

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

2016

Part Two. Legal activities of the United Nations and related intergovernmental organizations

Chapter III. General review of the legal activities of the United Nations and
related intergovernmental organizations



Copyright (c) United Nations

	<i>Page</i>
8. Organization for the Prohibition of Chemical Weapons	119
9. International Criminal Court.	119
(a) Rome Statute of the International Criminal Court	119
(b) Ratification/Acceptance of amendments to the Rome Statute	119
(c) Agreement on the Privileges and Immunities of the ICC	120

**Part Two. Legal activities of the United Nations and related
intergovernmental organizations**

CHAPTER III. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF THE UNITED NATIONS AND
RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF THE UNITED NATIONS

1. Membership of the United Nations.	123
2. Peace and Security	123
(a) Peacekeeping missions and operations	123
(b) Political and peacebuilding missions	129
(c) Other bodies	133
(d) Missions of the Security Council	134
(e) Action of Member States authorized by the Security Council	137
(f) Sanctions imposed under Chapter VII of the Charter of the United Nations	139
(g) Terrorism	146
(h) Humanitarian law and human rights in the context of peace and security	148
(i) Comprehensive assessment of United Nations peace operations. . .	150
(j) Piracy	150
(k) Migrant smuggling and human trafficking	150
3. Disarmament and related matters	151
(a) Disarmament machinery	151
(b) Nuclear disarmament and non-proliferation issues	153
(c) Biological and chemical weapons issues	155
(d) Conventional weapons issues	156
(e) Regional disarmament activities of the United Nations	159
(f) Outer space (disarmament aspects)	162
(g) Other disarmament measures and international security.	162
4. Legal aspects of peaceful uses of outer space	163
(a) Legal Subcommittee on the Peaceful Uses of Outer Space	163
(b) General Assembly	166
5. Human rights	166
(a) Sessions of the United Nations human rights bodies and treaty bodies. .	166
(b) Racism, racial discrimination, xenophobia and related intolerance . .	170
(c) Right to development and poverty reduction	172

	<i>Page</i>
(d) Right of peoples to self-determination	173
(e) Economic, social and cultural rights	174
(f) Civil and political rights	177
(g) Rights of the child	184
(h) Migrants	186
(i) Internally displaced persons	187
(j) Minorities	187
(k) Indigenous issues	188
(l) Terrorism and human rights	189
(m) Persons with disabilities	190
(n) Contemporary forms of slavery	191
(o) Environment and human rights	191
(p) Business and human rights	192
(q) Promotion and protection of human rights	192
(r) Miscellaneous	195
6. Women	198
(a) United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)	198
(b) Commission on the Status of Women	198
(c) Economic and Social Council	199
(d) General Assembly	199
(e) Security Council	199
7. Humanitarian matters	199
(a) Economic and Social Council	199
(b) General Assembly	199
8. Environment	200
(a) United Nations Climate Change Conference in Marrakech	200
(b) Economic and Social Council	200
(c) General Assembly	201
9. Law of the Sea	202
(a) Reports of the Secretary-General	202
(b) Consideration by the General Assembly	203
(c) Consideration by the Meeting of States Parties to the United Na- tions Convention on the Law of the Sea	205
10. Crime prevention and criminal justice	205
(a) Conference of the Parties to the United Nations Convention against Transnational Organized Crime	205
(b) Commission on Crime Prevention and Criminal Justice (CCPJ)	206
(c) Economic and Social Council	206
(d) General Assembly	206
11. International drug control	207
(a) Commission on Narcotic Drugs	207

	<i>Page</i>
(b) Economic and Social Council	207
(c) General Assembly	207
12. Refugees and displaced persons.	208
(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees.	208
(b) General Assembly	208
13. International Court of Justice.	209
(a) Organization of the Court	209
(b) Jurisdiction of the Court	209
(c) General Assembly	210
14. International Law Commission	210
(a) Membership of the Commission	210
(b) Sixty-eighth session of the International Law Commission	210
(c) Sixth Committee	213
(d) General Assembly	214
15. United Nations Commission on International Trade Law.	214
(a) Forty-ninth session of the Commission.	214
(b) Sixth Committee	216
(c) General Assembly	216
16. Legal questions dealt with by the Sixth Committee and other related subsidiary bodies of the General Assembly	216
(a) Responsibility of States for internationally wrongful acts	217
(b) Criminal accountability of United Nations officials and experts on mission	218
(c) United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law	219
(d) Diplomatic protection	220
(e) Consideration of prevention of transboundary harm from hazard- ous activities and allocation of loss in the case of such harm	221
(f) Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts	222
(g) Consideration of effective measures to enhance the protection, se- curity and safety of diplomatic and consular missions and repre- sentatives	223
(h) Report of the Special Committee on the Charter of the United Na- tions and on the Strengthening of the Role of the Organization	224
(i) The rule of law at the national and international levels.	225
(j) The scope and application of the principle of universal jurisdiction	226
(k) The law of transboundary aquifers	227
(l) Measures to eliminate international terrorism	228
(m) Revitalization of the work of the General Assembly	229
(n) Administration of justice at the United Nations.	230

	<i>Page</i>
(o) Report of the Committee on Relations with the Host Country . . .	231
(p) Observer Status in the General Assembly	232
17. <i>Ad hoc</i> international criminal tribunals	233
(a) Organization of the International Criminal Tribunal for the former Yugoslavia	233
(b) General Assembly	235
(c) Security Council	236
B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. International Labour Organization	237
(a) Amendments to international labour conventions and resolutions adopted by the International Labour Conference during its 105th Session (Geneva, May to June 2016)	237
(b) The Standards Review Mechanism Tripartite Working Group . . .	240
(c) Guidance documents submitted to the Governing Body of the International Labour Office	241
(d) Joint Maritime Commission's Subcommittee on Wages of Seafarers.	243
(e) Legal advisory services and training	243
(f) Committee on Freedom of Association	244
(g) Representations submitted under article 24 of the ILO Constitution and complaints made under article 26 of the ILO Constitution . . .	244
2. Food and Agriculture Organization of the United Nations	244
(a) Membership	244
(b) Constitutional and general legal matters	244
(c) Treaties concluded under the auspices of the FAO	245
(d) Collaboration with other entities	247
(e) Legislative matters	249
3. United Nations Educational, Scientific and Cultural Organization . . .	251
(a) International regulations	251
(b) Human rights	251
4. International Monetary Fund	252
(a) Membership issues	252
(b) Key policy decisions of the IMF	253
5. International Maritime Organization	259
(a) Membership	259
(b) Review of the legal activities	259
(c) Adoption of amendments to conventions and protocols	265
6. Universal Postal Union	267
7. World Meteorological Organization	268
(a) Membership	268
(b) Agreements and other arrangements concluded in 2016	268

	<i>Page</i>
8. International Fund for Agricultural Development	271
(a) Re-establishment of a Committee to review the emoluments of the President Resolution 191/XXXIX	271
(b) Proposal for settlement of outstanding contributions of the Re- public of Iraq	271
(c) IFAD's variable interest rate methodology: Impact of negative in- terest rates	272
(d) Access the <i>Kreditanstalt Für Wiederaufbau (KfW)</i> borrowing facil- ity for the Tenth Replenishment of WAD's Resources	272
(e) Supplementary fund contribution from the Rockefeller Founda- tion and from the Bill & Melinda Gates Foundation	272
(f) Amendments to the instrument establishing the Trust Fund for the IFAD Adaptation for Smallholder Agriculture Programme. . .	272
(g) Borrowing agreement with the <i>Agence Française de Développe-</i> <i>ment (AFD)</i> to support the IFADIO programme of loans and grants. .	273
(h) Principles of Conduct for Representatives of the Executive Board of IFAD	273
(i) Journal of Law and Rural Development.	273
(j) Accreditation from the Green Climate Fund	273
9. United Nations Industrial Development Organization	273
(a) Constitutional matters	273
(b) Agreements and other arrangements concluded in 2016	274
10. Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.	274
(a) Membership	274
(b) Legal status, privileges and immunities and international agreements. (c) Legislative Assistance Activities	275
11. International Atomic Energy Agency	275
(a) Membership	275
(b) Multilateral treaties under IAEA auspices	275
(c) Safeguards Agreements	278
(d) Revised supplementary agreements concerning the provision of technical assistance by the IAEA (RSA).	278
(e) IAEA legislative assistance activities	278
(f) Conventions	279
(g) Civil liability for nuclear damage	281
12. Organization for the Prohibition of Chemical Weapons	281
(a) Membership	281
(b) Legal status, privileges and immunities and international agreements. (c) Legislative assistance activities	281
13. World Trade Organization	283
(a) Membership	283

	<i>Page</i>
(b) Dispute settlement	284
(c) Acceptances of the protocols	285
14. International Criminal Court	286
(a) Situations under preliminary examinations	286
(b) Situations and Cases before the Court	289
(c) Victims' participation in the proceedings: recent developments . .	292
(d) Developments concerning the relationship between the ICC and the United Nations	293
CHAPTER IV. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS	
A. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS	295
B. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. Universal Postal Union	295
2. International Criminal Court	296
CHAPTER V. DECISIONS OF THE ADMINISTRATIVE TRIBUNALS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS	
A. UNITED NATIONS DISPUTE TRIBUNAL	297
1. <i>Judgment No. UNDT/2016/020 (14 March 2016): Nyasulu v. Secretary- General of the United Nations</i> Non-reassignment of the applicant to new post created from his old post—No review of the suitability of the applicant for reassign- ment—Lack of transparency and credibility—Reinstatement or monetary compensation—Compensation for the substantive and procedural irregularities.	297
2. <i>Judgment No. UNDT/2016/030 (14 April 2016): Rodriguez-Viquez v. Secretary-General of the United Nations</i> Legality of the Promotions Policy—Fair, transparent and non-dis- criminatory application of the Promotions Policy—Criterion extra- neous to the Promotions Policy—Unsubstantiated and irrelevant information led to bias and nepotism—Flawed ranking methodol- ogy—Procedural errors concretely impacted the results—No retroac- tive promotion—Compensation for the lost chance of promotion . . .	299
3. <i>Judgment No. UNDT/2016/094 (30 June 2016): Dalgamouni v. Secretary- General of the United Nations</i> Non-renewal of appointment on the ground of unsatisfactory per- formance—Hostile work environment—Improper use of a posi- tion of influence, power or authority—Breach of the fundamental rights of the employee—Monetary compensation for health dam- age—Referral of the Chief to Secretary-General for accountability	301

Chapter III

GENERAL REVIEW OF THE LEGAL ACTIVITIES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF THE UNITED NATIONS

1. Membership of the United Nations

As of 31 December 2016, the number of Member States of the United Nations was 193.

2. Peace and Security

(a) Peacekeeping missions and operations¹

(i) *Peacekeeping missions and operations established in 2016*

There were no peacekeeping missions or operations established in 2016.

(ii) *Changes in the mandate and/or extensions of time limits of ongoing peacekeeping operations or missions in 2016*

a. Cyprus

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established by Security Council resolution 186 (1964) of 4 March 1964.² The Security Council decided to extend the mandate of UNFICYP by resolutions 2263 (2016) of 28 of January of 2016 and 2300 (2016) of 26 of July of 2016, until 31 July 2016 and 31 of January of 2017, respectively. In resolution 2263 (2016), the Security Council, *inter alia*, decided to increase force levels to 888.

b. Syrian Arab Republic and Israel

The United Nations Disengagement Observer Force (UNDOF) was established by Security Council resolution 350 (1974) of 31 March 1974.³ The Security Council renewed

¹ The missions and operations are listed in chronological order according to their date of establishment.

² For more information about UNFICYP, see <https://unficy.unmissions.org> and <https://peacekeeping.un.org/en/mission/unficy>. See also the reports of the Secretary-General on the United Nations operation in Cyprus (S/2016/598, S/2017/20 and S/2017/586).

³ For more information on UNDOF, see <https://undof.unmissions.org> and <https://peacekeeping.un.org/en/mission/undof>. See also the reports of the Secretary-General on the United Nations Disengagement

the mandate of UNDOF by resolutions 2294 (2016) of 29 June 2016 and 2330 (2016) of 19 December 2016, until 31 December 2016 and 30 June 2017, respectively.

c. Lebanon

The United Nations Interim Force in Lebanon (UNIFIL) was established by Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978.⁴ Following a request by the Lebanese Foreign Minister, presented in a letter dated 25 July 2016 addressed to the Secretary-General, the Secretary-General recommended the Security Council to consider the renewal of UNIFIL for a further period of one year.⁵ The Security Council renewed the mandate of UNIFIL by resolution 2305 (2016) of 30 August 2016, until 31 August 2017.

d. Western Sahara

The United Nations Mission for the Referendum in Western Sahara (MINURSO) was established by Security Council resolution 690 (1991) of 29 April 1991.⁶ By resolution 2285 (2016) of 29 April 2016, the Security Council decided to extend the mandate of MINURSO until 30 April 2017.

e. Democratic Republic of the Congo

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was established by Security Council resolution 1279 (1999) of 30 November 1999. As of 1 July 2010, MONUC was renamed United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).⁷

Acting under Chapter VII of the Charter of the United Nations, the Security Council, by its resolution 2277 (2016) of 30 March 2016, extended the mandate of MONUSCO, including, on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping, its Intervention Brigade, until 31 March 2017. The

Observer Force (UNDOF) (S/2016/242, S/2016/520, S/2016/803, S/2016/1037 and S/2017/230).

⁴ For more information on UNIFIL see <https://peacekeeping.un.org/en/mission/unifil> and <https://unifil.unmissions.org>. See also the twenty-third semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004) (S/2016/366), and twenty-fourth semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004) (S/2016/882), the reports of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2016/189, S/2016/572, S/2016/931 and S/2017/201).

⁵ Letter dated 3 August 2016 from the Secretary-General addressed to the President of the Security Council (S/2016/681).

⁶ For more information about MINURSO, see <https://peacekeeping.un.org/en/mission/minurso> and <https://minurso.unmissions.org>. See also the reports of the Secretary-General on the situation concerning Western Sahara (S/2016/355 and S/2017/307).

⁷ For more information about MONUSCO, see <https://peacekeeping.un.org/en/mission/monusco> and the reports of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2016/233, S/2016/579, S/2016/833 and S/2016/1130). See also the reports of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (S/2016/232 and S/2016/840).

Security Council further decided that the mandate of MONUSCO should include, with priority, tasks concerning: (a) protection of civilians; (b) political situation; (c) stabilization; and (d) protection of the United Nations. Further, the Security Council authorized MONUSCO to use its capacities for essential tasks concerning (a) Security Sector Reform (SSR); (b) arms embargo; and (c) mining activities.

f. Liberia⁸

The United Nations Mission in Liberia (UNMIL) was established by Security Council resolution 1509 (2003) of 19 September 2003.⁹

By resolution 2308 (2016) of 14 September 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNMIL as set out in paragraphs 10 and 16 of resolution 2239 (2015) until 31 December 2016.

By resolution 2333 (2016) of 23 December 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNMIL as set out in paragraph 11 of the resolution 2239 (2015) for a final period until 30 March 2018, and requested the Secretary-General to complete by 30 April 2018 the withdrawal of all uniformed and civilian UNMIL components, other than those required to complete the Mission's liquidation. In this respect, it decided that until 30 March 2018 the mandate of UNMIL should be: (a) protection of civilians; (b) reform of justice and security institutions; (c) human rights promotion and protection; (d) public information; and (e) protection of United Nations personnel.

g. Côte d'Ivoire¹⁰

The United Nations Operation in Côte d'Ivoire (UNOCI) was established by Security Council resolution 1528 (2004) of 27 February 2004.¹¹ By resolution 2260 (2016) of 20 January 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to decrease the authorized ceiling of UNOCI's military component from 5,437 to 4,000 military personnel by 31 March 2016.

By resolution 2284 (2016) of 28 April 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, endorsed the Secretary-General's withdrawal plan, as recommended in his special report of 31 March 2016 (S/2016/297), and requested the Secretary-General to implement this plan.

In the same resolution, the Security Council decided to extend the mandate of UNOCI for a final period until 30 June 2017. In this regard, it decided that the mandate of UNOCI should be: (a) protection of civilians; (b) political support; (c) support to security

⁸ See subsection (f)(ii) below on sanctions as concerning Liberia.

⁹ For more information about UNMIL, see <https://unmil.unmissions.org>. See also the thirty-first progress report of the Secretary-General on the United Nations Mission in Liberia (S/2016/169), the thirty-second progress report of the Secretary-General on the United Nations Mission in Liberia (S/2016/706), and the special report of the Secretary-General on the United Nations Mission in Liberia (S/2016/968).

¹⁰ See subsection (f)(iv) below on sanctions as concerning Côte d'Ivoire.

¹¹ For more information about UNOCI, see <https://onuci.unmissions.org/en>. See also the special report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2016/297).

institutions and border-related challenges; (d) support for compliance with international humanitarian and human rights law; (e) support for humanitarian assistance; (f) public information; and (g) protection of United Nations personnel.

