LA MARTINIERE MODEL UNITED NATIONS

2026

BACKGROUND GUIDE

UNITED NATIONS HIGH-LEVEL COMMITTEE ON SOUTH-SOUTH COOPERATION

TABLE OF CONTENTS

1. Letter from the Executive Board

2. About the UN and the High-Level Committee on South-South Cooperation

3. Powers of the High-Level Committee on South-South Cooperation

4. Mandate of the High-Level Committee on South-South Cooperation

5. Introduction to the Agenda

6. Historic Decisions and Institutional Precedents Relevant to the Agenda

7. Relevant Graphs, Figures and Analytical Frameworks

8. International Treaties and International Legal Instruments to Know

9. International Tribunals, Investment Arbitration and Jurisprudence

10. Law-School and Scholarly Analytical Themes

11. Procedural Strategy for the Committee

12. Solution Architecture: What the Committee Can Actually Build

13. Model Legal Clauses and Operative Concepts

14. Questions A Resolution Must Answer (QARMA)

15. References, Bibliography and Further Reading

Letter from the Executive Board

Distinguished Delegates,

It gives us immense pleasure to welcome you to the High-Level Committee on South-South Cooperation (HLC SSC) at LMUN 2026. As the global transition toward low-carbon and clean energy systems accelerates, critical energy transition minerals - such as lithium, cobalt, nickel, copper, graphite, and rare earth elements - have emerged at the center of international economic relations.

For developing nations, this shift presents both historic potential and structural vulnerability. Historically, primary extraction has often entrenched commodity dependence, leaving resource-rich nations exposed to external price volatility while capturing very little downstream economic rent. At present, the midstream and downstream value chains remain heavily concentrated, with the top three refining suppliers controlling an overwhelming share of key transition minerals. The challenge before this Committee is clear: developing countries must not remain mere exporters of unrefined ores, nor can they afford the severe environmental degradation and social displacement that often accompany unregulated extractive booms.

Convened under the mandate originating from the 1978 Buenos Aires Plan of Action (BAPA) and reaffirmed through BAPA+40, the HLC SSC serves as the primary intergovernmental policymaking platform to foster genuine solidarity, mutual benefit, and collective technical and industrial capacity among countries of the Global South. Our work in this session is not to act as a legislative body or an arbitral tribunal, nor can we supersede existing international commitments. Instead, our goal is to translate the core tenets of South-South cooperation into actionable, treaty-compatible frameworks: establishing regional refining corridors, pooling technological research, mobilizing development finance, harmonizing robust environmental and social safeguards, and scaling circular economy and recycling networks.

We expect delegates to demonstrate rigorous legal grounding, moving beyond broad political rhetoric. Your proposals must navigate the nuanced intersection of international trade disciplines, investment law, trans-boundary environmental responsibilities, and sovereign rights over natural resources.

We encourage you to engage with an open mind, collaborative spirit, and a commitment to shared industrial resilience. We look forward to fruitful deliberations and ambitious, workable solutions over the course of the session. Any and all queries / paperwork for our committee can be sent to - **hlcssc.lmun26@gmail.com**

Warm regards,

Shivam Jain Kakadia
Chairperson

Suyash Shukla
Vice Chairperson

ABOUT THE UNITED NATIONS

2.1 Constitutional architecture

The United Nations is an international organisation constituted by the Charter of the United Nations. Its principal organs are the General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and Secretariat. The General Assembly is the plenary political organ in which all Member States are represented. For this Committee, the most important constitutional provision is Article 22 of the Charter, which expressly empowers the General Assembly to establish such subsidiary organs as it deems necessary for the performance of its functions. The High-Level Committee on South-South Cooperation derives its institutional existence from that architecture, read together with General Assembly resolution 33/134 of 19 December 1978, which endorsed the Buenos Aires Plan of Action and initiated the high-level review machinery for technical cooperation among developing countries. [UN-1; UN-2]

Article 10 of the Charter gives the General Assembly a broad deliberative competence to discuss matters within the scope of the Charter and to make recommendations to the Members or to the Security Council. Article 13 further provides for studies and recommendations concerning international cooperation in the economic, social, cultural, educational and health fields. These provisions explain why development cooperation, technology, trade capacity, industrialisation and related economic questions can be addressed through General Assembly subsidiary machinery even where the body is not a treaty-making legislature. [UN-1]

Article 2 establishes the principles of sovereign equality, good-faith performance of Charter obligations, peaceful settlement, and non-intervention in matters essentially within domestic jurisdiction, subject to the Charter's qualifications. For an HLC SSC delegate, this is critical: the Committee may facilitate cooperation, formulate policy recommendations, request reports, develop frameworks and encourage voluntary implementation, but it cannot simply legislate national mining codes or command a sovereign State to transfer ownership of its mineral resources. [UN-1]

2.2 General Assembly authority versus binding international law

A recurring legal distinction is between a Charter-based recommendation and a binding treaty obligation. General Assembly resolutions are ordinarily recommendatory unless the Charter or another legal instrument gives a particular decision binding effect, or unless the resolution records or develops a rule that independently reflects customary international law. Therefore, an HLC SSC decision should be drafted with verbs such as 'recommends', 'encourages', 'invites', 'calls upon', 'requests' and 'supports' unless a separate legal basis makes a stronger formulation appropriate. [UN-1; UN-3]

This limitation is not a weakness. In development diplomacy, a carefully framed recommendation can be more implementable than an ultra vires command. The Committee's strongest legal technique is therefore to connect voluntary cooperation to existing treaty duties, domestic policy space, financing arrangements, technical standards and mutually agreed implementation mechanisms.

ABOUT THE UNITED NATIONS

The UN system relevant to critical minerals

Institution	Legal / institutional relevance	Agenda function
General Assembly	Charter Articles 10, 13 and 22; establishes subsidiary organs and adopts development resolutions.	Political mandate, normative direction, reporting and intergovernmental endorsement.
HLC SSC	Subsidiary organ established pursuant to GA resolution 33/134; operates under its rules of procedure and subsequent GA decisions.	South-South policy coordination, review, recommendations and thematic deliberation.
UNOSSC	Secretariat/support architecture for South-South and triangular cooperation under UNDP/UN system arrangements.	Knowledge, facilitation, partnerships, capacity-building and coordination.
UNCTAD	UN organ with a mandate in trade and development.	Commodity dependence, value addition, industrial policy, trade and investment analysis.
UNIDO	Specialised UN agency focused on inclusive and sustainable industrial development.	Processing, beneficiation, industrial parks, technology and productive capacity.
UNDP	Development system institution supporting capacity and implementation.	Institutional capacity, financing access, governance and development planning.
UNEP	Environmental policy and scientific coordination.	Environmental safeguards, pollution, mine closure and ecological integrity.
UNCLOS / ISA	Law of the sea and international seabed mineral governance.	Offshore mineral extraction and environmental obligations.

