

## BRIEFLY NOTED

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### JUDICIAL AND SIMILAR PROCEEDINGS

#### 1. **Turkey – Certain Measures Concerning the Production, Importation and Marketing of Pharmaceutical Products (World Trade Organization – July 25, 2022)**

<[https://www.worldtradelaw.net/document.php?id=reports/25awards/turkey-pharmaceuticalproducts\(25\).pdf](https://www.worldtradelaw.net/document.php?id=reports/25awards/turkey-pharmaceuticalproducts(25).pdf)>

On July 25, 2022, the first [Article 25](#) Arbitration Appeal award was issued. The Article 25 mechanism is being used while Appellate Body appointments are [still blocked](#). The substance of the case concerned a dispute between the European Union and Turkey regarding a localization requirement whereby Turkey required foreign producers to commit to localize in Turkey their production of certain pharmaceutical products and where producers did not commit to doing so, relevant products were no longer reimbursed by the Turkish Social Security Institution. Ultimately, the arbitral panel found that the localization requirement was not justifiable under GATT (and consequently that the panel below had not erred in its judgment).

### RESOLUTIONS, DECLARATIONS, AND OTHER DOCUMENTS

#### 1. **National Strategy for the Arctic Region (United States – September 2022)**

<<https://www.whitehouse.gov/wp-content/uploads/2022/10/National-Strategy-for-the-Arctic-Region.pdf>>

In September, the U.S. Government published its National Strategy for the Arctic, which will cover the next ten years. It is an update of a 2013 strategy and, according to the Executive Summary, the new strategy “addresses the climate crisis with greater urgency.” The Strategy consists of four pillars: (1) security; (2) climate change and environmental protection; (3) sustainable economic development; and (4) international cooperation and governance. Each of the pillars includes a number of strategic objectives. With regard to the fourth pillar, the U.S. “will work to sustain institutions for Arctic cooperation, including the Arctic Council” and “seek to uphold international law, rules, norms, and standards in the Arctic.” In addition to the strategic objective of sustaining the Arctic Council and other Arctic Institutions and Agreements, the strategy states that the U.S. will protect freedom of navigation and continental shelf limits.

#### 2. **2022 Rule of Law Index (World Justice Project – October 26, 2022)**

<<https://worldjusticeproject.org/rule-of-law-index/>>

The World Justice Project published its [2022 Rule of Law Index](#) on October 26, 2022, which surveys citizens and experts in 140 jurisdictions to measure the state of the rule of law. Among its many insights is the conclusion that there has been a global decline in the rule of law for the fifth year in a row, i.e., the “rule of law weakened in more countries than it improved in 2022.” In addition, the quality of the rule of law fell in seven of eight factors that are measured, including the absence of corruption, fundamental rights, and open government. The Index also reports on the continued “widespread erosion of fundamental right,” noting that respect for human rights fell in 66% of the countries surveyed this year. With a more broad lens, the Index demonstrates that between 2015 and 2022, the rule of law has deteriorated in 64% of countries. The Rule of Law Index is the most comprehensive rule of law measurement tool of its kind, measuring several rule of law markers across 9 categories in addition to those mentioned above, including civil justice, order and security, and regulatory enforcement.

#### 3. **Draft Agreement on Climate Change (COP27 – November 2022)**

<<https://unfccc.int/sites/default/files/resource/Presidency%20non-paper2%20on%20cover%20decisions.pdf>>

November’s COP27 [climate summit](#) in Sharm El-Sheikh resulted in a [draft agreement on climate change](#) (called a cover decision). At 20 pages, the draft covers several issues, including food and energy crises, emissions, financing, technology, capacity building, cooperation, and periodic review of progress. According to [The Guardian](#) (which provides a helpful breakdown of key aspects of the draft), the many placeholders in the draft demonstrate that “some of the most contentious issues . . . have yet to be resolved.”