The Security Council decided that from 1 May to 30 June 2017 the mandate of UNOCI should be to complete the Mission's closure as described in paragraph 61 of the special report of the Secretary-General (S/2016/297) and to finalize the transition process to the Government of Côte d'Ivoire and the United Nations Country Team (UNCT), including through any remaining political facilitation that may be required.

Also in the same resolution, the Security Council decided to decrease UNOCI's military component as outlined in paragraph 55 of the special report of the Secretary-General (S/2016/297), with the view to its complete withdrawal by 30 April 2017, and to decrease UNOCI's police component as outlined in paragraphs 58 and 59 of the special report of the Secretary-General (S/2016/297), with the view to its complete withdrawal by 30 April 2017.

h. Haiti

The United Nations Stabilization Mission in Haiti (MINUSTAH) was established by Security Council resolution 1542 (2004) of 30 April 2004.¹² By resolution 2313 (2016) of 13 October 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of MINUSTAH as contained in prior resolutions¹³ until 15 April 2017, affirming its intention to consider possible withdrawal of MINUSTAH and transition to a future United Nations presence by that date. The Security Council also decided that MINUSTAH would continue to prepare for its transition, including through the development of a Transition Plan and the focused implementation of the Mission's Consolidation Plan.

i. Republic of the Sudan (Darfur)¹⁴

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) was established and authorized by Security Council resolution 1769 (2007) of 31 July 2007.¹⁵ By resolution 2296 (2016) of 29 June 2016, the Security Council decided to extend the mandate of UNAMID until 30 June 2017.

¹² For more information about MINUSTAH, see <https://minustah.unmissions.org> and <https://peacekeeping.un.org/en/mission/minustah>. See also the reports of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2016/225 and S/2016/753).

¹³ See resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007), 1840 (2008), 1892 (2009), 1908 (2010), 1927 (2010), 1944 (2010), 2012 (2011), 2070 (2012), 2119 (2013), 2180 (2014) and 2243 (2015).

¹⁴ See subsection (f)(v) below on sanctions concerning the Republic of the Sudan.

¹⁵ For more information on UNAMID, see <https://unamid.unmissions.org> and <https://peacekeeping.un.org/en/mission/unamid>. See also the reports of the Secretary-General on UNAMID (S/2016/268, S/2016/587, S/2016/812 and S/2016/1109) and the special report of the Secretary-General and the Chairperson of the African Union Commission on the African Union-United Nations Hybrid Operation in Darfur (S/2016/510).

j. Republic of the Sudan and Republic of South Sudan (Abyei)

The United Nations Interim Security Force for Abyei (UNISFA) was established by Security Council resolution 1990 (2011) of 27 June 2011.¹⁶ By resolution 2287 (2016) of 12 May 2016 and resolution 2318 (2016) of 15 November 2016, the Security Council decided to extend the mandate of UNISFA, as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011) and paragraph 1 of resolution 2075 (2012), until 15 November 2016 and 15 May 2017, respectively.

Acting under Chapter VII of the Charter of the United Nations, the Security Council, in resolutions 2287 (2016) and 2318 (2016), also decided to extend the tasks of UNISFA as set out in paragraph 3 of resolution 1990 (2011) until 15 November 2016 and 15 May 2017, respectively, and determined that, for the purposes of paragraph 1 of resolution 2024 (2011), support to the operational activities of the Joint Border Verification and Monitoring Mechanism (JBVMM) should include support to the *Ad Hoc* Committees, as appropriate when so requested by consensual decisions of these mechanisms, within UNISFA's operational area and existing capabilities.

k. Republic of South Sudan

The United Nations Mission in the Republic of South Sudan (UNMISS) was established by Security Council resolution 1996 (2011) of 8 July 2011.¹⁷ By resolutions 2302 (2016), 2304 (2016), and 2327 (2016) and acting under Chapter VII of the Charter of the United Nations, the Security Council decided to extend the mandate of UNMISS until 12 August 2016, 15 December 2016 and 15 December 2017, respectively, and authorized UNMISS to use all necessary means to carry out its tasks.

The Security Council, by resolution 2327 (2016), further decided, *inter alia*, to increase the overall force levels of UNMISS by maintaining a troop ceiling of 17,000 troops, including 4,000 for the Regional Protection Force, and increasing the police ceiling to 2,101 police personnel, including individual police officers, formed police units and 78 corrections officers.

By the same resolution, the Security Council authorized UNMISS to use all necessary means to perform the tasks specified in the resolution and associated with its mandate, which included (a) protection of civilians; (b) monitoring, and investigating human rights; (c) creating the conditions conducive to the delivery of humanitarian assistance; and (d) supporting the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan.

l. Mali

The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) was established by Security Council resolution 2100 of 25 April 2013.¹⁸

¹⁶ For more information on UNISFA see <https://unisfa.unmissions.org>. See also the reports of the Secretary-General on the situation in Abyei (S/2016/353 and S/2016/864).

¹⁷ For more information about UNMISS, see <https://unmiss.unmissions.org>. See also the reports of the Secretary-General on South Sudan (S/2016/138, S/2016/341, S/2016/552, S/2016/950).

¹⁸ For more information on MINUSMA, see <https://minusma.unmissions.org/en>. See also the reports of the Secretary-General (S/2016/281, S/2016/498, S/2016/819 and S/2016/1137).

By resolution 2295 (2016) of 29 June 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council decided to extend the mandate of MINUSMA until 30 June 2017, while increasing the force levels of MINUSMA up to a ceiling of 13,289 military personnel and 1,920 police personnel, and authorized MINUSMA to take all necessary means to carry out its mandate, within its capabilities and its areas of deployment.

m. Central African Republic

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) was established by Security Council resolution 2149 (2014) of 10 April 2014.¹⁹ By resolutions 2281 (2016) of 26 April 2016 and 2301 (2016) of 26 July 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of MINUSCA until 31 July 2016 and 15 November 2017, respectively, and authorized MINUSCA to take all necessary means to carry out its mandate within its capabilities and areas of deployment.

(iii) *Other ongoing peacekeeping operations or missions*

a. India and Pakistan

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was established by resolutions 39 (1948) and 47 (1948) of 20 January and 21 April 1948 respectively, in order to supervise, in the State of Jammu and Kashmir, the ceasefire between India and Pakistan. Following the India-Pakistan hostilities at the end of 1971 and a subsequent ceasefire of 17 December that year, the tasks of UNMOGIP have been to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of 17 December 1971 and to report thereon to the Secretary-General.²⁰ UNMOGIP continued to operate in 2016.

b. Middle East

The United Nations Truce Supervision Organization (UNTSO) was established by Security Council resolution 50 (1948) on 29 May 1948 in order to supervise the observation of the truce in Palestine.²¹ UNTSO continued to operate in 2016.

c. Kosovo

The United Nations Interim Administration Mission in Kosovo (UNMIK) was established by resolution 1244 (1999) on 10 June 1999 and was mandated to help ensure conditions for a peace and normal life for all inhabitants of Kosovo and advance regional stability in the western Balkans.²² UNMIK continued to operate in 2016.

¹⁹ For more information on MINUSCA, see <https://peacekeeping.un.org/en/mission/minusca>. See also the reports of the Secretary-General on the situation in the Central African Republic (S/2016/305 and S/2016/824) and the Special Report on the strategic review of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (S/2016/565).

²⁰ For more information about UNMOGIP, see <https://unmogip.unmissions.org>.

²¹ For more information on UNTSO, see <https://untso.unmissions.org>.

²² For more information about UNMIK, see <https://unmik.unmissions.org>. See also the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo for the

(iv) *Peacekeeping missions or operations concluded in 2016*

There were no peacekeeping missions or operations that were concluded in 2016.

(b) Political and peacebuilding missions²³(i) *Political and peacebuilding missions established in 2016***a. Colombia**

By resolution 2261 (2016) of 25 January 2016, the Security-Council decided to establish a political mission to Colombia to participate, for a period of 12 months, as the international component and coordinator in the tripartite mechanism to monitor and verify the definitive bilateral ceasefire and cessation of hostilities between the Government of Colombia and the FARC-EP, foreseen for the Final Peace Agreement between the Government of Colombia and the FARC-EP.²⁴ It further requested the Secretary-General to present detailed recommendations to the Security Council for its consideration and approval regarding the size and operational aspects and mandate of the Mission. By resolution 2307 (2016) of 13 September 2016, the Security Council subsequently approved the recommendations submitted by the Secretary-General in report S/2016/729 regarding the size, operational aspects and mandate of the Mission.

b. West Africa and the Sahel

The United Nations Office for West Africa (UNOWA), originally established by the Secretary-General in 2002,²⁵ with subsequent extensions of its mandate in 2004,²⁶ 2007²⁷ and 2010,²⁸ was merged with the Office of the Special Envoy for the Sahel (OSES), with a view to maximizing synergies by ensuring a unified management and structure, therefore becoming the new United Nations Office for West Africa and the Sahel (UNOWAS).²⁹

period of 16 October 2015 to 15 January 2016 (S/2016/99), for the period from 16 January to 15 April 2016 (S/2016/407), for the period from 16 April to 15 July 2016 (S/2016/666) and for the period 16 July to 15 October 2016 (S/2016/901).

²³ The political and peacebuilding missions are listed in chronological order according to their date of establishment.

²⁴ For more information about the United Nations Mission to Colombia see <https://colombia.unmissions.org/en>.

²⁵ Exchange of letters between the Secretary-General and the President of the Security Council (S/2001/1128 and S/2001/1129).

²⁶ Exchange of letters between the Secretary-General and the President of the Security Council (S/2004/797 and S/2004/858).

²⁷ Exchange of letters between the Secretary-General and the President of the Security Council (S/2007/753 and S/2007/754).

²⁸ Exchange of letters between the Secretary-General and the President of the Security Council (S/2010/660 and S/2010/661).

²⁹ Letter dated 28 January 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/89). See also exchange of letters between the Secretary-General and the President of the Security Council (S/2016/1128 and S/2016/1129). For more information about UNOWAS,

(ii) *Changes in the mandate and/or extensions of the time limits of ongoing political and peacebuilding missions in 2016*

a. **Afghanistan**

The United Nations Assistance Mission in Afghanistan (UNAMA) was established by Security Council resolution 1401 (2002) of 28 March 2002.³⁰

On 15 March 2016, the Security Council decided, by resolution 2274 (2016), to extend the mandate of UNAMA until 17 March 2017. The Security Council recognized that the renewed mandate of UNAMA took full account of the transition process and was in support of Afghanistan's full assumption of leadership and ownership in the security, governance and development areas, consistent with the understandings reached between Afghanistan and the international community in the London, Kabul, Bonn and Tokyo Conferences and the Lisbon, Chicago and Wales Summits.³¹ The Security Council further decided that UNAMA would continue to focus on, *inter alia*: (a) promoting, as co-chair of the Joint Coordination and Monitoring Board (JCMB), more coherent support by the international community to the Afghan Government's development and governance priorities; (b) supporting, at the request of the Afghan authorities, the organization of future Afghan elections, as well as to strengthen, in support of the Government of Afghanistan's efforts, including electoral reform effort; (c) providing outreach as well as good offices to support, if requested by and in close consultation with the government of Afghanistan, the Afghan-led and Afghan-owned peace process; (d) continuing, with the support of the Office of the United Nations High Commissioner for Human Rights, to cooperate with and strengthen the capacity of the Afghanistan Independent Human Rights Commission (AIHRC).

b. **Iraq**

The United Nations Assistance Mission for Iraq (UNAMI) was established by Security Council resolution 1500 (2003) of 14 August 2003.³² By resolution 2299 (2016) of 25 July 2016, the Security Council decided to extend the mandate of UNAMI until 31 July 2017. It decided further that the Special Representative of the Secretary-General and UNAMI, at the request of the Government of Iraq, and taking into account the letter

see <https://unowas.unmissions.org>. See also the reports of the Secretary-General on the activities of the United Nations Office for West Africa (S/2016/566 and S/2016/1072).

³⁰ For more information about UNAMA, see <https://unama.unmissions.org>. See also the reports of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/70/775-S/2016/218; A/70/924-S/2016/532; A/70/1033-S/2016/768 and Corr.1; A/71/682-S/2016/1049).

³¹ See letter dated 6 December 2011 from the Permanent Representatives of Afghanistan and Germany to the United Nations addressed to the Secretary-General (A/66/597-S/2011/762). The Security Council requested UNAMA to assist the Government of Afghanistan on its way towards ensuring full Afghan leadership and ownership, as defined by the Kabul Process.

³² For more information about the activities of UNAMI, see <https://www.uniraq.org>. See also the reports of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107(2013), namely S/2016/87, S/2016/372, S/2016/590, S/2016/885; and paragraph 7 of resolution 2233 (2015), namely S/2016/77, S/2016/396, S/2016/592. See also the report of the Secretary-General pursuant to resolution 2299 (2016) (S/2016/897).

from the Minister of Foreign Affairs of Iraq to the Secretary-General (S/2016/632), should continue to pursue their mandate as stipulated in resolution 2233 (2015).

c. Guinea Bissau

The United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) was established by Security Council resolution 1876 (2009) of 26 June 2009³³. On 26 February 2016, the Security Council, by resolution 2267 (2016), extended the mandate of UNIOGBIS until 28 February 2017.

d. Libya³⁴

The United Nations Support Mission in Libya (UNSMIL) was established by resolution 2009 (2011) of 16 September 2011 under Chapter VII of the Charter of the United Nations.³⁵ By resolution 2291 (2016) of 13 June 2016 and resolution 2323 (2016) of 13 December 2016, the Security Council decided to extend the mandate of UNSMIL, until 15 December 2016 and 15 September 2017, respectively.

e. Somalia³⁶

The United Nations Assistance Mission in Somalia (UNSOM) was established by Security Council resolution 2102 (2013) of 2 May 2013 under the leadership of a Special Representative of the Secretary-General.³⁷ By resolution 2275 (2016) of 24 March 2016, the Security Council decided to extend the mandate of UNSOM until 31 March 2017.

(iii) *Other ongoing political and peacebuilding missions in 2016*

a. Middle East

The Office of the United Nations Special Coordinator for the Middle East (UNSCO), established by the Secretary-General on 1 October 1999,³⁸ continued to operate throughout 2016.

b. Lebanon

The Office of the United Nations Special Coordinator for Lebanon (UNSCOL) was established in 2000 as the Personal Representative of the Secretary-General for Southern

³³ For more information about UNIOGBIS, see <https://uniogbis.unmissions.org/en>. See also the report of the Secretary-General on Guinea-Bissau (S/2016/141) and the report of the special rapporteur on the independence of judges and lawyers (A/HRC/32/34/Add.1).

³⁴ See subsection (f)(viii) below on sanctions concerning Libya.

³⁵ For more information on UNSMIL see <https://unsmil.unmissions.org/security-council-resolutions-and-statements>. See also the Reports of the Secretary-General (S/2016/182, S/2016/452 and S/2016/1011).

³⁶ See subsection (f)(i) below on sanctions concerning Somalia.

³⁷ For more information on UNSOM, see <https://unsom.unmissions.org>. See also the reports of the Secretary-General on Somalia (S/2016/27, S/2016/430 and S/2016/763).

³⁸ Exchange of letters between the Secretary-General and the President of the Security Council (S/1999/983 and S/1999/984).

Lebanon.³⁹ The mandate was expanded to include coordination of United Nations political activities for the whole of Lebanon and the title changed to Personal Representative for Lebanon in 2005,⁴⁰ to Special Coordinator for Lebanon in 2007,⁴¹ respectively. UNSCOL continued to operate throughout 2016.⁴²

c. Central Asia

The United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) was established by the Secretary-General on 10 December 2007 by a letter dated 7 May 2007 from the Secretary-General to the President of the Security Council.⁴³ UNRCCA continued to function throughout 2016.⁴⁴

d. Central African Region

The United Nations Regional Office for Central Africa (UNOCA),⁴⁵ located in Libreville, Gabon, was established by an exchange of letters in August 2010 between the Secretary-General and the Security Council.⁴⁶ UNOCA began its operations on 2 March 2011 and continued its operations throughout 2016 after its mandate had been extended in 2015 until 31 of August 2018.⁴⁷

e. African Union

The United Nations Office to the African Union (UNOAU) was established by the General Assembly in resolution 64/288 of 24 June 2010, *inter alia* to enhance the partnership between the United Nations and the African Union. UNOAU continued to function throughout 2016.⁴⁸

³⁹ S/2000/718.

⁴⁰ Letter dated 17 November 2005 from the Secretary-General to the President of the Security Council (S/2005/726).

⁴¹ Letter dated 8 February 2007 from the Secretary-General to the President of the Security Council (S/2007/85).

⁴² For more information on the activities of the Office of the United Nations Special Coordinator for Lebanon (UNSCOL), see <http://unscol.unmissions.org>.

⁴³ S/2007/279.

⁴⁴ For more information about UNRCCA, see <https://unrcca.unmissions.org>.

⁴⁵ For more information about UNOCA, see <https://unoca.unmissions.org>.

⁴⁶ Exchange of letters between the Secretary-General and the President of the Security Council dated 11 December 2009 (S/2009/697) and 30 August 2010 (S/2010/457). See also the reports of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (S/2016/482 and S/2016/996).