ABOUT THE UNITED NATIONS

Institution	Legal / institutional relevance	Agenda function
CBD	Treaty regime on biodiversity, impact assessment and benefit sharing.	Mining impacts on biodiversity, protected areas, local communities and benefit-sharing.
WTO	Rules-based trade framework.	Export restrictions, tariffs, subsidies, local-content measures and non-discrimination.
UNFCCC / Paris Agreement	Treaty regime governing climate action, finance, technology and implementation.	Demand driver for transition minerals; technology and finance architecture.

The Committee should therefore regard itself as a coordinating and normative development forum rather than as a substitute for the competent treaty body, WTO dispute settlement system, environmental treaty conference of the parties, or domestic regulator.

ABOUT THE HIGH-LEVEL COMMITTEE ON SOUTH-SOUTH COOPERATION

2.4 Origin and institutional identity

The HLC SSC is a subsidiary body of the General Assembly. UN institutional material identifies it as having been established through General Assembly resolution 33/134. Its historical origin lies in recommendation 37 of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries (BAPA), endorsed by resolution 33/134 in 1978. The first high-level intergovernmental review was convened in 1980; General Assembly resolution 35/202 changed the name of the high-level meeting to the High-level Committee on the Review of Technical Cooperation among Developing Countries and requested the UNDP Administrator to convene subsequent sessions under the established organisational arrangements. [UN-2; UN-4]

The Committee subsequently evolved from a primarily technical-cooperation review mechanism into the principal policymaking intergovernmental forum for South-South cooperation within the United Nations system. The Nairobi Outcome Document, endorsed by resolution 64/222 in 2009, and the Buenos Aires outcome document of the second High-level United Nations Conference on South-South Cooperation, endorsed by resolution 73/291 in 2019, are central normative reference points. [UN-5; UN-6]

ABOUT THE UNITED NATIONS

2.5 What 'South-South cooperation' means legally and politically

The BAPA+40 outcome document describes South-South cooperation as a manifestation of solidarity among peoples and countries of the South, grounded in shared experiences and objectives. It is to be guided by respect for national sovereignty, national ownership and independence, equality, non-conditionality, non-interference in domestic affairs and mutual benefit. The 2025 HLC report reaffirmed these principles and expressly described South-South cooperation as complementary to, not a substitute for, North-South cooperation. [UN-6; UN-7]

For critical minerals, this matters because a legitimate South-South proposal is not simply 'developing countries should sell minerals to one another'. It can mean shared geological data, pooled research and development, regional refining capacity, joint procurement, common standards, mutual recognition of technical qualifications, industrial parks, development-finance instruments, skills exchanges, recycling partnerships and triangular arrangements involving a developed country or multilateral institution without surrendering national ownership.

2.6 Current institutional position

The 22nd session of the HLC SSC was held from 27 to 30 May 2025. Its thematic discussion was 'Accelerating the 2030 Agenda for Sustainable Development: South-South cooperation as a driver for transformation'. Its working methods included a general debate, an interactive thematic discussion, expert presentations, and a Working Group that considered draft decisions and recommendations. Statements were time-limited, and the Committee operated with a Bureau consisting of a President, three Vice-Presidents and a Rapporteur under rule 10 of its rules of procedure. [UN-7; UN-8]

This procedural architecture is directly transferable to the present agenda: the thematic discussion should diagnose the structural problem; the Working Group should convert political positions into legally careful draft decisions; and the final decision should connect proposed action to existing UN instruments rather than attempting to create a wholly new legal regime.

ABOUT THE UNITED NATIONS

3. POWERS OF THE HIGH-LEVEL COMMITTEE ON SOUTH-SOUTH COOPERATION

3.1 Constitutional source of power

The first legal point is negative as well as positive: the HLC SSC possesses only those powers conferred upon it by the General Assembly and exercised consistently with its rules of procedure and the Charter. Article 22 of the Charter permits the General Assembly to establish subsidiary organs; it does not transform those organs into sovereign legislatures. [UN-1]

Power / function	Legal source	What it permits	What it does not permit
Review implementation	BAPA; GA 33/134; subsequent HLC decisions	Review progress in South-South cooperation frameworks and request or consider implementation reports.	Compel a State to implement a domestic industrial policy.
Adopt decisions and recommendations	Rules of procedure; GA institutional practice	Adopt intergovernmental recommendations, policy directions and requests within mandate.	Create treaty obligations for non-consenting States.
Thematic deliberation	Established working methods; HLC session decisions	Invite experts, compare policy models and formulate recommendations.	Exercise regulatory authority over private mining companies.
Establish Working Groups	Rules of procedure, including Rule 42	Create subsidiary working arrangements for drafting and technical consideration.	Create an independent UN organ with powers exceeding the Committee's mandate.

ABOUT THE UNITED NATIONS

Power / function	Legal source	What it permits	What it does not permit
Request reports / information	HLC decisions and General Assembly framework	Seek analytical reports from UN entities and use them for review.	Compel private corporations or non-participating States as a court would.
Promote South-South and triangular cooperation	BAPA, Nairobi, BAPA+40	Facilitate knowledge, technology, capacity, financing and partnerships.	Condition cooperation on political alignment contrary to non-conditionality and non-interference principles.
Recommend policy frameworks	Charter Articles 10, 13 and 22; GA resolutions	Develop model frameworks, principles and implementation road maps.	Override WTO, UNCLOS, CBD, Paris Agreement or domestic constitutional law.

Rule 42 of the HLC's rules of procedure permits the Meeting to establish such Working Groups as may be necessary. The procedural architecture also applies relevant rules on authorities, the secretariat, debate and voting to Working Groups mutatis mutandis, subject to stated exceptions. [UN-9]

3.2 Voting, quorum and procedural control

Rule 16 of the rules of procedure states that the President may declare a meeting open and permit debate when representatives of at least one third of the participating States are present. Recent sessions have sometimes proposed waiving this requirement for practical reasons. The 2025 working-method note records that the general debate is conducted within a defined number of plenary meetings, followed by Working Group consideration of draft decisions. [UN-8]

The practical lesson is that procedure is not ornamental. A delegate who understands when a proposal belongs in plenary, when it should be referred to the Working Group, and when the Chair may call for comments or close a list of speakers has greater capacity to turn a substantive idea into adopted text.

ABOUT THE UNITED NATIONS

3.3 Legal hierarchy for drafting

A useful drafting hierarchy is: Charter provisions; binding treaties applicable to the State; customary international law; General Assembly resolutions and other intergovernmental decisions; HLC decisions; soft-law principles and technical standards; and voluntary private-sector commitments. A draft clause should never imply that a lower-level instrument overrides a higher-level obligation. Conversely, a non-binding HLC recommendation can legitimately encourage States to use existing treaty mechanisms more effectively.

