [https://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA\\_Outcome.pdf](https://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA_Outcome.pdf)

Sustainable development goals adopted sub points to achieve this as well with partnership in UNCTAD , ITC, WTO aiming to achieve Goal 17 which are as follows-

- Target 17.1: Strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection
- Target 17.2: Developed countries to implement fully their official development assistance commitments, including the commitment by many developed countries to achieve the target of 0.7 per cent of gross national income for official development assistance (ODA/GNI) to developing countries and 0.15 to 0.20 per cent of ODA/GNI to least developed countries; ODA providers are encouraged to consider setting a target to provide at least 0.20 per cent of ODA/GNI to least developed countries
- Target 17.3: Mobilize additional financial resources for developing countries from multiple sources
- Target 17.4: Assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries to reduce debt distress
- Target 17.5: Adopt and implement investment promotion regimes for least developed countries
- Target 17.6: Enhance North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation and enhance knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism
- Target 17.7: Promote the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed

- Target 17.8: Fully operationalize the technology bank and science, technology and innovation capacity-building mechanism for least developed countries by 2017 and enhance the use of enabling technology, in particular information and communications technology
- Target 17.9: Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals, including through North-South, South-South and triangular cooperation
- Target 17.10: Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization, including through the conclusion of negotiations under its Doha Development Agenda
- Target 17.11: Significantly increase the exports of developing countries, in particular with a view to doubling the least developed countries' share of global exports by 2020
- Target 17.12: Realize timely implementation of duty-free and quota-free market access on a lasting basis for all least developed countries, consistent with World Trade Organization decisions, including by ensuring that preferential rules of origin applicable to imports from least developed countries are transparent and simple, and contribute to facilitating market access
- Target 17.13: Enhance global macroeconomic stability, including through policy coordination and policy coherence
- Target 17.14: Enhance policy coherence for sustainable development
- Target 17.15: Respect each country's policy space and leadership to establish and implement policies for poverty eradication and sustainable development
- Target 17.16: Enhance the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the Sustainable Development Goals in all countries, in particular developing countries
- Target 17.17: Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships

- Target 17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts
- Target 17.19: By 2030, build on existing initiatives to develop measurements of progress on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries

### **Impact of international trade with the other nations**

A nation's sustainability progress is not only dependent on deliberate actions within the nation, but also affected by hard-to-see consequences from interactions with countries hundreds or even thousands of miles away. The United Nations adopted the 17 Sustainable Development Goals (SDGs) in 2015 to help achieve global sustainable development through environmental conservation, economic development, and social inclusion. To date, 193 nations have committed to these ambitious goals with 169 targets. Recent SDG assessment studies at the global scale and national scale provide useful insights on how far we are from the UN goals, but few research examined the driving factors. Although it is common sense that domestic policy and resource endowment play a large role in determining the local sustainable development trajectory and levels. In a globalized world, international trade has been playing an important role in facilitating socio-environmental interactions among countries. The impacts can be very complex because trade can facilitate efficient global resource consumption, stimulate economic growth, and improve social welfare. However, trade is also criticized for inducing negative socio-environmental impacts, for instance, contributing to carbon leakage, biodiversity loss, and deforestation in loose environmental regulation countries, and thus exacerbating environmental and socio-economic inequality between countries. To uncover the complex consequences of trade on sustainability, integrating the metacoupling framework and the UN's SDG indicator framework would provide a unique perspective. But These targets are part of goals that address sustainable water use, energy, economic growth, industrialization, forest management, consumption and production, and climate change. The analyses found at the global level international trade improved the global performance in achieving the SDG targets. However, our calculations also revealed that trade improved the SDG scores of most of the evaluated developed countries but reduced the SDG scores of most of the evaluated developing countries. It becomes clear that one nation's sustainability progress is not only dependent on deliberate actions within the nation, but also impacted by others. Surprisingly, our scenario analyses found SDGs scores of developed countries would sink lower than those of developing countries after excluding the function of trade in the current world. More interestingly, our results indicate distant trade among countries plays a larger role than adjacent trade in shaping global sustainability. This finding further highlights the urgent need to investigate the often ignored "telecouplings" (human-nature

interactions over distances) in affecting socioeconomic and environmental systems, and global sustainability. The findings from this study can have substantial implications for rethinking global environmental governance and inform policymakers to look into the global supply chain and take a flow-based approach that considers a place in light of its relationships with other places, by tracking and managing where key transboundary impact flows start, progress, and end.

# RELEVANT UN DOCUMENTS

- General Assembly resolution 68/199, Draft resolution on international trade and development, A/C.2/69/L.52 (20 November 2014), available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/C.2/69/L.52&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/C.2/69/L.52&Lang=E)
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- General Assembly resolution 68/970, Report of the Open Working Group of the General Assembly on Sustainable Development Goals, A/RES/68/970 (12 August 2014), available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/68/970](http://www.un.org/ga/search/view_doc.asp?symbol=A/68/970)
- General Assembly resolution 69/313, The final text of the outcome document adopted at the Third International Conference on Financing for Development (Addis Ababa, Ethiopia, 13–16 July 2015) and endorsed by the General Assembly in its resolution 69/313 of 27 July 2015. A/RES/69/313 (27 July 2015), available at: [http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAA\\_Outcome.pdf](http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAA_Outcome.pdf)
- General Assembly resolution 69/315, Draft outcome document of the United Nations summit for the adoption of the post-2015 development agenda, A/RES/69/315 (15 September 2015), available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/315](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/315)
- General Assembly, Draft resolution on International trade and development, A/C.2/69/L.52 (20 November 2014), available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/C.2/69/L.52&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/C.2/69/L.52&Lang=E)
- Report by the Secretary-General, International trade and development, A/69/150, (23 July 2014), available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/179&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/179&Lang=E)