⁴⁷ Exchange of letters between the Secretary-General and the President of the Security Council (S/2015/554 and S/2015/555).

⁴⁸ For more information on UNOAU, see <https://unoau.unmissions.org>.

(iv) *Political and peacebuilding missions concluded in 2016*a. **Sahel**

The Office of the Special Envoy for the Sahel (OSES) was merged with the United Nations Office for West Africa (UNOWA), into the newly created United Nations Office for West Africa and the Sahel (UNOWAS)⁴⁹ and ceased its functions as an autonomous entity.

(c) **Other bodies**(i) *Cameroon-Nigeria Mixed Commission*

On 15 November 2002, the Secretary-General established the Cameroon-Nigeria Mixed Commission (CNMC), at the request of the Presidents of Nigeria and Cameroon, to facilitate the implementation of the 10 October 2002 ruling of the International Court of Justice⁵⁰ on the Cameroon-Nigeria boundary dispute.⁵¹ The mandate of the Mixed Commission included supporting the demarcation of the land boundary and delineation of the maritime boundary, facilitating the withdrawal and transfer of authority along the boundary, addressing the situation of affected populations and making recommendations on confidence-building measures. The Mixed Commission continued its work in 2016.

(ii) *Monitoring mechanism for Syria*

The United Nations monitoring mechanism for Syria was established by Security Council resolution 2165 of 14 July 2014 to monitor, under the authority of the United Nations Secretary-General and with the consent of the relevant neighbouring countries of Syria, the loading of all humanitarian relief consignments of the United Nations humanitarian agencies and their implementing partners at the relevant United Nations facilities.⁵² By resolution 2332 (2016) of 21 December 2016, the Security Council decided to renew its decisions in paragraphs 2 and 3 of Security Council resolution 2165 (2014) concerning humanitarian assistance for a further period of twelve months, until 10 January 2018.

⁴⁹ Letter dated 28 January 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/89). See also exchange of letters between the Secretary-General and the President of the Security Council (S/2016/1128 and S/2016/1129). For more information about UNOWAS, see <https://unowas.unmissions.org>. See also the reports of the Secretary-General on the activities of the United Nations Office for West Africa (S/2016/566 and S/2016/1072).

⁵⁰ *Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea Intervening)*, Judgment, 10 October 2002.

⁵¹ For more information about CNMC, see <https://unowas.unmissions.org/cameroon-nigeria-mixed-commission/>.

⁵² For more information on the Monitoring Mechanism, see the Report of the Secretary-General on the revised estimates relating to the programme budget for the biennium 2016-2017 under sections 27, Humanitarian assistance, and 36, Staff assessment, United Nations Monitoring Mechanism (A/70/726).

(iii) *Organization for the Prohibition of Chemical Weapons—United Nations Joint Investigative Mechanism*

The Organization for the Prohibition of Chemical Weapons—United Nations Joint Investigative Mechanism (OPCW-JIM) was established following Security Council resolution 2235 (2015) of 7 August 2015. The Security Council decided to renew its mandate, as set out in resolution 2235, by resolution 2314 (2016) of 31 October 2016 and resolution 2319 (2016) of 17 November 2016, until 18 November 2016 and for a further period of one year from the adoption of the second resolution, respectively, with a possibility of further extension and update by the Security Council if necessary.

(d) **Missions of the Security Council**

(i) *Burundi and Ethiopia*

In a letter dated 20 January 2016, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Burundi and Ethiopia, outlining in an annex to the letter the mission's terms of reference.⁵³

The mission to Burundi would, *inter alia*, continue to address the growing concerns expressed in the presidential statement of 28 October 2015 (S/PRST/2015/18) and the press statement of 19 December 2015 (SC/12174), namely the concerns about the growing insecurity and the continued rise in violence in Burundi, as well as the increased cases of human rights violations and abuses, including those involving extra-judicial killings, acts of torture and other cruel, inhuman and/or degrading treatment, arbitrary arrests and illegal detention.

In Ethiopia, the members of the Security Council intended to hold an informal dialogue with the African Union Peace and Security Council to strengthen partnership and enhance cooperation between the African Union and the United Nations, in accordance with Security Council resolution 2033 (2012), and to exchange views on the situations in Burundi and Somalia.

(ii) *West Africa*

In a letter dated 10 February 2016, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to West Africa (Mali, Guinea-Bissau and Senegal), outlining in an annex to the letter the mission's terms of reference.⁵⁴

The mission to Mali would, *inter alia*, reiterate the Security Council's call for urgent and concrete progress in the implementation of the Agreement on Peace and Reconciliation in Mali and to assess the increased level of insecurity, including in central and southern Mali. The mission was further aimed at assessing progress in the implementation of Security Council resolution 2227 (2015), notably the supervision of the ceasefire arrangements, the provision of good offices and reconciliation support, stabilization and the protection of civilians, and the protection, safety and security of United Nations personnel,

⁵³ Letter dated 20 January 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/55).

⁵⁴ Letter dated 3 March 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/215).

in addition to the progress and challenges in the deployment of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

The purpose of the mission to Guinea-Bissau was, *inter alia*, to meet and gather first-hand information from the primary State organs and to deliver key messages to national stakeholders. The mission was also aimed at assessing the situation on the ground in a context of political tensions that had intensified since August 2015, with the dismissal of the first Government following the general elections of 2014.

The mission to Senegal, *inter alia*, aimed at exchanging information on the political and security situation in West Africa and in the Sahel and to be briefed on the level of implementation of the United Nations Integrated Strategy for the Sahel. The mission was further aimed at assessing the implementation of the decision to merge the United Nations Office for West Africa (UNOWA) and the Office of the Special Envoy of the Secretary-General for the Sahel (OSSES) into the United Nations Office for West Africa and the Sahel (UNOWAS).⁵⁵

(iii) *Horn of Africa*

In a letter dated 17 May 2016, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to the Horn of Africa, outlining in an annex to the letter the mission's terms of reference.⁵⁶

The mission to Somalia, *inter alia*, aimed at underlining the support of the Security Council for the peace and reconciliation process, the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Support Office in Somalia (UNSOS); receiving updates on the progress of the military campaign against Al-Shabaab by the Somali National Army and AMISOM as well as the action plan of the Government of Somalia to end sexual violence; and reaffirming to the Government of Somalia the expectation of the Security Council that elections would be held in August 2016, and that the road map towards universal elections in 2020 will be followed.

The mission to Kenya, *inter alia*, aimed at engaging with the Government of Kenya on regional issues of interest, including AMISOM and refugees, and with United Nations entities on humanitarian needs in Somalia, the effect of El Niño on Somalia and the region, the efforts to address the drought in Puntland and Somaliland and the situation with regard to refugees and internally displaced persons.

(iv) *South Sudan and Addis Ababa*

In a letter dated 1 September 2016, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to South Sudan outlining in an annex to the letter the mission's terms of reference.⁵⁷

⁵⁵ See S/2016/89. For more information, see the report of the Security Council mission to Mali, Guinea-Bissau and Senegal (S/2016/511). For more information about UNOWAS, see <https://unowas.unmissions.org>.

⁵⁶ Letter dated 17 May 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/456).

⁵⁷ Letter dated 1 September 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/757).

The mission to South Sudan, reinforcing the messages contained in Security Council resolutions 2252 (2015) and 2304 (2016), the presidential statements of 17 March (S/PRST/2016/1) and 7 April 2016 (S/PRST/2016/3), and the press statements of 4 May (SC/12350), 1 July (SC/12431), 9 July (SC/12440) and 10 July 2016 (SC/12441), was concerned with the political process in South Sudan, the security situation, as well as the mandate and forces of the United Nations Mission in South Sudan (UNMISS).

The mission to Addis Ababa had the objective to engage with regional partners on the political and security dimensions of the crisis in South Sudan and consult with them on the deployment of the UNMISS Regional Protection Force. It also aimed at receiving a briefing on the efforts of the African Union to establish the Hybrid Court for South Sudan and to support and encourage continued engagement by regional partners to address the political and security crisis in South Sudan.

(v) *Democratic Republic of the Congo and Angola*

In a letter dated 9 November 2016, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Congo and Angola, outlining in an annex to the letter the mission's terms of reference.⁵⁸

The mission to the Democratic Republic of the Congo operated within the framework provided by resolution 2277 (2016), the press statements of 15 July (SC/12449), 16 August (SC/12477) and 21 September 2016 (SC/12528). It aimed at establishing a dialogue between the Security Council and the President of the Democratic Republic of the Congo, the Prime Minister and his Government, leaders of the political parties, both signatories and non-signatories of the 18 October political agreement resulting from the national dialogue, as well as civil society organizations and the leadership from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), among others. The mission, *inter alia*, addressed concerns about the recent violence in the Democratic Republic of the Congo and called on the Government to take further military action, in accordance with international law, including international humanitarian law and international human rights law, as applicable, and with the support of MONUSCO in accordance with its mandate, to end the threat posed by the Allied Democratic Forces (ADF), the Democratic Forces for the Liberation of Rwanda (FDLR) and all other armed groups operating in the Democratic Republic of the Congo. In addition, the mission welcomed the efforts made by the Government of the Democratic Republic of the Congo to combat and prevent sexual violence in conflict, including progress made in the fight against impunity.

The mission to Angola, *inter alia*, aimed at holding talks with the President of Angola, José Eduardo dos Santos to assess the political and security developments in the Great Lakes Region, particularly in the Democratic Republic of the Congo. It also served the purpose of discussing the results of the Security Council's visit to the Democratic Republic of the Congo and to strengthen cooperation relations between the Angolan authorities and the United Nations, in particular the Security Council.

⁵⁸ Letter dated 9 November 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/948).

(e) Action of Member States authorized by the Security Council

(i) *Côte d'Ivoire*

French forces had initially been authorized, for a period of 12 months, by Security Council resolution 1528 (2004) of 27 February 2004 to use all necessary means in order to support UNOCI. By resolution 2284 (2016) of 28 April 2016, the Security Council decided to extend this authorization until 30 June 2017.

(ii) *Bosnia and Herzegovina*

The European Union Force Althea (EUFOR ALTHEA) was initially authorized by Security Council resolution 1575 (2004) of 22 November 2004.⁵⁹ By its resolution 2315 (2016) of 8 November 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, authorized Member States acting through or in cooperation with the European Union to establish for a further period of twelve months a multinational stabilization force (EUFOR ALTHEA). It also decided to renew the authorization provided by paragraph 11 of resolution 2183 (2014) for Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters, both as a legal successor to the Stabilization Force in Bosnia and Herzegovina (SFOR) under unified command and control.

The Security Council further authorizes these Member States to take all necessary means to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement,⁶⁰ and to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic. Moreover, it authorized Member States to take all necessary means, at the request of either EUFOR ALTHEA or the NATO Headquarters, in defence of the EUFOR ALTHEA or NATO presence respectively, and to assist both organizations in carrying out their missions. It also recognized the right of both EUFOR ALTHEA and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack.

(iii) *Somalia*

The African Union Mission in Somalia (AMISOM) was initially authorized by the Security Council, acting under Chapter VII of the Charter of the United Nations, in resolution 1744 (2007) of 20 February 2007.⁶¹ By resolutions 2289 (2016) of 27 May 2016 and 2297 (2016) of 7 July 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to authorize the Member States of the African Union to maintain the deployment of AMISOM up to a maximum level of 22,126 uniformed personnel until

⁵⁹ For more information on the European Union military mission in Bosnia and Herzegovina (EUFOR), see: <http://www.euforbih.org/eufor/index.php>, and the reports of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina (S/2016/395 and S/2016/911).

⁶⁰ General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto, attachment to letter dated 29 November 1995 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (S/1995/999).

⁶¹ For more information AMISOM, see: <https://amisom-au.org>.

8 July 2016 and 31 May 2017, respectively. It further decided in resolution 2297 (2016) that AMISOM should be authorized to take all necessary measures, in full compliance with participating States' obligations under international humanitarian law and international human rights law, and in full respect of the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out its mandate.

(iv) *Central African Republic*

French forces had initially been authorized by the Security Council in resolution 2127 (2013) to take all necessary measures to support the African-led International Support Mission in the CAR (MISCA) and, by resolution 2149 (2014), to use all necessary means to provide operational support to elements of MINUSCA, from the commencement of the activities of MINUSCA until the end of its mandate. By resolution 2301 (2016) of 26 July 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council reiterated this authorization.

(v) *Mali*

French forces had initially been authorized by Security Council resolution 2164 (2014) of 25 June 2014 to use all necessary means to intervene in support of elements of MINUSMA when under imminent and serious threat upon request of the Secretary-General. By resolution 2295 (2016) of 29 June 2016, the Security Council decided to extend this authorization until the end of MINUSMA's mandate as authorized in the resolution.

(vi) *Syrian Arab Republic*

By resolution 2165 (2014) of 14 July 2014, the Security Council, underscoring the obligations of Member States under Article 25 of the Charter of the United Nations, authorized United Nations humanitarian agencies and their implementing partners to use routes across conflict lines and the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha, in addition to those already in use, in order to ensure that humanitarian assistance reaches people in need throughout Syria through the most direct routes, with notification to the Syrian authorities. In resolution 2332 (2016) of 21 December 2016, the Security Council, underscoring the obligations of Member States under Article 25 of the Charter of the United Nations, decided to renew the authorization for a further period of twelve months, until 10 January 2018.

(f) Sanctions imposed under Chapter VII of the Charter of the United Nations⁶²

(i) *Somalia and Eritrea*

The Security Council Committee established pursuant to resolution 751 (1992) of 24 April 1992 concerning Somalia was mandated to oversee the general and complete arms embargo imposed by Security Council resolution 733 (1992) and to undertake the tasks set out by the Security Council resolutions 751 (1992), 1356 (2001) and 1844 (2008). Following the adoption of resolution 1907 (2009), which imposed a sanctions regime on Eritrea and expanded its mandate, the Committee decided on 26 February 2010 to change its name to “Security Council Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea”.⁶³ The Security Council Committee submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁶⁴

By resolution 2317 (2016), of 10 November 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, reaffirmed the existing arms embargo on Somalia and reiterated that it should not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia, to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of resolution 2111 (2013). It further decided that until 15 November 2017 and without prejudice to humanitarian assistance programmes conducted elsewhere, the measures imposed by paragraph 3 of resolution 1844 (2008) should not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia.⁶⁵

By the same resolution, the Security Council reaffirmed the existing arms embargo on Eritrea as imposed by paragraphs 5 and 6 of resolution 1907 (2009) and decided to extend until 15 December 2017 the mandate of the Somalia and Eritrea Monitoring Group.⁶⁶

⁶² The sanctions imposed under Chapter VII of the Charter of the United Nations are listed in chronological order according to the date of adoption of the respective Security Council resolutions. For more information about the sanction regimes established by the Security Council, see the Security Council’s website relating to subsidiary organs at <https://www.un.org/securitycouncil/sanctions/information>.

⁶³ The expanded mandate of the Committee is delineated in paragraph 18 of resolution 1907 (2009), paragraph 13 of resolution 2023 (2011) and paragraph 23 of resolution 2036 (2012).

⁶⁴ Report of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (S/2016/1121).

⁶⁵ See Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Somalia (S/2016/919) and Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Eritrea (S/2016/920).

⁶⁶ See Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Somalia (S/2016/919) and Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Eritrea (S/2016/920). See also the letter dated 24 February 2016 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council (S/2016/184).

(ii) *Liberia*

The Security Council Committee established pursuant to resolution 1521 (2003) of 22 December 2003, to oversee the relevant sanctions measures and to undertake the tasks set out by the relevant Security Council resolutions, continued its operations until 25 May 2016. The Security Council Committee submitted, on 25 May 2016, a report on its work in the period from 1 January to 25 May 2016 to the Security Council.⁶⁷

By resolution 2288 (2016) of 25 May 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council decided to terminate, with immediate effect, the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and subsequently modified, including in paragraph 2 (b) of resolution 2128 (2013). It further decided to dissolve, with immediate effect, the Committee established by paragraph 21 of resolution 1521 (2003) and the Panel of Experts established pursuant to paragraph 22 of resolution 1521 (2003), and subsequently modified and extended, including in paragraphs 3 and 4 of resolution 2237 (2015).

(iii) *Democratic Republic of the Congo*

The Security Council Committee established pursuant to resolution 1533 (2004) of 12 March 2004, to oversee the sanctions measures imposed by relevant Security Council resolutions, continued its operations in 2016 and submitted, on 27 December 2016, a report on its work in 2016 to the Security Council.⁶⁸

By resolution 2293 (2016) of 23 June 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council decided, *inter alia*, to renew until 1 July 2017 the measures on arms imposed by paragraph 1 of resolution 1807 (2008). The Security Council also decided to renew, for the same period, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008). In the same resolution, the Security Council decided to extend until 1 August 2017 the mandate of the Group of Experts established pursuant to resolution 1533 (2004).⁶⁹

(iv) *Côte d'Ivoire*

The Security Council Committee established pursuant to resolution 1572 (2004) of 15 November 2004, to oversee the relevant sanctions measures and to undertake the tasks set out by the Security Council in paragraph 14 of the same resolution, as modified by resolutions 1584 (2005), 1643 (2005) and 1946 (2010), continued its operations until 28 April 2016.