MANDATE OF THE HIGH-LEVEL COMMITTEE ON SOUTH-SOUTH COOPERATION

4.1 Core mandate

The HLC's mandate is anchored in the review and advancement of South-South cooperation, including the implementation of the Buenos Aires Plan of Action, the New Directions Strategy, the Nairobi outcome document and BAPA+40. The 2025 report expressly reaffirmed these instruments and the 2030 Agenda and Addis Ababa Action Agenda. [UN-7]
The Committee's mandate therefore has four overlapping dimensions: review, policy coordination, norm diffusion and facilitation. It is not a conventional treaty secretariat. Its strength lies in creating political convergence around practical cooperation and feeding that convergence into the wider UN development system.

4.2 Why critical minerals fit the mandate

Critical minerals are a classic South-South cooperation problem because mineral endowment, processing capacity, technology, finance, industrial demand and recycling capacity are distributed unevenly. A producer State may possess ore but lack refining technology; another may possess processing expertise but lack ore; a third may possess capital, logistics or manufacturing demand. South-South cooperation can therefore address the 'value-chain mismatch' without requiring ownership of the underlying resources to be surrendered.

The fit is reinforced by BAPA+40's emphasis on science, technology, innovation, productive capacity, trade and investment, and by the 2025 HLC's emphasis on transformation and implementation of the 2030 Agenda. The HLC may therefore legitimately frame critical-mineral cooperation as an industrial-development and sustainable-development issue rather than merely a commodity-security issue. [UN-6; UN-7]

4.3 Mandate boundaries

- Resource sovereignty remains with the relevant State, subject to its international obligations. The HLC cannot nationalise, expropriate, allocate or licence mineral deposits.
- The HLC cannot adjudicate investor-State disputes. Such disputes may fall under an applicable bilateral investment treaty, free trade agreement and/or the ICSID Convention.
- The HLC cannot impose WTO-inconsistent trade restrictions merely by resolution. Measures such as export restrictions, local-content requirements and subsidies must be assessed under the WTO agreements and applicable exceptions.
- The HLC cannot authorise mining in areas regulated by UNCLOS, the International Seabed Authority or environmental treaties.
- The HLC cannot convert voluntary principles into treaty obligations merely by adopting them as a Committee decision.

INTRODUCTION TO THE AGENDA

5.1 What are critical minerals?

There is no single universally binding UN list of 'critical minerals'. Criticality is jurisdiction-specific and changes with technology, industrial structure, substitution possibilities, supply concentration and strategic dependence. The United States, European Union, China, India, Japan, Australia and other jurisdictions therefore maintain different lists or categories. For an HLC SSC document, the legally safer approach is to use the functional expression 'critical minerals' or 'critical energy transition minerals' and specify the minerals relevant to the proposed cooperation rather than asserting that one list is universally authoritative.

The minerals most frequently associated with the energy transition include lithium, cobalt, nickel, copper, graphite and rare earth elements. They support batteries, electrical grids, permanent magnets, wind turbines, electric vehicles, solar technologies and other industrial applications. The UN Secretary-General's 2024 Panel expressly identified the opportunity for developing countries to use such resources for jobs, diversification and revenues, while warning of risks of commodity dependence, environmental harm, human-rights impacts and geopolitical tension. [UN-10]

5.2 The agenda is about the entire value chain

A mineral value chain should be analysed as: geological knowledge → exploration → extraction → concentration → transport → refining → chemical conversion → component manufacturing → product manufacturing → use → collection → recycling/recovery. Value addition increases as knowledge, processing, intellectual property, manufacturing capability and services accumulate. A country that merely exports ore may receive less industrial and fiscal value than a country that refines, converts, manufactures components and recycles the material.

The policy problem is not simply to increase extraction. It is to capture a fairer share of value while keeping extraction environmentally and socially responsible, avoiding new forms of dependency and maintaining sufficient supply for the energy transition.

5.3 The five structural problems

Problem	Legal / economic dimension	Potential South-South response
Commodity dependence	High exposure to price shocks and external demand.	Regional industrialisation, diversification and value-addition strategies.

INTRODUCTION TO THE AGENDA

Problem	Legal / economic dimension	Potential South-South response
Processing concentration	Refining and midstream capacity is concentrated geographically.	Joint ventures, shared industrial parks, technology partnerships and pooled finance.
Technology asymmetry	Extraction does not automatically generate processing know-how.	Research networks, licensing, training, joint R&D and technology transfer.
Environmental and human-rights risk	Mining can create biodiversity, water, labour and community impacts.	Common safeguards, EIA standards, traceability and benefit-sharing.
Trade and investment constraints	Export controls, subsidy rules and investment treaties can limit policy choices.	Legally screened industrial policy and treaty-compatible cooperation.

5.4 UN Secretary-General's 2024 critical-minerals framework

The Secretary-General's Panel on Critical Energy Transition Minerals published seven voluntary Guiding Principles: human rights at the core; protection of planetary integrity and biodiversity; justice and equity; development through benefit sharing, value addition and diversification; responsible and fair investment, finance and trade; transparency, accountability and anti-corruption; and multilateral and international cooperation. The Panel also proposed actionable recommendations concerning governance, traceability, financing, recycling and cooperation. These principles are not a treaty and do not confer coercive powers upon the HLC. Their value lies in providing a contemporary UN policy vocabulary that can be operationalised through South-South cooperation. [UN-10; UN-11]

5.5 Strategic tension: sovereignty versus collective governance

The central legal tension is not 'State sovereignty versus international cooperation'. International law permits extensive cooperation while preserving sovereign control. UNCLOS Article 193 is a useful analogy: States possess the sovereign right to exploit natural resources pursuant to their environmental policies, but that right is expressly coupled with duties to protect and preserve the marine environment. The same structural logic should inform terrestrial critical-mineral governance: sovereignty is the starting point, but sovereignty is exercised within applicable international obligations. [TREATY-UNCLOS]

HISTORIC DECISIONS AND INSTITUTIONAL PRECEDENTS RELEVANT TO THE AGENDA

There is an important historical nuance: the HLC SSC has not, as of the 2025 twenty-second session, adopted a dedicated critical-minerals decision comparable to a treaty or commodity agreement. Its historic decisions concern the architecture of South-South cooperation. The present agenda should therefore be treated as an application of established HLC principles to an emerging development problem, not as a continuation of a long line of HLC critical-mineral precedents.

6.1 Resolution 33/134 and the Buenos Aires Plan of Action, 1978

Resolution 33/134 endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries and is the foundational legal-institutional reference for the HLC. It is relevant because the BAPA conception of technical cooperation is rooted in developing countries using their own capabilities, institutions, expertise and resources to strengthen one another. [UN-2]

Agenda application: a mineral-processing skills exchange, regional geological survey network, joint laboratory, shared recycling research centre or South-South industrial-finance platform is closer to the BAPA model than a purely extractive commodity-export arrangement.