By resolution 2283 (2016) of 28 April 2016, the Security Council, acting under Chapter VII of the Charter of United Nations, decided to terminate, with immediate effect,

⁶⁷ Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia (S/2016/479).

⁶⁸ Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo (S/2016/1086).

⁶⁹ For information on the appointment of members to the Group of Experts, see letter dated 14 July 2016 from the Secretary-General addressed to the President of the Security Council (S/2016/614).

the measures concerning arms and related materiel in paragraph 1 of resolution 2219 (2015), as well as the travel and financial measures imposed in paragraphs 9 to 12 of resolution 1572 (2004) and paragraph 12 of resolution 1975 (2011), as subsequently renewed, including in paragraph 12 of resolution 2219 (2015).

In the same resolution, the Security Council decided further to dissolve with immediate effect the Committee established by paragraph 14 of resolution 1572 (2004) and the Group of Experts established pursuant to paragraph 7 of resolution 1584 (2005), and subsequently extended, including in paragraph 25 of resolution 2219 (2015).⁷⁰

(v) *Republic of the Sudan*

The Security Council Committee established pursuant to resolution 1591 (2005) of 29 March 2005, to oversee the relevant sanctions measures concerning the Sudan and to undertake the tasks set out by the Security Council in sub-paragraph 3 (a) of the same resolution, continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁷¹

By resolution 2265 (2016) of 10 February 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005), until 12 March 2017, and expressed its intent to review the mandate and take appropriate action regarding further extension no later than 13 February 2017.⁷² It also reaffirmed the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, and further encouraged the Committee to continue its dialogue with UNAMID.

(vi) *Democratic People's Republic of Korea*

The Security Council Committee established pursuant to resolution 1718 (2006) on 14 October 2006, to oversee the relevant sanctions measures concerning the Democratic People's Republic of Korea (DPRK) and to undertake the tasks set out in paragraph 12 of that same resolution and in resolutions 1874 (2009), 2087 (2013) and 2094 (2013), continued its operations in 2016 and submitted, on 30 December 2016, a report on its work to the Security Council.⁷³

By resolution 2270 (2016) of 2 March 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations and taking measures under its Article 41, decided, *inter alia*, that the measures on arms and related materiel embargo imposed in paragraph 8 (a) of resolution 1718 (2006) should also apply to all arms and related materiel, including small arms and light weapons and their related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision,

⁷⁰ See the final report of the Group of Experts on Côte d'Ivoire pursuant to paragraph 27 of Security Council resolution 2219 (2015) (S/2016/254).

⁷¹ Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (S/2016/1091).

⁷² See the final report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), (S/2016/805).

⁷³ Report of the Security Council Committee established pursuant to resolution 1718 (2006) (S/2016/1094).

manufacture, maintenance or use of such arms and related materiel, and that the measures imposed in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) should also apply to any item that could contribute to the DPRK's nuclear or ballistic missile programs or other weapons of mass destruction programs, activities prohibited by relevant resolutions, and to any item, except food or medicine, that could directly contribute to the development of the DPRK's operational capabilities of its armed forces, or to exports that support or enhance the operational capabilities of armed forces of another Member State outside the DPRK. The Security Council further decided that Member States should expel DPRK diplomats, government representatives, other DPRK nationals acting in a governmental or representative office capacity, and foreign nationals that were working on behalf or at the direction of a designated individual or entity or assisting the evasions of sanctions or violating the resolutions. It also decided that the mandate of the Committee should apply with respect to the measures imposed in the resolution.

By resolution 2276 (2016) of 24 March 2016, the Security Council, acting under Article 41 of Chapter VII of the Charter of the United Nations, decided to extend until 24 April 2017 the mandate of the Panel of Experts, as specified in paragraph 26 of resolution 1874 (2009) and modified in paragraph 29 of resolution 2094 (2013), and further decided that this mandate should apply also with respect to the measures imposed in resolution 2270 (2016), and expressed its intent to review the mandate and take appropriate action regarding further extension no later than 24 March 2017.⁷⁴

By resolution 2321 (2016) of 30 November 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations and taking measures under its Article 41, decided, *inter alia*, that the measures imposed in paragraphs 8 (a), 8 (b), and 8 (c) of resolution 1718 (2006) shall also apply to the items listed in a new conventional arms dual-use list to be adopted by the Committee,⁷⁵ and that all Member States shall suspend scientific and technical cooperation involving persons or groups officially sponsored by or representing the DPRK except for medical exchanges. It further decided that all Member States should take steps to restrict the entry into or transit through their territory of members of the Government of the DPRK, officials of that Government, and members of the DPRK armed forces associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by relevant resolutions and to limit the number of bank accounts to one per DPRK diplomatic mission and consular post, and one per accredited DPRK diplomat and consular officer, at banks in their territory, and that all Member States should prohibit the DPRK from using real property that it owned or leased in their territory for any purpose other than diplomatic or consular activities. It also decided that the mandate of the Committee and of the Panel of Experts should also apply with respect to the measures imposed in the resolution.

(vii) *Islamic Republic of Iran*

The Security Council Committee established pursuant to resolution 1737 (2006) of 23 December 2006, to undertake the tasks set out in paragraph 18 of that same resolution,

⁷⁴ For information on the appointment of members to the Group of Experts, see letter dated 8 April 2016 from the Secretary-General addressed to the President of the Security Council (S/2016/333).

⁷⁵ S/2016/1069.

as modified by resolutions 1747 (2007), 1803 (2008) and 1929 (2010), concerning the effective implementation of measures relating to, *inter alia*, proliferation-sensitive nuclear and ballistic missile programmes, arms, finance and travel, and the corresponding Panel of Experts, were terminated, in accordance with Security Council resolution 2231 (2015), upon receipt of the report of the Director General of the International Atomic Energy Agency (IAEA) dated 16 January 2016. The report confirmed that the International Atomic Energy Agency (IAEA) had verified that, as of 16 January 2016, the Islamic Republic of Iran had taken the actions specified in paragraphs 15.1-15.11 of annex V of the Joint Comprehensive Plan of Action (JCPOA).⁷⁶

(viii) *Libya*

The Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya to oversee the relevant sanctions measures continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁷⁷

In resolution 2278 (2016) of 31 March 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend until 31 July 2017 the authorizations provided by and the measures imposed by resolution 2146 (2014), relating to prevention of illicit oil exports. It also decided to extend until 31 July 2017 the mandate of the Panel of Experts, established by paragraph 24 of resolution 1973 (2011) and modified by resolutions 2040 (2012), 2146 (2014) and 2174 (2014), and decided that the Panel's mandated tasks should remain as defined in resolution 2213 (2015).

By resolution 2292 (2016) of 14 June 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council decided to authorize all Member States, in these exceptional and specific circumstances for a period of 12 months, to inspect on the high seas off the coast of Libya, of vessels that were believed to be carrying arms or related materiel to or from Libya, in violation of the arms embargo and, upon discovery of prohibited items, to seize and dispose of such items.

(ix) *Afghanistan*

The Security Council Committee established pursuant to resolution 1988 (2011) on 17 June 2011, to oversee the relevant sanctions measures and to undertake the tasks set out by the Security Council in paragraph 30 of the same resolution, continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁷⁸

⁷⁶ See letter dated 16 January 2016 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council (S/2016/57).

⁷⁷ Report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya (S/2016/1078).

⁷⁸ Report of the Security Council Committee established pursuant to resolution 1988 (2011) (S/2016/1101). See also Seventh report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2255 (2015) concerning the Taliban and other associated individuals and entities constituting a threat to the peace, stability and security of Afghanistan (S/2016/842).

In resolution 2274 (2016) of 15 March 2016, the Security Council noted the ongoing work of the Committee, its role in supporting the peace and reconciliation process, and welcomed the continuation of the cooperation of the Afghan Government, the High Peace Council and the United Nations Assistance Mission in Afghanistan (UNAMA) with the Committee including its Analytical Support and Sanctions Monitoring Team as per the designation criteria set out in Security Council resolution 2255 (2015).⁷⁹

(x) *Guinea-Bissau*

The Security Council Committee established pursuant to resolution 2048 (2012) on 18 May 2012, to monitor the implementation of the measures imposed by resolution 2048 (2012), designate the individuals subject to the measures and consider requests for exemptions, continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁸⁰

By resolution 2267 (2016) of 26 February 2016, the Security Council decided to review the sanctions measures established pursuant to resolution 2048 (2012) seven months from the adoption of this resolution.

(xi) *Central African Republic*

The Security Council Committee concerning the Central African Republic (CAR) was established pursuant to resolution 2127 (2013) of 5 December 2013 to oversee the relevant sanctions measure (arms embargo) and to undertake the tasks set out by the Security Council in paragraph 57 of the same resolution. The Committee continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁸¹

By resolution 2262 (2016) and acting under Chapter VII of the Charter of the United Nations, the Security Council extended the measures on arms embargo, travel ban and asset freeze imposed in paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) until 31 January 2017 and decided that the mandate of the Committee should apply with respect to such extended measures. The Security Council also decided to extend the mandate of the Panel of Experts until 28 February 2017 and further specified its tasks.

⁷⁹ See Seventh report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2255 (2015) concerning the Taliban and other associated individuals and entities constituting a threat to the peace, stability and security of Afghanistan (S/2016/842).

⁸⁰ Report of the Security Council Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau (S/2016/1108). See also the Report of the Secretary-General on the progress made with regard to the stabilization of and restoration of constitutional order in Guinea-Bissau (S/2016/720).

⁸¹ Report of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic (S/2016/1080).

(xii) *Yemen*

The Security Council Committee established pursuant to resolution 2140 (2014) of 26 February 2014, to monitor the implementation of the measures imposed by the resolution, continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁸²

By resolution 2266 (2016) of 24 February 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to renew until 26 February 2017 the measures of assets freeze and travel ban imposed by paragraphs 11 and 15 of resolution 2140 (2014) against individuals or entities designated by the Committee. It also decided to extend until 27 March 2017 the mandate of the Panel of Experts as set out in paragraph 21 of resolution 2140 (2014) and paragraph 21 of resolution 2216 (2015).⁸³

(xiii) *South Sudan*

The Security Council Committee established pursuant to resolution 2206 (2015) of 3 March 2015, to monitor the implementation of the measures imposed by the resolution, continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁸⁴

By resolutions 2271 (2016) of 2 March 2016, 2280 (2016) of 7 April 2016, and 2290 (2016) of 31 May 2016, the Security Council, acting under Article 41 of Chapter VII of the Charter of the United Nations, decided to renew until 15 April 2016, 1 June 2016, and 31 May 2017, respectively, the travel and financial measures imposed by paragraphs 9 and 12 of resolution 2206 (2015).

By the same resolutions, the Security Council extended the mandate of the Panel of Experts until 15 May 2016, 1 July 2016, and 1 July 2017, respectively. In resolution 2290 (2016), the Security Council specified the Panel's tasks.

In resolution 2290 (2016), of 31 May, the Security Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, reaffirmed that the provisions of paragraph 9 of resolution 2206 (2015) apply to individuals, and that the provisions of paragraph 12 of resolution 2206 (2015) apply to individuals and entities, as designated for such measures by the Committee, as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan, and specified such actions or policies.

In resolution 2304 (2016) of 12 August, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that if the Secretary-General reported political or operational impediments to operationalizing the Regional Protection Force or obstructions to the United Nations Mission in the Republic of South Sudan (UNMISS) in performance of its mandate, due to the actions of the Transitional Government of National

⁸² Report of the Security Council Committee established pursuant to resolution 2140 (2014) (S/2016/1122).

⁸³ See Final report of the Panel of Experts in accordance with paragraph 21 (c) of resolution 2140 (2014) (S/2016/73).

⁸⁴ See Report of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan (S/2016/1124).

Unity, within five days of receipt of such report it should consider appropriate measures including measures of arms embargo and inspection described in the Annex to the resolution.

(g) Terrorism

(i) General Assembly

On 1 July 2016, the General Assembly adopted, without a reference to a Main Committee, resolution 70/291 entitled “The United Nations Global Counter-Terrorism Strategy Review” without a vote. In that resolution, the Assembly, *inter alia*, reaffirmed the United Nations Global Counter-Terrorism Strategy⁸⁵ and its four pillars, and called upon Member States, the United Nations and other appropriate international, regional and sub-regional organizations to step up their efforts to implement the Strategy in an integrated and balanced manner and in all its aspects. The Assembly also took note of the report of the Secretary-General on this item⁸⁶ as well as of measures that Member States and relevant international, regional and subregional organizations had adopted within the framework of the Strategy, as presented in the report of the Secretary-General and at the fifth biennial review of the Strategy, all of which strengthened cooperation to fight terrorism, including through the exchange of best practices.

On 20 December 2016, the General Assembly, upon the recommendation of the Sixth Committee, adopted resolution 71/151 entitled “Measures to eliminate international terrorism” without a vote.⁸⁷

(ii) Security Council counter-terrorism and non-proliferation committees

a. Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities

The 1267 Committee was first established by Security Council resolution 1267 (1999) of 15 October 1999 and sets forth a sanctions regime concerning the Taliban. The regime was modified and strengthened by subsequent resolutions, including resolutions 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009), 1989 (2011) and 2253 (2015) so that the sanctions measures would be applicable to designated individuals and entities associated with Al-Qaida and ISIL (also known as Da’esh), wherever located. The Committee continued its operations in 2016 and submitted, on 30 December 2016, a report on its work in 2016 to the Security Council.⁸⁸

⁸⁵ General Assembly resolution 60/288 of 8 September 2006.

⁸⁶ A/70/826.

⁸⁷ See A/71/518. See also the Reports from the Secretary-General on Measures to Eliminate International Terrorism (A/71/182, A/71/182/Add.1 and A/71/182/Add.2).

⁸⁸ Report of the Security Council Committee established pursuant to resolution 1988 (2011) (S/2016/1101) and Report of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities (S/2016/1115).

By resolution 2331 (2016) of 20 December 2016, the Security Council condemned all acts of trafficking, particularly the sale or trade in persons undertaken by the “Islamic State of Iraq and the Levant” (ISIL, also known as Da’esh) and recognized the importance of collecting and preserving evidence relating to such acts in order to ensure that those responsible could be held accountable. It also expressed its intention to consider targeted sanctions for individuals and entities involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict. It further requested the Analytical Support and Sanctions Monitoring Team, when consulting with Member States, to include in their discussions the issue of trafficking in persons in the areas of armed conflict and the use of sexual violence in armed conflict as it relates to ISIL (also known as Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities and to report to the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) on these discussions as appropriate.

b. Counter-Terrorism Committee

The Counter-Terrorism Committee (CTC) was established pursuant to Security Council resolution 1373 (2001) of 28 September 2001, in the wake of the 11 September terrorist attacks in the United States of America, to bolster the ability of United Nations Member States to prevent terrorist acts both within their borders and across regions.⁸⁹ By resolution 1535 (2004) of 26 March 2004, the Security Council established the Counter-Terrorism Committee Executive Directorate (CTED) to assist the work of the CTC and coordinate the process of monitoring the implementation of resolution 1373 (2001).

In resolution 2309 (2016) of 22 September 2016, the Security Council requested the CTC to hold a Special Meeting within 12 months, in cooperation with the International Civil Aviation Organization (ICAO), on the issue of terrorist threats to civil aviation, and invites the Secretary-General of ICAO and the Chair of the CTC to brief the Council on the outcomes of this meeting in 12 months’ time.

By resolution 2322 (2016) of 12 December 2016, the Security Council directed the CTC, with the support of CTED, to include in its dialogue with international, regional and subregional organizations and Member States their efforts to promote international law enforcement and judicial cooperation in counter-terrorism matters and to work closely with international, regional and subregional organizations and relevant United Nations bodies that have developed relevant networks and cross regional cooperation in order to facilitate international cooperation to counter terrorism and foreign terrorist fighters, including returnees, particularly by providing analysis on capacity gaps and recommendations based on CTED’s country assessments.

c. 1540 Committee (non-proliferation of weapons of mass destruction to non-State actors)

On 28 April 2004, the Security Council adopted resolution 1540 (2004) by which it decided that all States would refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, and established

⁸⁹ See also Security Council resolution 1624 (2005) of 14 September 2005.

a Committee to report on the implementation of the same resolution. The mandate of the Committee was subsequently extended by resolutions 1673 (2006), 1810 (2008) and 1977 (2011) of 20 April 2011 until 25 April 2021. The Committee continued its operations in 2016 and submitted, on 9 and 29 December 2016, a final document on the 2016 comprehensive review of the status of implementation of resolution 1540 (2004)⁹⁰ and a review of the implementation of resolution 1540 (2004) in 2016 to the Security Council,⁹¹ respectively.

In resolution 2325 (2016) of 15 December 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that the 1540 Committee would continue to submit to the Security Council its Programme of Work, before the end of each January, and would brief the Security Council in the first quarter of each year. It also decided that the 1540 Committee should continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004).

(h) Humanitarian law and human rights in the context of peace and security

(i) Children and armed conflict

The Security Council Working Group on Children and Armed Conflict was established by Security Council resolution 1612 (2005) to review reports of the monitoring and reporting mechanism concerning on children armed conflict listed in the annexes to the Secretary-General's report on children and armed conflict.⁹² The Working Group continued its operations in 2016 and submitted, on 23 December 2016, a report of its activities in 2016 to the Security Council.⁹³

By resolution 2313 (2016) of 13 October 2016, the Security Council strongly condemned the grave violations and abuses against children affected particularly by criminal gang violence, as well as wide spread rape and other sexual abuse of women and girls in Haiti, calling upon the Government of Haiti, with the support of MINUSTAH and the United Nations country team, to continue to promote and protect the rights of women and children.

By resolution 2331 (2016) of 20 December 2016, the Security Council expressed its intention to consider targeted sanctions for individuals and entities involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict, and encouraged information exchange and other appropriate forms of cooperation between relevant United Nations entities, including the Special Representative on Sexual Violence in Conflict and the Special Representative on Children in Armed Conflict, within their respective mandates, regarding initiatives and strategies to curb trafficking in persons in the context of armed conflict.

⁹⁰ Report of the Security Council Committee established pursuant to resolution 1540 (2004) (S/2016/1038).

⁹¹ Review of the implementation of resolution 1540 (2004) for 2016 (S/2016/1127).

⁹² A/59/659-S/2005/72.

⁹³ Annual report on the activities of the Security Council Working Group on Children and Armed Conflict established pursuant to resolution 1612 (2005) (S/2016/1116).

(ii) *Women and peace and security*⁹⁴

In a statement on 15 June 2016 made by its President,⁹⁵ the Security Council welcomed the adoption of regional frameworks to implement resolution 1325 (2000), including the African Union's Gender, Peace and Security Programme 2015–2020, and expressed its support for the AU Special Envoy on Women, Peace and Security, Bineta Diop. The Security Council further welcomed the efforts of Member States in this regard, including the development of national action plans on women, peace and security, but noted that despite these commitments, inconsistent levels of political will, resourcing, accountability, dedicated gender expertise and attitudinal change have often prevented the full and meaningful inclusion of women in regional and international efforts to prevent and resolve conflict, and to build and sustain peace.

The Security Council further emphasized the importance of a comprehensive approach to sustaining peace, particularly through the prevention of conflict and addressing its root causes, and in this regard, reaffirmed the substantial link between women's meaningful involvement in efforts to prevent, resolve and rebuild from conflict and those efforts' effectiveness and long-term sustainability.⁹⁶

(iii) *Protection of civilians in armed conflict*

In resolution 2286 (2016) of 3 May 2016, the Security Council, *inter alia*, strongly condemned acts of violence, attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and deplored the long-term consequences of such attacks for the civilian population and the health-care systems of the countries concerned. It further strongly urged the States and all parties to armed conflict to develop effective measures to prevent and address acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities in armed conflict.

(iv) *Youth*

In resolution 2282 (2016) of 27 April 2016, the Security Council called upon States and relevant United Nations organs and entities to consider ways to increase meaningful and inclusive participation of youth in peacebuilding efforts through creating policies, including in partnership with private sector where relevant, that would enhance youth capacities and skills, and create youth employment to actively contribute to sustaining peace.⁹⁷

⁹⁴ For more information on the legal activities of the United Nations as it relates to women, see section 6 sub-section (e) of the present chapter.

⁹⁵ Statement by the President of the Security Council of 15 June 2016 (S/PRST/2016/9).

⁹⁶ See also the Report of the Secretary-General on Women and Peace and Security (S/2016/822).

⁹⁷ See also Human Rights Council resolution 32/1, entitled "Youth and human rights" (A/HRC/RES/32/1).

(i) Comprehensive assessment of United Nations peace operations

In a statement by the President of the Security Council of 25 November 2015,⁹⁸ the Security Council took note of the recommendations in the report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people of 17 June 2015⁹⁹ and the report of the Secretary-General entitled “The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations” of 2 September 2015.¹⁰⁰ In 2016, the Secretary-General provided a follow-up to the latter report entitled “Revised estimates relating to the report of the Secretary-General on the future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations”.¹⁰¹

(j) Piracy

On 9 November 2016, the Security Council adopted resolution 2316 (2016), whereby it welcomed the report of the Secretary-General¹⁰² pursuant to resolution 2246 (2015), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

Acting under Chapter VII of the Charter of the United Nations, the Security Council, *inter alia*, welcomed the new draft coast guard law which the Somali authorities, with the support of the European Union Naval Force (EUNAVFOR) Operation Atalanta and the EU Mission on Regional Maritime Capacity in the Horn of Africa (EUCAP Nestor), had submitted to the Council of Ministers for approval by Parliament.

Furthermore, the Security Council decided to renew the authorizations as set out in paragraph 14 of resolution 2246 (2015) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General for a further period of twelve months. It noted, however, that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 (2013) did not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and subregional organizations.

(k) Migrant smuggling and human trafficking

By resolution 2312 (2016) of 6 October 2016, the Security Council, acting under Chapter VII of the Charter of the United Nations, condemned all acts of migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya. It decided, *inter alia*, to renew the authorizations as set out in paragraphs 7, 8,

⁹⁸ S/PRST/2015/22.

⁹⁹ A/70/95–S/2015/446.

¹⁰⁰ A/70/357–S/2015/682.

¹⁰¹ A/70/745.

¹⁰² S/2016/843.

9 and 10 of resolution 2240 (2015) for a period of twelve months. The Security Council further emphasized that all migrants, including asylum seekers, should be treated with humanity and dignity and that their rights should be fully respected, urging all States in this regard to comply with their obligations under international law, including international human rights law and international refugee law.

By resolution 2331 (2016) of 20 December 2016, the Security Council condemned in the strongest terms all instances of trafficking in persons in areas affected by armed conflicts and stressed that trafficking in persons undermines the rule of law and contributes to other forms of transnational organized crime, which can exacerbate conflict and foster insecurity and instability and undermine development. It further called upon States to, *inter alia*, take decisive and immediate action to prevent, criminalize, investigate, prosecute and ensure accountability of those who engage in trafficking in persons, namely by investigating, disrupting and dismantling networks involved in trafficking in persons in the context of armed conflict, in accordance with national legislation, including anti-money-laundering, anti-corruption and anti-bribery laws and, where appropriate, counter-terrorism laws.

In the same resolution, the Security Council further affirmed that victims of trafficking in persons in all its forms, and of sexual violence, committed by terrorist groups should be classified as victims of terrorism with the purpose of rendering them eligible for official support, recognition and redress available to victims of terrorism, have access to national relief and reparations programmes, contribute to lifting the sociocultural stigma attached to this category of crime and facilitate rehabilitation and reintegration efforts.

3. Disarmament and related matters¹⁰³

(a) Disarmament machinery

(i) *Disarmament Commission*

The United Nations Disarmament Commission, a subsidiary organ of the General Assembly with a general mandate on disarmament questions, comprises all Member States of the United Nations.

The Commission held its organizational session for 2016 in New York on 19 January 2016.¹⁰⁴ The Commission then held six plenary meetings at United Nations Headquarters from 4 to 22 April 2016.¹⁰⁵ The Commission had before it the report of the Conference on Disarmament on its 2015 session¹⁰⁶ and other documentation submitted by the

¹⁰³ For more information about disarmament and related matters, see *The United Nations Disarmament Yearbook*, vol. 41, 2016 (United Nations publication, Sales No. E.17.IX.3), which is also available at <https://www.un.org/disarmament/>.

¹⁰⁴ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 42 (A/71/42)*, para. 2.

¹⁰⁵ *Ibid.*, para. 5.

¹⁰⁶ *Official Records of the General Assembly, Seventieth Session, Supplement No. 27 (A/70/27)*.

Secretary-General,¹⁰⁷ as well as other documents submitted by Member States dealing with substantive questions.¹⁰⁸

At its 360th meeting on 22 April 2016, the Commission adopted, by consensus, the reports of the Commission and its subsidiary bodies to be submitted to the General Assembly.¹⁰⁹

(ii) *Conference on Disarmament*

The Conference on Disarmament, established in 1979 as the single multilateral disarmament negotiating forum of the international community, was a result of the First Special Session on Disarmament of the United Nations General Assembly in 1978.

The Conference was in session from 25 January to 1 April, 16 May to 1 July and 1 August to 16 September 2016, during which it held 30 formal plenary meetings and six informal plenary meetings.¹¹⁰ At its 1371st plenary meeting on 26 January 2016, the Conference adopted its agenda for the 2016 session,¹¹¹ which included, *inter alia*, the items “Cessation of the nuclear arms race and nuclear disarmament”, “Prevention of nuclear war, including all related matters”, “Prevention of an arms race in outer space”, “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, “New types of weapons of mass destruction and new systems of such weapons”, “Comprehensive programme of disarmament” and “Transparency in armaments”.

Throughout the 2016 session, successive presidents of the Conference conducted intensive consultations with a view to reaching consensus on a programme of work on the basis of relevant proposals, but no consensus was reached on a programme of work for the 2016 session.¹¹² On 6 September 2016, the Conference adopted its annual report and transmitted it to the General Assembly for its consideration.¹¹³

(iii) *General Assembly*

In 2016, the General Assembly adopted, on the recommendation of the First Committee, 10 resolutions and one decision concerning institutional activities relating to disarmament machinery.

On 5 December 2016, the General Assembly adopted resolution 71/57 entitled “United Nations study on disarmament and non-proliferation education”, without a vote; resolution 71/73 entitled “United Nations disarmament fellowship, training and advisory services”, without a vote; resolution 71/74 entitled “United Nations Disarmament Information Programme”, without a vote; resolution 71/76 entitled “United Nations

¹⁰⁷ See A/CN.10/210.

¹⁰⁸ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 42 (A/71/42)*, para. 15.

¹⁰⁹ *Ibid.*, para. 17.

¹¹⁰ *Official Records of the General Assembly, Seventieth Session, Supplement No. 27 (A/70/27)*, paras. 2–3.

¹¹¹ *Ibid.*, para. 12.

¹¹² *Ibid.*, para. 21.

¹¹³ *Ibid.*, para. 56.

Regional Centre for Peace and Disarmament in Africa”, without a vote; resolution 71/77 entitled “United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean”, without a vote; resolution 71/78 entitled “United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific”, without a vote; resolution 71/79 entitled “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa” without a vote; resolution 71/80 entitled “United Nations regional centres for peace and disarmament”, without a vote; resolution 71/81 entitled “Report of the Conference on Disarmament”, without a vote; and resolution 71/82 entitled “Report of the Disarmament Commission”, without a vote.

On the same day, the Assembly also adopted, by a recorded vote of 179 in favour to none against, with 5 abstentions, decision 71/517 entitled “Open-ended Working Group on the fourth special session of the General Assembly devoted to disarmament”.

(b) Nuclear disarmament and non-proliferation issues

On 21 September 2016, the eighth Ministerial Meeting of the Member States of the Comprehensive Nuclear Test-Ban Treaty, 1996 (CTBT),¹¹⁴ took place at the United Nations Headquarters in New York.¹¹⁵ Foreign ministers and other high-level representatives of the Member States issued a joint ministerial statement calling for the prompt entry into force of the CTBT.¹¹⁶

The International Atomic Energy Agency (IAEA) held its sixtieth General Conference of Member States from 26 to 30 September 2016 in Vienna.¹¹⁷ The Conference adopted 16 resolutions and 3 decisions¹¹⁸ relating to the work of IAEA in key areas, including on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety, nuclear security; strengthening the Agency’s activities related to nuclear science, technology and applications; implementation of the Agreement between the Agency and the Democratic People’s Republic of Korea; and application of IAEA safeguards in the Middle East.

(i) General Assembly

On 5 December 2016, the General Assembly adopted, upon the recommendation of the First Committee, several resolutions concerning nuclear weapons and non-proliferation issues: resolution 71/26 entitled “African Nuclear-Weapon-Free Zone Treaty”, without a vote; resolution 71/27 entitled “Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)”, without a vote; resolution 71/29 entitled “Establishment of a nuclear-weapon-free zone in the region of the Middle East”, without a vote; resolution 71/30 entitled “Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”,

¹¹⁴ General Assembly resolution A/50/245 of 17 September 1996. For the text of the treaty, see A/50/1027.

¹¹⁵ For more information see <https://www.ctbto.org/the-treaty/ctbt-ministerial-meetings/2016/>.

¹¹⁶ See A/71/736.

¹¹⁷ For more information see <https://www.iaea.org/about/policy/gc/gc60>.

¹¹⁸ GC(60)/RES/DEC(2016).

by a recorded vote of 128 in favour to none against, with 57 abstentions; resolution 71/33 entitled “The Hague Code of Conduct against Ballistic Missile Proliferation”, by a recorded vote of 166 in favour to 1 against, with 16 abstentions; resolution 71/37 entitled “Reducing nuclear danger”, by a recorded vote of 126 in favour to 49 against, with 10 abstentions; resolution 71/43 entitled “Mongolia’s international security and nuclear-weapon-free status”, without a vote; resolution 71/46 entitled “Humanitarian consequences of nuclear weapons”, by a recorded vote of 144 in favour to 16 against, with 24 abstentions; resolution 71/47 entitled “Humanitarian pledge for the prohibition and elimination of nuclear weapons”, by a recorded vote of 137 in favour to 34 against, with 12 abstentions; resolution 71/49 entitled “United action with renewed determination towards the total elimination of nuclear weapons”, by a recorded vote of 167 in favour to 4 against, with 16 abstentions; resolution 71/51 entitled “Nuclear-weapon-free southern hemisphere and adjacent areas”, by a recorded vote of 179 in favour to 4 against, with 1 abstention; resolution 71/53 entitled “Decreasing the operational readiness of nuclear weapons systems”, by a recorded vote of 175 in favour to 4 against, with 5 abstentions; resolution 71/54 entitled “Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments”, by a recorded vote of 137 in favour to 25 against, with 19 abstentions; resolution 71/55 entitled “Ethical imperatives for a nuclear-weapon-free world”, by a recorded vote of 130 in favour to 37 against, with 15 abstentions; resolution 71/58 entitled “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”, by a recorded vote of 136 in favour to 25 against, with 22 abstentions; resolution 71/63 entitled “Nuclear disarmament”, by a recorded vote of 122 in favour to 44 against, with 17 abstentions; resolution 71/65 entitled “Treaty on a Nuclear-Weapon-Free Zone in Central Asia”, without a vote; resolution 71/67 entitled “Nuclear disarmament verification”, by a recorded vote of 175 in favour to none against, with 6 abstentions; resolution 71/71 entitled “Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament”, by a recorded vote of 140 in favour to 30 against, with 15 abstentions; resolution 71/75 entitled “Convention on the Prohibition of the Use of Nuclear Weapons”, by a recorded vote of 128 in favour to 50 against, with 9 abstentions; resolution 71/83 entitled “The risk of nuclear proliferation in the Middle East”, by a recorded vote of 157 in favour to 5 against, with 22 abstentions; and resolution 71/86 entitled “Comprehensive Nuclear-Test-Ban Treaty”, by a recorded vote of 181 in favour to 1 against, with 3 abstentions.

On 13 December 2016, the General Assembly adopted, without reference to a Main Committee, resolution 71/158 entitled “Report of the International Atomic Energy Agency”, without a vote.

On 23 December 2016, the General Assembly adopted, upon the recommendation of the First Committee, resolution 71/258 entitled “Taking forward multilateral nuclear disarmament negotiations”, by a recorded vote of 113 in favour to 35 against, with 13 abstentions, and resolution 71/259 entitled “Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices”, by a recorded vote of 158 in favour to 2 against, with 9 abstentions.

On 5 December 2016, the General Assembly also adopted, on the recommendation of the First Committee, decision 71/515 entitled “Further measures in the field of disarmament for the prevention of an arms race on the seabed and the ocean floor and in the subsoil thereof” and decision 71/516 entitled “Missiles”, without a vote, respectively.

(ii) *Security Council*

In 2016, the Security Council adopted five resolutions relating to nuclear disarmament and non-proliferation issues. Resolutions 2270 (2016) of 2 March 2016 and 2321 (2016) of 30 November 2016 related to nuclear tests conducted by the Democratic People's Republic of Korea in violation of several Security Council resolutions. Resolutions 2276 (2016) of 24 March 2016 and 2325 (2016) of 15 December 2016 related to the mandates of the Panels of Experts established to monitor sanctions measures imposed on the Democratic People's Republic of Korea and the mandate of the 1540 Committee in respect of general obligations of non-proliferation, respectively. Finally, in resolution 2310 (2016) of 23 September 2016, the Security Council reaffirmed its firm commitment to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and urged all States that had either not signed or ratified the Comprehensive Nuclear-Test-Ban Treaty, particularly the eight remaining Annex 2 States, to do so without further delay.