6.2 Resolution 64/222 and the Nairobi Outcome Document, 2009

The Nairobi Outcome Document reaffirmed South-South cooperation as an important element of international development cooperation and was endorsed by General Assembly resolution 64/222, adopted without a vote on 21 December 2009. [UN-5]

Agenda application: critical-mineral partnerships should be designed as development cooperation, with national ownership, capacity-building and mutual benefit rather than donor-recipient conditionality.

6.3 Resolution 73/291 and BAPA+40, 2019

Resolution 73/291 endorsed the Buenos Aires outcome document of the second High-Level United Nations Conference on South-South Cooperation. The outcome document expressly renewed commitment to the 2030 Agenda and Addis Ababa Action Agenda, reaffirmed the 1978 and 2009 instruments, and welcomed the Paris Agreement. [UN-6]
Agenda application: BAPA+40 gives a strong political basis for linking mineral industrialisation with SDG implementation, climate action, finance, technology and productive capacity.

HISTORIC DECISIONS AND INSTITUTIONAL PRECEDENTS RELEVANT TO THE AGENDA

6.4 HLC decisions 20/1, 21/1 and 22/1

Recent HLC practice demonstrates a shift towards implementation, mainstreaming and measurable development impact. Decision 21/1 was followed by a Secretary-General report on how UN organisations mainstreamed South-South and triangular cooperation into policies and country frameworks. Decision 22/1, adopted in 2025, reaffirmed BAPA, Nairobi, BAPA+40, the 2030 Agenda, the Addis Ababa Action Agenda and the Paris Agreement, and reiterated the principles of sovereignty, national ownership, equality, non-conditionality and non-interference. [UN-7; UN-12]

This creates a legally and procedurally defensible pathway for the present agenda: propose mechanisms that operationalise existing commitments instead of asking the HLC to create powers it does not possess.

6.5 The 2024 Secretary-General's Panel as a contemporary UN precedent

The 2024 Panel is not an HLC decision and its principles are expressly voluntary. It is nevertheless highly relevant because it identifies precisely the governance gaps implicated by the present agenda: local value addition, economic diversification, fair trade and investment, sustainable and responsible value chains, and resilience. [UN-10; UN-11]

RELEVANT GRAPHS, FIGURES AND ANALYTICAL FRAMEWORKS

The figures below illustrate structural facts rather than prescribe a political conclusion. Data are drawn principally from the International Energy Agency's Global Critical Minerals Outlook 2025 and related mineral datasets. [DATA-IEA]

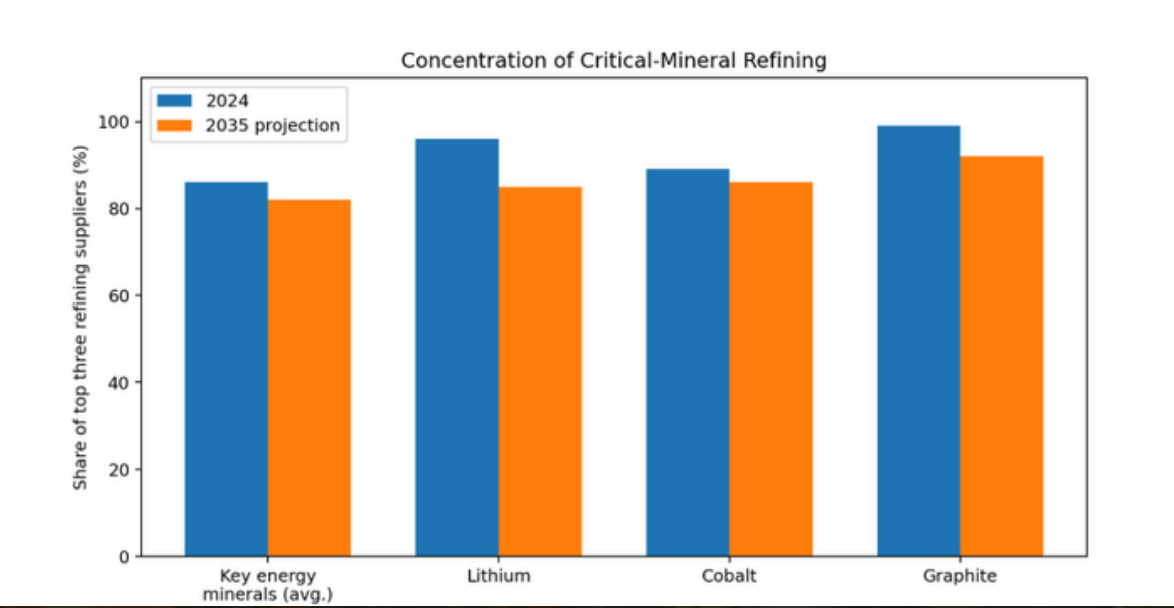
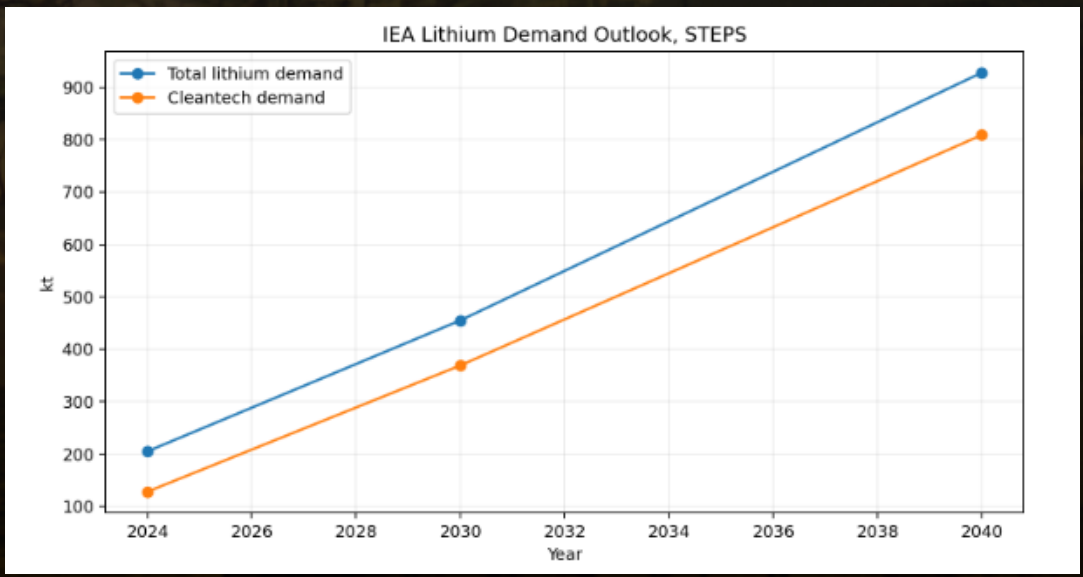


Figure 1. The IEA reports that the average share of the top three refining nations for key energy minerals rose from about 82% in 2020 to 86% in 2024 and is projected to remain highly concentrated. Lithium, cobalt and graphite illustrate how processing concentration can materially exceed mining concentration. [DATA-IEA]

Committee implication: diversification should not be understood merely as opening additional mines. A legally and economically meaningful diversification strategy must include refining, chemical conversion, component manufacturing and recycling capacity.