(c) **Biological and chemical weapons issues**(i) *Biological Weapons Convention*

The Eighth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972 (Biological Weapons Convention),¹¹⁹ was held in Geneva from 7 to 25 November 2016. In addition to its comprehensive review of the Convention's provisions, the Conference, *inter alia*, decided that States Parties would hold annual meetings during the period from 2017 to 2021 to seek to make progress on issues of substance and process for the period before the next Review Conference, and to renew, *mutatis mutandis*, the mandate of the Implementation Support Unit agreed to at the Seventh Review Conference, for the same period.¹²⁰

(ii) *Chemical Weapons Convention*

The twenty-first session of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1992 (Chemical Weapons Convention)¹²¹ was held in the Hague, from 28 November to 2 December 2016. The Conference considered, *inter alia*, the status of implementation of the Chemical Weapons Convention, fostering of international cooperation for peaceful purposes in the field of chemical activities, the OPCW Programme for Africa and the engagement with chemical industry and the scientific community. On 2 December 2016, the Conference considered and adopted the report of its twentieth-first session.¹²²

The membership of the Organization for the Prohibition of Chemical Weapons (OPCW) remained as 192 States parties in 2016.

¹¹⁹ United Nations, *Treaty Series*, vol. 1015, p. 164.

¹²⁰ See the Final Document of the Eighth Review Conference (BWC/CONF.VIII/4).

¹²¹ United Nations, *Treaty Series*, vol. 1974, p. 45.

¹²² C-21/5.

(iii) *General Assembly*

On 5 December 2016, the General Assembly adopted three resolutions relating to biological and chemical weapons in 2016, on the recommendation of the First Committee, namely resolution 71/59, entitled “Measures to uphold the authority of the 1925 Geneva Protocol”, by a recorded vote of 181 in favour to none against, with 2 abstentions; resolution 71/69, entitled “Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction”, by a recorded vote of 160 in favour to 6 against, with 15 abstentions; and resolution 71/87 entitled “Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction”, without a vote.

(iv) *Security Council*

On 22 July 2016, the Security Council adopted resolution 2298 (2016) concerning the destruction of Libya’s chemical weapons. The Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, encouraged Member States to assist the Government of National Accord to enable the OPCW to implement the elimination of Libya’s category 2 chemical weapons, and authorized Member States to acquire, control, transport, transfer and destroy chemical weapons identified by the Director-General of the OPCW, consistent with the objective of the Chemical Weapons Convention, to ensure the elimination of Libya’s chemical weapons stockpile in the soonest and safest manner, with appropriate consultations with the Government of National Accord.

By resolutions 2314 (2016) of 31 October 2016 and resolution 2319 (2016) of 17 November 2016, the Security Council decided to renew the mandate of the of the Organisation for the Prohibition of Chemical Weapons—United Nations Joint Investigative Mechanism (OPCW-JIM), as set out in resolution 2235, until 18 November 2016 and for a further period of one year from the adoption of the second resolution, respectively, with a possibility of further extension and update by the Security Council if it deemed necessary. In both resolutions, the Security Council, *inter alia*, condemned again in the strongest terms any use of any toxic chemical as a weapon in the Syrian Arab Republic.

Finally, the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted resolution 2325 (2016) of 15 December 2016, reiterating resolution 1540 and the mandate of the 1540 Committee.

(d) Conventional weapons issues

(i) *International Trade in Conventional Arms*

Pursuant to a decision of the First Conference of States Parties to the Arms Trade Treaty, 2013 (ATT),¹²³ an Extraordinary Meeting of States Parties was held in Geneva on 29 February 2016. The meeting adopted, *inter alia*, draft proposals concerning administrative arrangements and structure of the ATT Secretariat.

¹²³ United Nations, *Treaty Series*, registration No. 52373. See also A/69/173 and Add.1.

The Second Conference of States Parties to the ATT was held in Geneva from 22 to 26 August 2016. A number of decisions were adopted by the Conference, concerning, *inter alia*, the Voluntary Trust Fund and the establishment of working groups for the effective implementation of the ATT and its universalization, respectively. On 26 August 2016, the Conference adopted its final report.¹²⁴

On 5 December 2016, the General Assembly, on the recommendation of the First Committee, adopted resolution 71/48 entitled “The illicit trade in small arms and light weapons in all its aspects”, without a vote; resolution 71/50 entitled “The Arms Trade Treaty”, by a recorded vote of 157 in favour to none against, with 28 abstentions; and resolution 71/52 entitled “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them”, without a vote.

(ii) *Other conventional weapons issues*

On 5 December 2016, the General Assembly, on the recommendation of the First Committee, adopted eight other resolutions dealing with conventional arms issues: resolution 71/34 entitled “Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction”, by a recorded vote of 160 in favour to none against, with 20 abstentions; resolution 71/35 entitled “Information on confidence-building measures in the field of conventional arms”, without a vote; resolution 71/36 entitled “Preventing and combating illicit brokering activities”, by a recorded vote of 184 in favour to 1 against, with 1 abstention; resolution 71/44 entitled “Transparency in armaments”, by a recorded vote of 156 in favour to none against, with 29 abstentions; resolution 71/45 entitled “Implementation of the Convention on Cluster Munitions”, by a recorded vote of 141 in favour to 2 against, with 39 abstentions; resolution 71/68 entitled “National legislation on transfer of arms, military equipment and dual-use goods and technology”, by a recorded vote of 180 in favour to none against, with 3 abstentions; resolution 71/72 entitled “Countering the threat posed by improvised explosive devices”, without a vote; and resolution 71/84 entitled “Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects”, without a vote.

The Security Council did not adopt a specific resolution on the conventional weapons, but it addressed the topic in different resolutions.¹²⁵

(iii) *Other international conferences and meetings*

The Sixth Meeting of States Parties to the Convention on Cluster Munitions, 2008,¹²⁶ was held from 5 to 7 September 2016 in Geneva.¹²⁷ Actions taken by the Meeting

¹²⁴ ATT/CSP2/2016/5.

¹²⁵ See for example resolution 2262 (2016) of 27 January 2016, paras. 1–4, and resolution 2321(2016) of 30 November, paragraph 7.

¹²⁶ United Nations, *Treaty Series*, vol. 2688, p. 39.

¹²⁷ CCM/MSP/2016/9.

included the adoption of a political declaration on, *inter alia*, the universalization of the Convention and assistance for victims and survivors of cluster munitions.¹²⁸

The Fifth Review Conference of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1980 (Convention on Conventional Weapons)¹²⁹ was held from 12 to 16 December 2016 in Geneva.¹³⁰ The Meeting decided, *inter alia*, to establish an Open-ended Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention.¹³¹

With regard to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996 (Amended Protocol II)¹³² annexed to the Convention on Conventional Weapons, the Eighteenth Annual Conference of the High Contracting Parties to Amended Protocol II was held on 30 August 2016 in Geneva. The Conference, *inter alia*, reviewed the operation and status of the Protocol and adopted a declaration on improvised explosive devices for submission to the Fifth Review Conference of the Convention on Conventional Weapons.¹³³

The 2016 Meeting of Experts relating to the Protocol on Explosive Remnants of War (Protocol V)¹³⁴ was held on 29 August 2016 in Geneva. The main focus of the Meeting of Experts was on the following issues: Universalization; clearance, removal or destruction of explosive remnants of war; cooperation and assistance and requests for assistance; generic preventive measures; national reporting and victim assistance.¹³⁵ The Meeting, *inter alia*, decided that the 2017 Meeting of Experts would include a workshop on article 4 of the Protocol, entitled “Recording, retaining and transmission of information”. It further agreed on a text to be submitted to the Fifth Review Conference of the Convention on Conventional Weapons.

The Fifteenth Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, 1997 (Mine-Ban Convention)¹³⁶ was held in Geneva from 28 November to 1 December 2016. The Meeting considered reports on the work of the Convention’s four committees, established by the Third Review Conference.¹³⁷ A panel on Gender and Mine Action was held during the seventh plenary session with the participation of several authorities including Ministers, Directors and representatives of Member States. The Meeting further welcomed the commitment by Ukraine to continue to engage with the Committee on article 5 Implementation and welcomed the report of the Committee on the Enhancement

¹²⁸ CCM/MSP/2016/9, annex I.

¹²⁹ United Nations, *Treaty Series*, vol. 1342, p. 137.

¹³⁰ CCW/CONF.V/10.

¹³¹ CCW/CONF.V/2.

¹³² United Nations, *Treaty Series*, vol. 2048, p. 93.

¹³³ CCW/AP.II/CONF.18/6.

¹³⁴ United Nations, *Treaty Series*, vol. 2399, p. 100.

¹³⁵ CCW/P.V/CONF/2016/8.

¹³⁶ United Nations, *Treaty Series*, vol. 2056, p. 211.

¹³⁷ APLC/CONF/2014/4, para. 25 and annex III.

of Cooperation and Assistance, taking note of the conclusions contained therein. At its final plenary session, on 1 December 2016, the Meeting adopted its final report.¹³⁸

(e) Regional disarmament activities of the United Nations

(i) Africa

In 2016, the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) continued to assist, upon request, Member States and intergovernmental and civil society organizations in Africa to promote disarmament, peace and security.¹³⁹

The Centre focused its work on providing assistance to Member States, at their request, to combat the illicit trafficking in and prevent the diversion of illicit small arms and light weapons in the region through capacity-building for civilian authorities, defence and security forces and United Nations peacekeeping mission personnel. It also provided assistance in the implementation of the Arms Trade Treaty and of instruments relating to weapons of mass destruction, including Security Council resolution 1540 (2004). In doing so, the Centre partnered with the African Union, subregional organizations, civil society organizations and other United Nations entities.

On 25 January 2016, UNREC, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), and the African Union convened a High-Level Panel on the “Silencing the Guns in 2020”, a side event on the margins of the Summit of Heads of State of the African Union in Addis Ababa, Ethiopia. The initiative aimed at examining disarmament limitations and the humanitarian impacts of not silencing guns in Africa. It further fostered discussion around the topic promoting exchange of views and partnerships in order to evaluate innovative measures and policies for enhancing disarmament efforts towards gun control in Africa.

Moreover, the United Nations Regional Office for Central Africa, in its role as the secretariat of the United Nations Standing Advisory Committee for Security Questions in Central Africa (UNSAC) organized the forty-third ministerial meeting of UNSAC, held in Sao Tome, from 28 November to 1 December 2016. During the two ministerial meetings, the Committee reviewed the political and security situation in Central Africa and made specific recommendations on the actions needed to address the prevailing security challenges.

The Peace and Security Council of the African Union (AU), at its 584th meeting held on 29 March 2016 in Addis Ababa, Ethiopia, adopted a decision on arms control, disarmament and non-proliferation.¹⁴⁰

On 6 and 7 April 2016, the African Union hosted the Review and Assistance Conference on the Implementation of Security Council Resolution 1540 (2004) in Africa,

¹³⁸ APLC/MSP.15/2016/10.

¹³⁹ For more information, see the reports of the Secretary-General on the United Nations Regional Centre for Peace and Disarmament (A/71/128 (for the period from July 2015 to June 2016) and A/72/97 (for the period from July 2016 to June 2017)).

¹⁴⁰ *The United Nations Disarmament Yearbook*, vol. 41 (Part II), 2016 (United Nations publication, Sales No.: E.17.IX.4), pp. 123–124. See also the African Union Communiqué available at <http://www.peaceau.org/en/article/the-584th-meeting-of-the-au-peace-and-security-council-on-arms-control-disarmament-and-non-proliferation>.

offering a platform for member States to discuss domestic implementation, increase regional cooperation and promote the ratification of the African Nuclear Weapon-Free-Zone Treaty (Pelindaba Treaty). Particularly through UNREC, the work was continued for the support for disarmament, arms control and non-proliferation efforts throughout the region, with a particular focus on combating the illicit trafficking and on preventing the diversion of small arms and light weapons (SALW) and supporting activities to address weapons of mass destruction, including the implementation of Security Council resolution 1540 (2004). UNREC has been working across the region, namely in the Sahel region, in Mali and in 2016 started an initiative to support the Lake Chad Basin countries through the United Nations Counter-Terrorism Implementation Task Force, which is intended to implement Security Council resolution 2178 (2014) and national capacity-building programmes to assist countries affected by the group Boko Haram in preventing the diversion of SALW to non-State armed groups, particularly foreign terrorist fighters.¹⁴¹

(ii) *Asia and the Pacific*

The United Nations Regional Centre for Peace, Disarmament and Development in Asia and the Pacific (UNRCPD) continued its promotion of disarmament, non-proliferation and arms control programmes in the region throughout 2016.¹⁴² The Regional Centre organized the Fifteenth United Nations–Republic of Korea Joint Conference on Disarmament and Non-Proliferation Issues in Jeju, Republic of Korea, and the twenty-sixth United Nations Conference on Disarmament Issues, in Nagasaki, Japan. It organized national workshops in Cambodia, Myanmar and Thailand to strengthen national capacities to implement the United Nations Programme of Action on Small Arms and Light Weapons, and two capacity-building workshops on the Arms Trade Treaty. The Regional Centre further undertook projects relating to the implementation of Security Council resolution 1540 (2004).

In 2016, the United Nations and the Association of Southeast Asian Nations (ASEAN) agreed to take various measures with respect to peace and security. The Plan of Action to Implement the Joint Declaration on the Comprehensive Partnership between ASEAN and the United Nations for the period from 2016 to 2020, adopted on 7 September 2016 at the eighth ASEAN–United Nations Summit in Vientiane, called, in part, for the following: (a) enhancing cooperation in matters related to arms control, disarmament and non-proliferation, including through regional consultations and symposiums, as well as other activities to promote the effective implementation of global and regional treaties and other instruments; and (b) enhancing dialogue to support global efforts at promoting nuclear disarmament and non-proliferation and peaceful use of nuclear energy. The Plan of Action also contained two items concerning the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (Bangkok Treaty).¹⁴³

¹⁴¹ For more information, see Report of the Secretary-General on the United Nations Regional Centre for Peace, Disarmament and Development in Africa (A/71/128).

¹⁴² For more information, see the reports of the Secretary-General on the United Nations Regional Centre for Peace, Disarmament and Development in Asia and the Pacific (A/71/125 (for the period from 1 July 2015 to 30 June 2016) and A/72/98 (for the period from 1 July 2016 to 30 June 2017)).

¹⁴³ *The United Nations Disarmament Yearbook*, vol. 41 (Part II), 2016 (United Nations publication, Sales No.: E.17.IX.4), pp. 148–149.

The eighth Inter-Sessional Meeting on Non-Proliferation and Disarmament of the ASEAN Regional Forum, held in Putrajaya in April 2016, discussed the nuclear test and the missile launch by the Democratic People's Republic of Korea, as well as the expansion of the sanctions regime against the country by Security Council resolution 2270 (2016).

(iii) *Latin America and the Caribbean*

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) continued its technical, legal and training activities to support the efforts by States in the region in their implementation of disarmament, arms control and non-proliferation instruments and adherence to international standards and norms in those fields.¹⁴⁴ The Regional Centre also assisted States in the region in their implementation of Security Council resolution 1540 (2004), in particular with regard to issues relating to national legislation, maritime border security, combating proliferation financing and national action plans. With the adoption of the 2030 Agenda for Sustainable Development, the Regional Centre aligned its activities to support the realization of the Sustainable Development Goals, in particular Goal 16 ("Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"). Furthermore, the Regional Centre also continued its efforts to promote the participation of women in disarmament, arms control and non-proliferation initiatives, in line with General Assembly resolution 65/69 on women, disarmament, non-proliferation and arms control.

(iv) *General Assembly*

On 5 December 2016, upon the recommendation of the First Committee, the General Assembly adopted without a vote the following resolutions dealing with regional disarmament: resolution 71/39 entitled "Confidence-building measures in the regional and subregional context"; resolution 71/40 entitled "Regional disarmament"; resolution 71/76 entitled "United Nations Regional Centre for Peace and Disarmament in Africa"; resolution 71/77 entitled "United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean"; resolution 71/78 entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific"; resolution 71/79 entitled "Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa"; resolution 71/80 entitled "United Nations regional centres for peace and disarmament"; and resolution 71/85 entitled "Strengthening of security and cooperation in the Mediterranean region". On the same day, upon the recommendation of the First Committee, the Assembly also adopted resolution 71/41 entitled "Conventional arms control at the regional and sub-regional levels", by a recorded vote of 183 to 1, with 3 abstentions.

¹⁴⁴ For more information, see reports of the Secretary-General on the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (A/71/127 (for the period from July 2015 to June 2016) and A/72/99 (for the period from July 2016 to June 2017)).

(f) Outer space (disarmament aspects)

The thirty-sixth session of the Inter-Agency Meeting on Outer Space Activities (UN-Space) was held on 3 March 2016 at United Nations Headquarters in New York. The session, organized by the Office for Outer Space Affairs and hosted in coordination with the Office for Disarmament Affairs, focused, foremost, on the topic of transparency and confidence-building in relation to outer space activities. The agenda of the thirty-sixth session of UN-Space, as adopted, and the list of participants are contained in annexes IV and V.¹⁴⁵

In 2016, entities within the United Nations system, especially UNODA and the United Nations Office for Outer Space Affairs (UNOOSA), deepened their cooperation in facilitating efforts by Member States to implement the conclusions and recommendations in the 2013 report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities.¹⁴⁶ As of particular note, UNODA became a full member of UN-Space.