RELEVANT GRAPHS, FIGURES AND ANALYTICAL FRAMEWORKS

Figure 2. IEA's 2025 outlook places total lithium demand at 205 kt in 2024, 455 kt in 2030 and 928 kt in 2040 under the Stated Policies Scenario; cleantech demand rises from 128 kt to 809 kt over the same period. [DATA-LI]

Committee implication: the development objective and supply-security objective are intertwined. Processing and recycling capacity can capture additional value while reducing pressure for primary extraction.

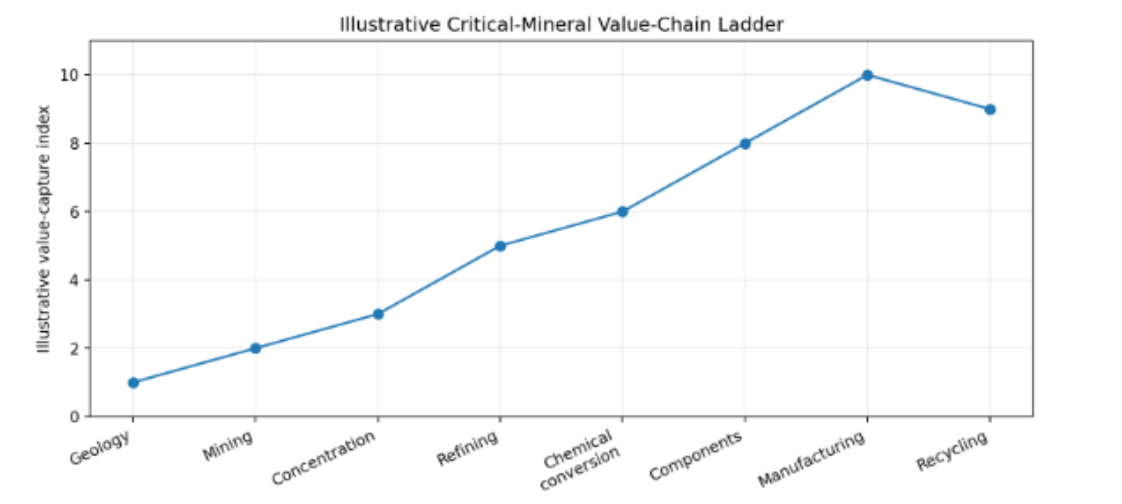


Figure 3.
Illustrative rather than empirical. The index demonstrates the policy proposition that value capture tends to expand when countries move from extraction into processing, conversion, manufacturing, services, intellectual property and recycling. The actual distribution of rents varies by mineral, technology, market structure, capital intensity, tax regime and ownership.

7.1 A legal-risk matrix

Policy measure	Primary legal question	Relevant instrument
Export restriction to encourage domestic processing	GATT Article XI; possible Article XX justification; discrimination and necessity.	GATT 1994 Articles XI and XX.
Domestic-content requirement	Whether subsidy or investment incentive is contingent on domestic over imported goods.	SCM Agreement Article 3; GATT national-treatment rules as applicable.

RELEVANT GRAPHS, FIGURES AND ANALYTICAL FRAMEWORKS

Policy measure	Primary legal question	Relevant instrument
Refining subsidy	Whether prohibited or actionable; whether it distorts trade or is otherwise permissible.	SCM Agreement.
Local-community consent mechanism	Applicable domestic law and international human-rights obligations.	UNDRIP Article 32; ILO Convention No. 169 where ratified; ICESCR where applicable.
Biodiversity EIA	Whether project may have significant adverse effects and whether transboundary effects require notification/consultation.	CBD Article 14; customary international law as developed by ICJ jurisprudence.
Seabed mining	Who has regulatory authority and what environmental obligations apply.	UNCLOS Part XI and Part XII; 1994 Agreement; ISA framework.
Technology transfer	Whether cooperation respects IP rights while using available treaty flexibilities.	Paris Agreement Article 10; TRIPS Articles 7 and 66.2 for LDCs.
Investor protection	Whether policy changes trigger treaty protections or arbitration.	Applicable BIT/FTA; ICSID Convention if consent and jurisdiction exist.

INTERNATIONAL TREATIES AND INTERNATIONAL LEGAL INSTRUMENTS TO KNOW

8.1 UN Charter

Article 1(3) identifies international cooperation in solving economic, social, cultural and humanitarian problems as a UN purpose. Article 2 contains sovereign equality and non-intervention principles. Article 10 gives the General Assembly deliberative and recommendatory competence. Article 13 addresses economic and social cooperation. Article 22 permits subsidiary organs. The HLC should anchor recommendations in these provisions and avoid treating a subsidiary decision as a treaty. [TREATY-CHARTER]

8.2 ICESCR

Article 1(2) recognises the right of peoples to freely dispose of natural wealth and resources, subject to international economic cooperation and international law, and protects means of subsistence. Article 25 preserves the inherent right of peoples to enjoy and utilise their natural wealth and resources. Resource policy should therefore be linked to human development and benefit distribution rather than measured only by export receipts. [TREATY-ICESCR]

8.3 UNCLOS

Articles 192 and 193 are central to offshore mineral governance: States have the obligation to protect and preserve the marine environment while retaining sovereign rights over natural resources in accordance with environmental duties. Part XI governs mineral resources in the Area, which are subject to the international regime administered through the International Seabed Authority. Article 191 gives the Seabed Disputes Chamber advisory jurisdiction in specified circumstances. The HLC cannot create a parallel seabed-mining licensing regime. [TREATY-UNCLOS]

8.4 Paris Agreement

Article 2 links the Agreement to low greenhouse-gas emissions and climate-resilient development. Article 4 concerns nationally determined contributions. Article 6 establishes cooperative approaches and mechanisms subject to specified integrity rules. Article 9 concerns finance, particularly access for developing countries. Article 10 establishes a long-term vision for technology development and transfer and requires stronger cooperative action. For critical minerals, Article 10 is particularly useful for South-South research, processing technology, skills and innovation cooperation. [TREATY-PARIS]

8.5 Convention on Biological Diversity

Article 8(j) concerns traditional knowledge, innovations and practices of indigenous and local communities. Article 14 requires environmental impact assessment for projects likely to have significant adverse effects on biological diversity, where appropriate with public participation, and encourages notification, information exchange and consultation for activities likely to affect biodiversity in other States or beyond national jurisdiction. This is a key legal bridge between mining permits and biodiversity governance. [TREATY-CBD]