Following the mandate in General Assembly resolution 70/82 of 9 December 2015, UNOOSA submitted the special report to the fifty-ninth session of the Committee on the Peaceful Uses of Outer Space, held from 8 to 17 June 2016.¹⁴⁷

General Assembly

On 5 December 2016, the General Assembly, upon the recommendation of the First Committee, adopted the following resolutions with regard to disarmament activities in outer space: resolution 71/31 entitled “Prevention of an arms race in outer space”, by a recorded vote of 182 to 0, with 4 abstentions; resolution 71/32 entitled “No first placement of weapons in outer space”, by a recorded vote of 130 to 4, with 48 abstentions.

On 6 December 2016, the Assembly adopted, upon the recommendation of the Fourth Committee, resolution 71/90 entitled “International cooperation in the peaceful uses of outer space”, without a vote.

(g) Other disarmament measures and international security

General Assembly

On 5 December 2016, the General Assembly, upon the recommendation of the First Committee, adopted resolution 71/28, entitled “Developments in the field of information and telecommunications in the context of international security”, by a recorded vote of 181 to 0, with 1 abstention; resolution 71/36, entitled “Preventing and combating illicit brokering activities”, by a recorded vote of 181 to 1, with 1 abstention; resolution 71/56 entitled “Women, disarmament, non-proliferation and arms control”, without a vote; resolution 71/57, entitled “United Nations study on disarmament and non-proliferation

¹⁴⁵ See Report of the Inter-Agency Meeting on Outer Space Activities (UN-Space) on its thirty-fifth and thirty-sixth sessions, A/AC.105/1114.

¹⁴⁶ A/68/189.

¹⁴⁷ *The United Nations Disarmament Yearbook*, vol. 41 (Part II), 2016 (United Nations publication, Sales No.: E.17.IX.4), pp. 173–174. See also the Final Document of the fifty-ninth session of the Committee on the Peaceful Uses of Outer Space A/AC.105/1116.

education” without a vote; resolution 71/59, entitled “Measures to uphold the authority of the 1925 Geneva Protocol”, by a recorded vote of 181 to 0, with 2 abstentions; resolution 71/60, entitled “Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control” without a vote; resolution 71/61, entitled “Promotion of multilateralism in the area of disarmament and non-proliferation” by a recorded vote of 132 to 4, with 50 abstentions; resolution 71/70, entitled “Effects of the use of armaments and ammunitions containing depleted uranium”, by a recorded vote of 151 to 4, with 28 abstentions.

4. Legal aspects of peaceful uses of outer space

(a) Legal Subcommittee on the Peaceful Uses of Outer Space

The Legal Subcommittee on the Peaceful Uses of Outer Space held its fifty-fifth session at the United Nations Office in Vienna from 4 to 15 April 2016.¹⁴⁸

Under the agenda item “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”, the Subcommittee, *inter alia*, agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations and that such organizations should once again be invited to report to the Subcommittee, at its fifty-sixth session, on their activities relating to space law.

With regard to United Nations treaties on outer space, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and endorsed the report of the Chair of the Working Group on 14 April 2016.¹⁴⁹ The Subcommittee was informed that the Democratic People’s Republic of Korea had acceded to the Rescue Agreement and the Liability Convention on 24 February 2016, and that consequently those treaties at present had 95 and 93 States parties, respectively. The view was expressed that the rule of law in space was the cornerstone that could ensure the use of outer space for peaceful purposes, and that the five United Nations treaties on outer space had been instrumental in promoting space activities and must be adhered to and implemented in accordance with relevant Security Council resolutions. The view was expressed that the launch by the Democratic People’s Republic of Korea using ballistic missile technology was a serious violation of relevant Security Council resolutions and was in contravention of the spirit and purpose of the Outer Space Treaty.¹⁵⁰

Regarding matters related to the definition and delimitation of outer space and the character and utilization of geostationary orbit, the Subcommittee reconvened its Working Group on the Definition and Delimitation of Outer Space and endorsed the report of the Working Group.¹⁵¹ The Subcommittee agreed to reconvene the Working Group at its fifty-sixth session.

¹⁴⁸ For the Report of the Legal Subcommittee, see A/AC.105/1113.

¹⁴⁹ See Report of the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, A/AC.105/1113, Annex I.

¹⁵⁰ *Ibid.*, paras. 66–68.

¹⁵¹ See Report of the Chair of the Working Group on the Definition and Delimitation of Outer Space, A/AC.105/1113, Annex II.

Regarding the agenda item entitled “National legislation relevant to the peaceful exploration and use of outer space”, the Subcommittee agreed that the discussions under the item were important and that they enabled States to gain an understanding of existing national regulatory frameworks, share experiences on national practices and exchange information on national legal frameworks, and encouraged member States to continue to submit to the Secretariat texts of their national space laws and regulations and to provide updates and inputs for the schematic overview of national regulatory frameworks for space activities.¹⁵²

Under the agenda item “Capacity-building in space law”, the Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of education opportunities in space law,¹⁵³ including with information on available fellowships and scholarships, and recommended that States members and permanent observers of the Committee inform the Subcommittee, at its fifty-sixth session, of any action taken or planned at the national, regional or international level to build capacity in space law.¹⁵⁴

As for agenda item “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space”, some delegations expressed the view that a review panel, composed of competent and relevant experts, should be established to perform an assessment of the principles and submit its findings to the Legal Subcommittee. This view was then complemented with another one which expressed that the establishment of an independent nuclear safety review panel to regulate the use of nuclear power sources in outer space could be considered.¹⁵⁵

Under the agenda item “General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical”, the Subcommittee agreed that States members of the Committee and international intergovernmental organizations having permanent observer status with the Committee should be invited to further contribute to the compendium of space debris mitigation standards adopted by States and international organizations by providing or updating the information on any legislation or standards adopted with regard to space debris mitigation, using the template provided for that purpose. The Subcommittee also agreed that all other States Members of the United Nations should be invited to contribute to the compendium, and encouraged States with such regulations or standards to provide information on them.¹⁵⁶

Under agenda item “General exchange of information on non-legally binding United Nations instruments on outer space”, the Subcommittee agreed that this item should be retained on the agenda of the Subcommittee at its fifty-sixth session.¹⁵⁷

Regarding the agenda item “General exchange of views on the legal aspects of space traffic management”, the Subcommittee noted that consideration of the concept of space traffic management was of growing importance for all nations, and that a number of

¹⁵² See Report of the Chair of the Working Group on the Definition and Delimitation of Outer Space, A/AC.105/1113, paras. 120–121.

¹⁵³ A/AC.105/C.2/2016/CRP.8.

¹⁵⁴ A/AC.105/1113, paras. 136–137.

¹⁵⁵ *Ibid.*, paras. 150–154.

¹⁵⁶ *Ibid.*, para. 187.

¹⁵⁷ *Ibid.*, para. 202.

measures being undertaken at both the national and international levels were essential to improving the safety and sustainability of space flight. The Subcommittee agreed that a continued exchange of information on best practices and standards associated with the management of space operations was essential.¹⁵⁸

On the new agenda item entitled “General exchange of views on the application of international law to small satellite activities”, the Subcommittee noted with regard to small satellite activities a number of legal challenges, as well as existing and emerging practices and regulatory frameworks. The Subcommittee also noted the programmes of States and international organizations in the field of the development and use of small satellites. The Subcommittee agreed that in order to ensure the safe and responsible use of outer space in the future, it was important to include small satellite missions appropriately in the scope of application of international and national regulatory frameworks.¹⁵⁹ The Subcommittee requested the Secretariat to prepare a questionnaire, to be addressed to member States and permanent observers of the Committee, containing a set of questions addressing the practice of the development and use of small satellites, as well as policy and legal aspects of their use. The Subcommittee noted that the Secretariat would present the draft questionnaire to the Committee in a conference room paper at its fifty-ninth session, in June 2016.¹⁶⁰

Regarding the agenda item “Review of international mechanisms for cooperation in the peaceful exploration and use of outer space”, the Subcommittee reconvened its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space and endorsed the report of the Chair of the Working Group.¹⁶¹ The Subcommittee agreed that the review of the mechanisms for cooperation in space activities would continue to assist States in understanding the different approaches to cooperation in space activities and would contribute to the further strengthening of regional, interregional and international cooperation in the exploration and peaceful uses of outer space. In that regard, the Subcommittee reiterated that 2017, which, under its workplan, was the final year of consideration of the agenda item, would coincide with the fiftieth anniversary of the Outer Space Treaty.¹⁶²

Concerning future work, the Subcommittee agreed that five single issues/items for discussion, entitled “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space”, “General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee”, “General exchange of information on non-legally binding United Nations instruments on outer space”, “General exchange of views on the legal aspects of space traffic management” and “General exchange of views on the application of international law to small satellite activities”, should be retained on the agenda of the Subcommittee at its fifty-sixth session.¹⁶³ The Subcommittee further decided that a new single issue/item for discussion, entitled “General exchange of views

¹⁵⁸ A/AC.105/1113, paras. 205–206.

¹⁵⁹ *Ibid.*, paras. 224–225.

¹⁶⁰ *Ibid.*, para. 231.

¹⁶¹ *Ibid.*, annex III.

¹⁶² *Ibid.*, para. 246.

¹⁶³ *Ibid.*, para. 249.

on potential legal models for activities in exploration, exploitation and utilization of space resources”, should be included on the agenda at its fifty-sixth session.¹⁶⁴

(b) General Assembly

On 5 December 2016, upon the recommendation of the First Committee, the General Assembly adopted resolution 71/42 entitled “Transparency and confidence-building measures in outer space activities” without a vote. On 6 December 2016, upon the recommendation of the Fourth Committee, the Assembly adopted resolution 71/90 entitled “International cooperation in the peaceful uses of outer space” without a vote.

5. Human rights¹⁶⁵

(a) Sessions of the United Nations human rights bodies and treaty bodies

(i) *Human Rights Council*

The Human Rights Council, established in 2006,¹⁶⁶ meets as a quasi-standing body in three annual regular sessions and additional special sessions as needed. Reporting to the General Assembly, its agenda and programme of work provide the opportunity to discuss all thematic human rights issues and human rights situations that require the attention of the Assembly.

The Council’s mandate includes the review on a periodic basis of the fulfilment of the human rights obligations of all Member States, including the members of the Council, over a cycle of four years through the universal periodic review.¹⁶⁷ The Council also assumed the thirty-eight country and thematic special procedures existing under its predecessor, the Commission on Human Rights, while reviewing the mandate and criteria for

¹⁶⁴ A/AC.105/1113, para. 250.

¹⁶⁵ This section covers the resolutions adopted, if any, by the Security Council, the General Assembly and the Economic and Social Council. It also includes a selective coverage of the legal activities of the Human Rights Council, in particular activities of Special Rapporteurs and selected resolutions on specific human rights issues. Other legal developments in human rights may be found under the section in the present chapter entitled “Peace and security”. The present section does not cover resolutions addressing human rights issues arising in particular States, nor does it cover in detail the legal activities of the treaty bodies (namely, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, the Committee Against Torture, the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and the Committee on the Rights of Persons with Disabilities). Detailed information and documents relating to human rights are available on the website of the Office of the United Nations High Commissioner for Human Rights at <https://www.ohchr.org>.

¹⁶⁶ General Assembly resolution 60/251 of 15 March 2006. For further details on its establishment, see the *United Nations Juridical Yearbook*, 2006, chapter III, section 5.

¹⁶⁷ The first universal periodic review cycle covered the period 2008–2011. The second universal periodic review cycle commenced in 2012 and finished in September 2016. For a list of States included and calendar of review sessions, see the section Universal Periodic Review at the homepage of the Human Rights Council at <https://www.ohchr.org>.

the establishment of these special procedures.¹⁶⁸ Moreover, based on the previous “1503 procedure”, the confidential complaint procedure of the Council allows individuals and organizations to continue to bring complaints revealing a consistent pattern of gross and reliably attested violations of human rights to the attention of the Council.¹⁶⁹

In 2016, the Human Rights Council held its thirty-first, thirty-second and thirty-third regular sessions,¹⁷⁰ its twenty-fifth special session on “The deteriorating situation of human rights in the Syrian Arab Republic, and the recent situation in Aleppo”¹⁷¹ and its twenty-sixth special session on “Human Rights situation in South Sudan”.¹⁷²

(ii) *Human Rights Council Advisory Committee*

The Human Rights Council Advisory Committee was established pursuant to Human Rights Council resolution 5/1 of 18 June 2007.¹⁷³ The Advisory Committee is composed of eighteen experts, and functions as a think-tank for the Council, working under its direction and providing expertise in the manner and form requested by the Council, focusing mainly on studies and research-based advice, suggestions for further enhancing its procedural efficiency, as well as further research proposals within the scope of the work set out by the Council. The Advisory Committee held its sixteenth and seventeenth sessions from 22 to 26 February 2016 and from 8 to 12 August 2016, respectively.¹⁷⁴

(iii) *Human Rights Committee*

The Human Rights Committee was established under the International Covenant on Civil and Political Rights of 1966¹⁷⁵ to monitor the implementation of the Covenant and its Optional Protocols¹⁷⁶ in the territory of States parties. The Committee held its 116th, 117th and 118th sessions in Geneva from 7 to 31 March, from 20 June to 15 July, and from 17 October to 4 November 2016, respectively.¹⁷⁷ The Committee did not adopt a general comment in 2016.

¹⁶⁸ Human Rights Council decision 1/102 of 30 June 2006.

¹⁶⁹ More detailed information on the mandate, work and methods of the Human Rights Council is available at the homepage of the Human Rights Council at <https://www.ohchr.org>.

¹⁷⁰ For the reports of the thirty-first and thirty-second sessions, see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53 (A/71/53)*. For the report of the thirty-third session, see *ibid.*, *Supplement No. 53 (A/71/53/Add.1)*.

¹⁷¹ For report of the twenty-fifth special session, see *ibid.*, *Supplement No. 53 (A/71/53/Add.2)*.

¹⁷² For report of the twenty-sixth special session, see *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53 (A/72/53)*.

¹⁷³ The Human Rights Council Advisory Committee replaced the Sub-Commission for the Promotion and Protection of Human Rights as the main subsidiary body of the Human Rights Council.

¹⁷⁴ For the reports of the Advisory Committee on its sixteenth and seventeenth sessions, see A/HRC/AC/16/2 and A/HRC/AC/17/2, respectively.

¹⁷⁵ United Nations, *Treaty Series*, vol. 999, p. 171.

¹⁷⁶ Optional Protocol to the International Covenant on Civil and Political Rights, *ibid.*; and Second Optional Protocol to the International Covenant on Civil and Political Rights, *ibid.*, vol. 1642, p. 414.

¹⁷⁷ For the report of the 116th session, see *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 40 (A/71/40)*. For the report of the 117th and 118th sessions, see *ibid.*,

(iv) *Committee on Economic, Social and Cultural Rights*

The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council¹⁷⁸ to monitor the implementation of the International Covenant on Economic, Social and Cultural Rights of 1966¹⁷⁹ by its States parties. The Committee held its fifty-seventh, fifty-eighth and fifty-ninth sessions in Geneva from 22 February to 4 March, from 6 to 24 June, and from 19 September to 7 October 2016, respectively.¹⁸⁰ The Committee adopted two General comments in 2016, namely general comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)¹⁸¹ and general comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights).¹⁸²

(v) *Committee on the Elimination of Racial Discrimination*

The Committee on the Elimination of Racial Discrimination was established under the International Convention on the Elimination of All Forms of Racial Discrimination of 1966¹⁸³ to monitor the implementation of this Convention by its States parties. The Committee held its eighty-ninth, ninetieth and ninety-first sessions in Geneva from 25 April to 13 May, from 2 to 26 August, and from 21 November to 9 December 2016, respectively.¹⁸⁴ The Committee did not adopt a general recommendation in 2016.

(vi) *Committee on the Elimination of Discrimination against Women*

The Committee on the Elimination of Discrimination against Women was established under the Convention on the Elimination of All Forms of Discrimination against Women of 1979¹⁸⁵ to monitor the implementation of this Convention by its States parties. The Committee held its sixty-third, sixty-fourth and sixty-fifth sessions in Geneva from 15 February to 4 March, from 4 to 22 July, and from 24 October to 18 November 2016, respectively.¹⁸⁶ The Committee adopted general recommendation No. 34 on the rights of rural women.¹⁸⁷

Seventieth-second Session, Supplement No. 40 (A/72/40).

¹⁷⁸ Economic and Social Council resolution 1985/17 of 28 May 1985.

¹⁷⁹ United Nations, *Treaty Series*, vol. 993, p. 3.

¹⁸⁰ For the reports of the fifty-seventh, fifty-eighth, and fifty-ninth sessions, see *Official Records of the Economic and Social Council, 2017, Supplement No. 2 (E/2017/22)*.

¹⁸¹ E/C.12/GC/22.

¹⁸² E/C.12/GC/23.

¹⁸³ United Nations, *Treaty Series*, vol. 660, p. 195.

¹⁸⁴ For the report of the eighty-ninth session, see *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 18 (A/71/18)*. For the reports of the ninetieth and the ninety-first sessions, see *ibid.*, *Seventieth-second Session, Supplement No. 18 (A/72/18)*.