INTERNATIONAL TREATIES AND INTERNATIONAL LEGAL INSTRUMENTS TO KNOW

8.6 UNDRIP

Article 26 recognises Indigenous peoples' rights to lands, territories and resources traditionally owned, occupied or otherwise used or acquired. Article 29 addresses environmental protection. Article 32 recognises Indigenous peoples' right to determine development priorities for their lands and resources and calls for consultation and cooperation in good faith to obtain free, prior and informed consent before approval of projects affecting lands, territories and resources, particularly mineral resources. UNDRIP is a declaration rather than a treaty, but it is an important interpretative and normative instrument. [TREATY-UNDRIP]

8.7 ILO Convention No. 169

Where ratified, Article 15 protects the rights of Indigenous and tribal peoples to natural resources pertaining to their lands and requires participation in their use, management and conservation. Article 6 requires consultation through appropriate procedures and representative institutions. Article 7 recognises participation in development plans and programmes affecting them. Its applicability depends on ratification by the State concerned. [TREATY-ILO169]

8.8 GATT 1994

Article XI generally prohibits quantitative restrictions on imports and exports, subject to enumerated exceptions. Article XX(b) and XX(g) can justify certain otherwise inconsistent measures where the conditions of the paragraphs and the chapeau are satisfied. Article XX(i) also contains a narrowly framed exception concerning restrictions on exports of domestic materials necessary to ensure essential quantities for a domestic processing industry under specific conditions. A domestic-processing policy therefore requires treaty-specific legal drafting, not a blanket assertion of a 'right to restrict exports'. [TREATY-GATT]

8.9 WTO SCM Agreement

Article 3 prohibits subsidies contingent on export performance and subsidies contingent on the use of domestic over imported goods. This is highly relevant to industrial policy. A subsidy for domestic refining is not automatically prohibited, but if it is legally or factually contingent upon export performance or domestic over imported goods, Article 3 may be engaged. Other specific subsidies can be actionable under the Agreement. [TREATY-SCM]

8.10 TRIPS Agreement

Article 7 frames IP protection in terms of technological innovation, transfer and dissemination, mutual advantage and socio-economic welfare. Article 66.2 requires developed-country Members to provide incentives to enterprises and institutions for technology transfer to least-developed country Members. The provision does not amount to a general right to demand any patented technology from another State, but it creates a treaty-recognised technology-transfer objective and a specific obligation concerning LDCs. [TREATY-TRIPS]

INTERNATIONAL TREATIES AND INTERNATIONAL LEGAL INSTRUMENTS TO KNOW

8.11 UNCAC

The UN Convention against Corruption provides tools relevant to mineral governance, including preventive measures, public-sector integrity, public procurement, transparency and international cooperation. Extractive industries can be especially exposed to licensing, procurement and revenue risks. Anti-corruption clauses in mineral cooperation should therefore be tied to applicable UNCAC obligations and domestic implementation rather than merely aspirational transparency language. [TREATY-UNCAC]

8.12 Trade-law design: what the HLC should avoid

- Do not draft an absolute right for producing States to prohibit exports of unprocessed minerals. GATT Article XI is the starting point and exceptions must be legally justified.
- Do not require all participants to adopt local-content requirements without analysing the SCM Agreement and other WTO disciplines.
- Do not make industrial subsidies conditional on export performance or domestic-over-imported use of goods.
- Do not describe a voluntary UN principle as a binding treaty obligation.
- Do not use 'international law requires' where the actual instrument is a political declaration, guideline or non-binding resolution.
- Do not create a consent formula that purports to replace domestic constitutional requirements or applicable treaty law.

INTERNATIONAL TRIBUNALS, INVESTMENT ARBITRATION AND JURISPRUDENCE

9.1 ICJ: Pulp Mills on the River Uruguay (2010)
The International Court of Justice held in Pulp Mills that Uruguay had breached procedural obligations under the 1975 Statute of the River Uruguay by failing to follow the notification and cooperation mechanism before authorising the mills. The Court nevertheless found no breach of the substantive environmental obligations on the evidence before it. The judgment is particularly important because it separates procedural cooperation duties from proof of substantive environmental harm. [CASE-ICJ-1]

Critical-minerals lesson: a State may retain the substantive right to pursue an industrial project while still being internationally responsible for failing to follow an applicable notification, consultation or cooperation procedure. Draft resolutions should therefore support early disclosure, impact assessment, consultation and information exchange without presupposing that every project must ultimately be prohibited.

9.2 ICJ: Certain Activities / Construction of a Road (2015)
In the joined Costa Rica–Nicaragua cases, the ICJ addressed environmental impact assessment and transboundary harm. The Court concluded that where there is a risk of significant transboundary harm, general international law requires an environmental impact assessment. The Court also examined due diligence and the distinction between procedural and substantive obligations. [CASE-ICJ-2]

Critical-minerals lesson: a cross-border river, tailings facility, transport corridor, refinery emissions pathway or shared ecosystem may trigger obligations that extend beyond a purely domestic permitting decision. The HLC can encourage regional EIA cooperation and common data protocols without pretending to exercise judicial jurisdiction.

9.3 ITLOS Seabed Disputes Chamber Advisory Opinion (2011)
The Seabed Disputes Chamber considered the responsibilities and obligations of sponsoring States in relation to activities in the Area. The opinion is central to the proposition that States' involvement in international seabed mining is accompanied by due-diligence responsibilities and environmental obligations under UNCLOS Part XI and the 1994 Agreement. [CASE-ITLOS-1]
Critical-minerals lesson: sponsorship, financing or participation in an extractive project does not necessarily end a State's international responsibility at its national border. This supports robust due-diligence, monitoring and contractor-management clauses in any cooperative model.

9.4 Investment arbitration: Tethyan Copper Company v Pakistan
Tethyan Copper Company Pty Limited v Pakistan concerned mineral exploration and investment protection under the 1998 Pakistan–Australia bilateral investment treaty and the ICSID Convention. The case demonstrates how disputes over mining licences and governmental decisions can become investment-treaty disputes. The existence of a development policy objective does not, by itself, eliminate treaty exposure. [CASE-ICSID-1]

INTERNATIONAL TRIBUNALS, INVESTMENT ARBITRATION AND JURISPRUDENCE

Critical-minerals lesson: any HLC proposal involving public-private partnerships, investment guarantees, licensing reform or contract renegotiation should be drafted with investment-treaty exposure in mind. The Committee cannot immunise a State from an arbitral claim through a UN recommendation.

9.5 Investment arbitration: Bear Creek Mining v Peru

Bear Creek Mining Corporation v Peru concerned a mining concession and invoked the Canada–Peru Free Trade Agreement and ICSID Convention. The award is useful for understanding the tension between investment protection, public policy and social conflict surrounding mining projects. [CASE-ICSID-2]

Critical-minerals lesson: a sustainable mining framework should define transparent permitting, consultation, social safeguards and change-of-law mechanisms before investment occurs. Predictability and community legitimacy are complementary rather than necessarily competing objectives.

9.6 Eco Oro Minerals v Colombia

Eco Oro Minerals v Colombia is another important mining-investment dispute involving environmental regulation and an investment treaty. The case is especially useful for understanding how environmental measures can interact with fair-and-equitable-treatment standards and other investment protections. [CASE-ECO]

Critical-minerals lesson: States should design environmental rules clearly, apply them transparently and avoid arbitrary administration. Conversely, investment agreements should preserve explicit regulatory space for legitimate environmental, public-health and Indigenous-rights measures.

ANALYTICAL THEMES

10.1 Permanent sovereignty over natural resources
The principle of permanent sovereignty over natural resources emerged through General Assembly practice and decolonisation-era economic law. Its modern application should not be reduced to an unrestricted entitlement to extract. Contemporary international law places resource sovereignty alongside environmental protection, human rights, investment commitments, trade rules and obligations of cooperation. The legally stronger formulation is 'sovereignty within international law' rather than 'sovereignty above international law'.

10.2 The resource curse and commodity dependence
UNCTAD defines commodity dependence in terms of a high share of merchandise export value coming from commodities and identifies vulnerability to price and quantity shocks as a development risk. The critical-minerals agenda can reproduce the same pattern if developing countries expand extraction without building domestic processing, skills, infrastructure, manufacturing and recycling. [DATA-UNCTAD]

10.3 The developmental-state question
A serious industrial-policy debate asks which interventions create productive capabilities rather than merely subsidise extraction. Possible instruments include development banks, export-credit arrangements, infrastructure, research grants, skills institutions, customs reform, standards bodies, industrial parks and public procurement. Each instrument must then be screened for WTO, investment and fiscal-law compatibility.

10.4 Global value chains and upgrading
Value-chain scholarship distinguishes entry into a chain from upgrading within it. For mineral-producing States, the central question is whether extraction creates backward linkages to equipment and services, forward linkages to refining and manufacturing, and knowledge linkages to research and engineering. South-South cooperation can lower entry barriers by pooling demand and sharing technical capacity.

10.5 Just transition and distributive justice
The energy transition creates a distributive question: who bears extraction's environmental and social costs, and who captures downstream economic value? The UN Panel's principles explicitly place justice, equity, benefit sharing, value addition and diversification alongside human rights and environmental integrity. [UN-10]

10.6 Technology transfer without unlawful appropriation
Technology cooperation should be designed through licensing, joint ventures, publicly funded research, patent pools where lawful, open technical standards, training and co-development. It should not be drafted as compulsory appropriation of proprietary technology. Paris Agreement Article 10 and TRIPS Article 7 provide a policy basis for technology development and dissemination, while TRIPS preserves the legal framework for IP protection. [TREATY-PARIS; TREATY-TRIPS]

ANALYTICAL THEMES

10.7 Recycling as a sovereignty strategy
The IEA's 2025 outlook indicates that scaling recycling can reduce the need for new mining and improve security of supply. Recycling therefore changes the strategic equation: it is not merely an environmental add-on but a means of reducing import dependence, stabilising industrial inputs and creating a secondary-materials industry. [DATA-IEA]

10.8 South-South cooperation as risk pooling
A regional consortium can spread geological, financial and technological risks. For example, one State may host a refinery, another a precursor-chemical plant, another a battery-component facility and another a recycling centre. Such arrangements must nevertheless account for customs rules, investment law, taxation, competition law, environmental regulation and transport infrastructure.

PROCEDURAL STRATEGY FOR THE COMMITTEE

11.1 General debate: the questions that should be answered

- How can producer countries capture greater value without creating legally vulnerable export restrictions?
- Which processing stages are commercially viable at regional rather than national scale?
- How can South-South cooperation lower the capital and technology barriers to refining?
- What common environmental and social standards are realistic without becoming disguised trade barriers?
- How can benefit-sharing reach local communities rather than remaining at central-government level?
- What financing mechanism can support midstream and downstream industrial capacity?
- How should technology cooperation be structured while respecting intellectual-property law?
- How can recycling, urban mining and mine-waste recovery reduce primary extraction pressure?
- How should investment agreements preserve regulatory space while providing predictability?

Weak clause	Legally stronger clause
Calls upon all States to stop exporting raw minerals.	Encourages interested developing countries to assess, consistent with WTO obligations and domestic law, phased value-addition policies supported by regional processing feasibility studies and South-South technical cooperation.
Demands technology transfer from developed countries.	Encourages voluntary and mutually agreed technology-development and transfer partnerships, including licensing, joint R&D, training and co-development, consistent with applicable intellectual-property obligations and Paris Agreement Article 10.
Creates a global critical minerals authority under HLC SSC.	Requests UNOSSC, in coordination with relevant UN entities and upon available resources, to facilitate a voluntary network for knowledge exchange and capacity-building on critical-mineral value chains.

PROCEDURAL STRATEGY FOR THE COMMITTEE

Weak clause	Legally stronger clause
Requires companies to respect Indigenous rights.	Encourages participating States to ensure that applicable domestic and international obligations concerning Indigenous peoples, including UNDRIP and ratified ILO Convention No. 169, are reflected in project design, consultation and benefit-sharing.
Imposes a 30% global tax on mining companies.	Encourages participating States to exchange information on fiscal regimes, transfer-pricing risks and revenue transparency, while respecting domestic tax sovereignty and applicable bilateral and multilateral tax agreements.

Possible objection	Response
The HLC has no authority over trade.	Correct as to adjudication and binding trade legislation; however, the HLC may discuss development cooperation and recommend treaty-compatible policies within its mandate.
Minerals are a domestic resource matter.	Resource sovereignty is preserved, but transboundary environmental, human-rights, trade, investment and climate obligations may apply.
Critical minerals are too commercial for the UN.	The agenda is framed around development, productive capacity, technology, cooperation and sustainable industrialisation, all within the established South-South mandate.

PROCEDURAL STRATEGY FOR THE COMMITTEE

Possible objection	Response
A global standard will interfere with national policy space.	Use voluntary baseline principles, model clauses, peer learning and mutual recognition rather than a one-size-fits-all regulatory code.
Export restrictions are necessary for industrialisation.	They may be considered as one policy tool, but any proposal must be screened against GATT Article XI and relevant exceptions under Article XX and other WTO provisions.

SOLUTION ARCHITECTURE: WHAT THE COMMITTEE CAN ACTUALLY BUILD

12.1 South-South Critical Minerals Industrial Cooperation Platform

A voluntary HLC-supported platform could connect producer, processor, technology and manufacturing States. It should not become a regulatory authority. Its functions could include project matchmaking, feasibility studies, geological data exchange, standards cooperation, investment facilitation and training.

Legal basis: GA Article 22 supports subsidiary arrangements; BAPA, Nairobi and BAPA+40 support technical and economic cooperation; HLC decisions support facilitation and mainstreaming. The platform should operate through voluntary participation and existing UN entities rather than claiming independent treaty-making power.

12.2 South-South Critical Minerals Development Facility

A voluntary financing window could support feasibility studies, pilot refining, recycling plants, laboratories, skills programmes and industrial infrastructure. Capital could come from participating States, regional development banks, sovereign funds, UN-associated funds where permitted, and triangular partners.

The key drafting point is that the HLC should not purport to appropriate UN assessed contributions or create a new compulsory financial obligation. The resolution should 'encourage', 'invite' or 'request' relevant institutions to explore financing arrangements within their existing mandates and resources.

12.3 Regional processing and industrial corridors

Regional processing can be more efficient than duplicating expensive refineries in every producer State. A corridor model can link mine regions, rail or port infrastructure, power generation, refineries, chemical conversion, component manufacturing and recycling.

Legal safeguards should include cross-border environmental assessment where applicable, customs cooperation, transparent procurement, competition safeguards, labour standards and community benefit arrangements.

12.4 Common South-South due-diligence template

The template could combine the OECD minerals due-diligence approach with UN human-rights, biodiversity and Indigenous-rights standards. OECD guidance uses a five-step risk-based framework covering management systems, risk identification, response, independent audit and reporting. It is not binding international law, but it is a government-backed standard with significant practical influence. [STD-OECD]

1. Establish a supply-chain policy and management system.
2. Identify and assess actual and potential adverse impacts.
3. Design and implement a strategy to respond to identified risks.
4. Support or carry out independent audits where appropriate.
5. Report publicly on due-diligence policies and outcomes.

SOLUTION ARCHITECTURE: WHAT THE COMMITTEE CAN ACTUALLY BUILD

12.5 Mineral value-addition compacts
A value-addition compact could be a voluntary agreement among two or more developing countries covering a specific mineral and a defined segment of the chain. It could specify investment, technology, infrastructure, workforce, environmental safeguards, local procurement, revenue-sharing and recycling targets. It would be strongest if implemented through domestic legislation and conventional contracts or treaties where necessary, rather than relying solely on a General Assembly subsidiary-body resolution.

12.6 South-South recycling alliance
The alliance could develop common collection standards, battery and electronics recycling centres, shared testing laboratories, reverse-logistics systems and secondary-material marketplaces. The IEA estimates that recycling can substantially reduce the need for new mining over time and can have lower emissions than primary production for several transition minerals. [DATA-IEA]

12.7 Geological and skills cooperation
The least legally controversial and often most immediately useful cooperation concerns knowledge. States can share geological mapping methodologies, laboratory protocols, metallurgical training, mine-safety practices, environmental monitoring and engineering curricula. Such measures are directly aligned with the technical-cooperation lineage of BAPA.

Red-line legal drafting checklist

- Every claim of legal obligation must identify the treaty, Charter provision, customary rule or binding instrument from which it arises.
- Every recommendation should use language appropriate to the HLC's non-legislative status.
- Every trade restriction should be tested against GATT Article XI and any proposed exception under Article XX.
- Every industrial subsidy should be tested against SCM Article 3 and the wider SCM framework.
- Every investment-related clause should identify whether it is a recommendation, a contract concept or a treaty obligation.
- Every Indigenous-rights clause should distinguish UNDRIP from binding treaty obligations and identify whether ILO Convention No. 169 is ratified by the relevant State.
- Every environmental clause should distinguish domestic EIA requirements, CBD Article 14, treaty-specific procedures and the customary-law EIA principle developed by the ICJ.
- Every financial commitment should specify whether funds are voluntary, assessed, pledged, loan-based or grant-based.
- Do not create institutions with powers that the HLC itself does not possess

Questions A Resolution Must Answer (QARMAs)

1. *How can mineral-producing States implement strategic industrial policies and phased domestic value-addition models without breaching quantitative export restriction prohibitions under GATT Article XI or subsidy disciplines under the WTO SCM Agreement?*

2. *What legal flexibilities (such as GATT Article XX exceptions) and regional trade integration instruments can developing countries leverage to retain raw materials for domestic processing while mitigating the risk of retaliatory trade disputes?*

3. *How can cross-border regional processing corridors and shared infrastructure be structured to overcome high capital expenditure hurdles for countries lacking individual processing scale?*

4. *What institutional mechanisms can the HLC SSC propose to operationalize voluntary, mutually agreed technology development, licensing, and joint R&D for mineral beneficiation, consistent with Article 10 of the Paris Agreement and Articles 7 and 66.2 of the TRIPS Agreement?*

5. *How can South-South technical cooperation platforms facilitate the pooling and sharing of geological survey data, laboratory protocols, and metallurgical expertise while safeguarding national sovereignty and proprietary commercial data?*

6. *How can Member States redesign concession agreements, public-private partnerships, and future bilateral investment treaties (BITs) to preserve essential regulatory space for environmental, social, and economic policies without triggering claims under ISDS regimes (e.g., ICSID jurisprudence such as Tethyan Copper v. Pakistan, Bear Creek Mining v. Peru, and Eco Oro Minerals v. Colombia)?*

7. *What South-South mediation, technical advisory, or risk-pooling facilities can be established to assist developing nations in negotiating equitable mining and refining contracts with multinational enterprises?*

8. *In light of customary international law and ICJ jurisprudence on Environmental Impact Assessments (EIAs) and transboundary harm (Pulp Mills, Certain Activities), how can the Committee standardize regional environmental safeguards for tailings, water systems, and refining emissions?*

9. *How should project approval frameworks reconcile domestic licensing procedures with international standards on the rights of Indigenous and local communities—specifically the principles of Free, Prior, and Informed Consent (FPIC) under UNDRIP Article 32 and applicable obligations under ILO Convention No. 169?*

10. *How can revenue-sharing mechanisms be institutionalized at the sub-national level to ensure frontline extraction communities directly benefit from mineral wealth?*

Questions A Resolution Must Answer (QARMAs

11. *What concrete policy instruments can establish a South-South recycling alliance to capture value from e-waste, battery recycling, and mine-tailings reprocessing to offset primary extraction pressures?*

12. H*ow can a harmonized, multi-tier supply chain due-diligence and traceability framework (drawing upon OECD guidelines and UNCAC anti-corruption standards) be adopted across developing nations without acting as an exclusionary technical barrier to trade for artisanal and small-scale producers?*

13. W*hat voluntary institutional vehicle-such as a South-South Critical Minerals Industrial Cooperation Platform under the auspices of UNOSSC—can the Committee establish to coordinate matchmaking, capacity-building, and corridor projects within the boundaries of UN Charter Article 22?*

14. H*ow can specialized facilities mobilize blended finance, multilateral development bank capital, and triangular cooperation resources to fund capital-intensive midstream refining facilities without imposing non-consensual financial obligations or fiscal conditionality on participating States?*

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