¹⁸⁵ United Nations, *Treaty Series*, vol. 1249, p. 13.

¹⁸⁶ For the report of the sixty-third session, see *Official Records of the General Assembly, seventieth-first Session, Supplement No. 38 (A/71/38)*. For the reports of the sixty-fourth and sixty-fifth session see *ibid.*, *Seventieth-second Session, Supplement No. 38 (A/72/38)*.

¹⁸⁷ CEDAW/C/GC/34.

(vii) *Committee against Torture*

The Committee against Torture was established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984¹⁸⁸ to monitor the implementation of the Convention by its States parties. The Committee held its fifty-seventh, fifty-eighth and fifty-ninth sessions in Geneva from 18 April to 13 May, from 25 July to 12 August, and from 7 November to 7 December 2016, respectively.¹⁸⁹ The Committee did not adopt a general comment in 2016.

The Subcommittee on Prevention of Torture, established in October 2006 under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁹⁰ held its twenty-eighth, twenty-ninth, and thirtieth sessions from 15 to 19 February, from 13 to 17 June, and from 14 to 18 November 2016, respectively.¹⁹¹

(viii) *Committee on the Rights of the Child*

The Committee on the Rights of the Child was established under the Convention on the Rights of the Child of 1989¹⁹² to monitor the implementation of this Convention by its States parties. The Committee held its seventy-first, seventy-second and seventy-third sessions in Geneva from 11 to 29 January, from 17 May to 3 June, and from 13 to 30 September 2016, respectively.¹⁹³ The Committee did not adopt a general comment in 2016.

(ix) *Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was established under the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990¹⁹⁴ to monitor the implementation of this Convention by its States parties in their territories. The Committee held its twenty-fourth and twenty-fifth sessions in Geneva from 11 to 22 April and from 29 August to 7 September 2016, respectively.¹⁹⁵ The Committee did not adopt a general comment in 2016.

¹⁸⁸ United Nations, *Treaty Series*, vol. 1465, p. 85.

¹⁸⁹ For the report of the fifty-seventh session, see *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 44 (A/71/44)*. For the reports of the fifty-eighth and fifty-ninth sessions, see *ibid.*, *Seventy-second Session, Supplement No. 44 (A/72/44)*.

¹⁹⁰ United Nations, *Treaty Series*, vol. 2375, p. 237.

¹⁹¹ For details of the twenty-eighth, twenty-ninth and thirtieth sessions, see the tenth annual report of the Subcommittee (CAT/C/60/3).

¹⁹² United Nations, *Treaty Series*, vol. 1577, p. 3.

¹⁹³ For the report of the seventieth-first, see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 41 (A/71/41)*. For the report of the seventieth-second and seventieth-third session, see *ibid.*, *Seventy-third Session, Supplement No. 41 (A/73/41)*.

¹⁹⁴ United Nations, *Treaty Series*, vol. 2220, p. 3.

¹⁹⁵ For the report of the twenty-fourth session, see *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 48 (A/71/48)*. For the report of the twenty-fifth session, see *ibid.*, *Seventy-second Session, Supplement No. 48 (A/72/48)*.

(x) *Committee on the Rights of Persons with Disabilities*

The Committee on the Rights of Persons with Disabilities is the body of independent experts established under the Convention on the Rights of Persons with Disabilities of 2006¹⁹⁶ and its 2006 Optional Protocol¹⁹⁷ to monitor the implementation of the Convention and the Optional Protocol by States parties. In 2016, the Committee held its fifteenth and sixteenth sessions in Geneva from 29 March to 21 April and from 15 August to 2 September, respectively.¹⁹⁸ On 26 August 2016, the Committee adopted two general comments, namely general comment No. 3 (2016) on “Women and girls with disabilities”¹⁹⁹ (article 6) and general comment No. 4 (2016) on “The right to inclusive education”²⁰⁰ (article 24).

(xi) *Committee on Enforced Disappearances*

The Committee on Enforced Disappearances was established under the International Convention for the Protection of All Persons from Enforced Disappearance of 2006²⁰¹ to monitor the implementation of the Convention by its State parties. In 2016, the Committee held its tenth and eleventh sessions in Geneva from 7 to 18 March and from 3 to 14 October, respectively.²⁰² The Committee did not adopt a general comment in 2016.

(b) Racism, racial discrimination, xenophobia and related intolerance(i) *Human Rights Council*

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, submitted to the Human Rights Council a report on combating glorification of Nazism, neo-nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance,²⁰³ pursuant to General Assembly resolution 70/139. In the report, the Special Rapporteur addressed developments with regard to the continuing human rights and democratic challenges posed by extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements.

The Special Rapporteur, pursuant to Human Rights Council resolution 25/32, also submitted a report to the Human Rights Council focusing on the phenomenon of xenophobia and its conceptualization, trends and manifestations.²⁰⁴ In the report, the Special

¹⁹⁶ United Nations, *Treaty Series*, vol. 2515, p. 3.

¹⁹⁷ *Ibid.*, vol. 2518, p. 283.

¹⁹⁸ For the reports of the fifteenth and sixteenth sessions, see *Official Records of the General Assembly, Seventy-second Session, Supplement No. 55 (A/72/55)*.

¹⁹⁹ CRPD/C/GC/3.

²⁰⁰ CRPD/C/GC/4.

²⁰¹ General Assembly resolution 61/177 of 20 December 2006, annex.

²⁰² For the report of the tenth session see *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 56 (A/71/56)*. For the report of the eleventh session, see *ibid.*, *Seventy-second Session, Supplement No. 56 (A/72/56)*.

²⁰³ A/HRC/32/49.

²⁰⁴ A/HRC/32/50.

Rapporteur attempted to bring clarity to the concept of xenophobia, provided an overview of the different applicable norms and frameworks prohibiting xenophobia that had been adopted at the international, regional and national level, and discussed manifestations of the phenomenon of xenophobia.

On 24 March 2016, the Human Rights Council adopted, without a vote, resolution 31/26 entitled “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief”.²⁰⁵ On 1 July 2016, the Human Rights Council adopted, without a vote, resolution 32/17 entitled “Addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls”.²⁰⁶

(ii) *General Assembly*

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, submitted a report to the General Assembly, pursuant to General Assembly resolution 70/139, on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, based on views collected from Governments and non-governmental organizations.²⁰⁷

The Secretary-General submitted three reports to the General Assembly, entitled “Programme of activities for the implementation of the International Decade for People of African Descent”,²⁰⁸ “A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”,²⁰⁹ and “Status of the International Convention on the Elimination of All Forms of Racial Discrimination”.²¹⁰ The Secretary-General also submitted to the General Assembly a note on the Group of Independent eminent experts on the implementation of the Durban Declaration and Programme of Action,²¹¹ and transmitted to the General Assembly the report of the Working Group of Experts on People of African Descent.²¹²

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted three resolutions related to this topic: resolution 71/179 entitled “Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, by a recorded vote of 136 to 2, with 49 abstentions; resolution 71/180 entitled “International Convention on the Elimination of All Forms of Racial Discrimination”,

²⁰⁵ A/HRC/RES/31/26.

²⁰⁶ A/HRC/RES/32/17.

²⁰⁷ A/71/325.

²⁰⁸ A/71/290.

²⁰⁹ A/71/399.

²¹⁰ A/71/327.

²¹¹ A/71/288.

²¹² A/71/297.

without a vote; and resolution 71/181 entitled “A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, by a recorded vote of 133 to 9, with 45 abstentions.

(c) Right to development and poverty reduction

(i) Extreme poverty and right to development

a. Human Rights Council

The Special Rapporteur on extreme poverty and human rights, Philip Alston, submitted a report to the Human Rights Council.²¹³ In the report, the Special Rapporteur argued that treating economic and social rights as human rights was essential both for efforts to eliminate extreme poverty and to ensure a balanced and credible approach in the field of human rights as a whole, and that economic and social rights currently remained marginal in most contexts, thus undermining the principle of the indivisibility of the two sets of rights.

The Secretary-General and the United Nations High Commissioner for Human Rights submitted a report to the Human Rights Council relating to the promotion and realization of the right to development.²¹⁴

On 23 March 2016, the Human Rights Council adopted resolution 31/4 entitled “Commemoration of the thirtieth anniversary of the Declaration on the Right to Development”, without a vote. On 29 September 2016, the Human Rights Council adopted resolution 33/14 entitled “The right to development”, by a recorded vote of 34 to 2, with 11 abstentions.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on extreme poverty and human rights.²¹⁵

In accordance with General Assembly resolution 70/218 of 22 December 2015, the Secretary-General submitted a report entitled “Implementation of the Second United Nations Decade for the Eradication of Poverty (2008–2017)” to the General Assembly.²¹⁶

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/186 entitled “Human rights and extreme poverty”, without a vote. On 21 December 2016, upon recommendation of the Second Committee, the General Assembly adopted, without a vote, resolution 71/240 entitled “Promotion of sustainable tourism, including ecotourism, for poverty eradication and environment protection” and resolution 71/241 entitled “Second United Nations Decade for the Eradication of Poverty (2008–2017)”.

²¹³ A/HRC/32/31.

²¹⁴ A/HRC/33/31.

²¹⁵ A/71/367.

²¹⁶ A/71/181.

(d) Right of peoples to self-determination

(i) Universal realization of the right of peoples to self-determination

a. Human Rights Council

On 24 March 2016, the Human Rights Council adopted resolution 31/33 entitled “Right of the Palestinian people to self-determination”, without a vote.

b. General Assembly

On 30 November 2016, without reference to a main committee, the General Assembly adopted resolution 71/20 entitled “Committee on the Exercise of the Inalienable Rights of the Palestinian People”, by a recorded vote of 100 to 9, with 55 abstentions.

On 6 December 2016, upon recommendation of the Fourth Committee, the General Assembly adopted resolution 71/121 entitled “Dissemination of information on decolonization”, by a recorded vote of 174 to 3, with 2 abstentions, and resolution 71/122 entitled “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples”, by a recorded vote of 171 to 5, with 4 abstentions.

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/183 entitled “Universal realization of the right of peoples to self-determination”, without a vote, and resolution 71/184 entitled “The right of the Palestinian people to self-determination”, by a recorded vote of 177 to 7, with 4 abstentions.

(ii) Mercenaries

a. Human Right Council

The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination submitted its report to the Human Rights Council, presenting the findings of its ongoing global study of national laws and regulations relating to private military and/or security companies (PMSCs).²¹⁷

On 29 September 2016, the Council adopted resolution 33/4 entitled “The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”, by a recorded vote of 32 to 13, with 2 abstentions.

b. General Assembly

In accordance with Commission on Human Rights resolution 2005/2 of 7 April 2005, the Secretary-General transmitted the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly.²¹⁸ The report used an historical perspective, tracing the evolution of the phenomena of mercenarism and foreign fighters and thus allowing for a closer examination of similarities and differences in the motivations, recruitment and regulation of both types of actors motivation and recruitment practices,

²¹⁷ A/HRC/33/43.

²¹⁸ A/71/318.

the linkages between foreign fighters and mercenaries, and the human rights implications of the presence of foreign fighters.

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/182 entitled “Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination” by a recorded vote of 132 to 53, with 4 abstentions.

(e) Economic, social and cultural rights

Human Rights Council

On 23 March 2016, the Human Rights Council adopted resolution 31/5 entitled “Question of the realization in all countries of economic, social and cultural rights”, without a vote.

(i) *Right to food*

a. Human Rights Council

The Special Rapporteur on the right to food, Hilal Elver, submitted a report to the Human Rights Council in accordance with its resolution 22/9 on the right to food.²¹⁹

On 23 March 2016, the Human Rights Council adopted resolution 31/10 entitled “The right to food”, without a vote. On 30 June 2016, it adopted resolution 32/8 entitled “Mandate of the Special Rapporteur on the right to food”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the interim report of the Special Rapporteur on the right to food.²²⁰ The report outlined the underlying factors of malnutrition and the challenges of global nutrition governance.

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/191 entitled “The right to food” without a vote.

(ii) *Right to education*

a. Human Rights Council

The Special Rapporteur on the right to education, Kishore Singh, submitted his annual report to the Human Rights Council pursuant to its resolution 27/17.²²¹ The report addressed issues and challenges to the right to education in the digital age, with a focus on higher education, and considered how the norms and principles of the right to education should be upheld while embracing digital technologies.

On 24 March 2016, the Human Rights Council adopted resolution 31/21 entitled “Human rights education and training”, without a vote. On 1 July 2016, the Human

²¹⁹ A/HRC/31/51.

²²⁰ A/71/282.

²²¹ A/HRC/32/37.

Rights Council adopted resolution 32/20 entitled “Realizing the equal enjoyment of the right to education by every girl and resolution 32/22 entitled “The right to education”²²², without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the right to education,²²³ which focused on lifelong learning and the right to education, and offered recommendations with a view to promoting learning as a right and its pursuit from a lifelong learning perspective, in keeping with State obligations as set out in international human rights instruments.

(iii) *Right to adequate standard of living, including adequate housing*

a. Human Rights Council

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Leilani Farha, submitted her report to the Human Rights Council.²²⁴ The Special Rapporteur considered homelessness as a global human rights crisis directly linked to increased inequality of wealth and property, requiring urgent attention, and outlined a clear set of obligations on States under international human rights law that, if complied with, would eliminate homelessness. The Special Rapporteur also proposed a global campaign to eliminate homelessness by 2030.

On 23 March 2016, the Human Rights Council adopted resolution 31/9 entitled “Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,²²⁵ which focused on the dependence between the right to adequate housing and the right to life and on the need to reunify both rights under one same approach.

(iv) *Access to safe drinking water and sanitation*

a. Human Rights Council

In accordance with Human Rights Council resolution 24/18 of 27 September 2013, the Special Rapporteur on the human right to safe drinking water and sanitation, Léo Heller,

²²² A/HRC/RES/32/22.

²²³ A/71/358.

²²⁴ A/HRC/31/54.

²²⁵ A/71/310.

submitted his report to the Human Rights Council.²²⁶ The report focused on gender equality in the realization of the human rights to water and sanitation.

On 29 September 2016, the Human Rights Council adopted resolution 33/10 entitled “The human rights to safe drinking water and sanitation”, by a recorded vote of 42 to 1, with 4 abstentions.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the human right to safe drinking water and sanitation, Léo Heller, submitted pursuant to Human Rights Council resolution 24/18.²²⁷ The report discussed development cooperation in the water and sanitation sector, assessing the roles that it could and should play in the realization of the human rights to water and sanitation.

(v) *Right to health*

a. Human Rights Council

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Puras, submitted two reports to the Human Rights Council.²²⁸ In his first report, the Special Rapporteur discussed mental health, the rights to sexual and reproductive health, and substance use and drug control, in view of the particular challenges they pose in balancing adolescents’ emerging autonomy with their right to protection. In his second report, the Special Rapporteur explored the obligations of Member States of the United Nations and non-State actors regarding sport and healthy lifestyles as contributing factors to the right to health, with a focus on sport and physical activity.

Pursuant to Human Rights Council resolution 30/4, the Expert Mechanism on the Rights of Indigenous Peoples presented a study on the right to health and indigenous peoples with a focus on children and youth,²²⁹ which consisted of a critical analysis of the content of the right to health *vis-à-vis* indigenous peoples and a review of the legal obligations of States and others in terms of fulfilling that right.

On 1 July 2016, the Human Rights Council adopted, without a vote, resolution 32/15 entitled “Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”, resolution 32/16 entitled “Promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health through enhancing capacity-building in public health”, and resolution 32/18 entitled “Mental health and human rights”. On 29 September 2016, the Human Rights Council adopted resolution 33/9 entitled “The right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.

²²⁶ A/HRC/33/49.

²²⁷ A/71/302.

²²⁸ A/HRC/32/32 and A/HRC/32/33.

²²⁹ A/HRC/33/57.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.²³⁰ In the report, the Special Rapporteur highlighted the mutually reinforcing complementarities between the 2030 Agenda for Sustainable Development and the Sustainable Development Goals and the right to health, illustrated how the right to health could help to address critical implementation gaps within the Sustainable Development Goals framework.

(vi) *Cultural rights*

a. Human Rights Council

The Special Rapporteur in the field of cultural rights, Karima Bennoune, submitted her report to the Human Rights Council.²³¹ The report reflected on the valuable work undertaken from 2009 to 2015 by the previous Special Rapporteur and began the process of building on that foundation. It highlighted priority areas in which the Special Rapporteur believed further advances should be made.

On 23 March 2016, the Human Rights Council adopted resolutions 31/12, entitled “Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity”, without a vote. On 30 September 2016, the Human Rights Council adopted resolution 33/20, entitled “Cultural rights and the protection of cultural heritage”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur in the field of cultural rights.²³² The report addressed the intentional destruction of cultural heritage, in conflict and non-conflict situations, by States and non-State actors. It examined the impact of such destruction on a range of human rights, including the right to take part in cultural life and called for an effective national and international strategies for preventing and holding accountable those alleged to have taken part in such destruction.

(f) *Civil and political rights*

(i) *Torture*

a. Human Rights Council

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, submitted his report to the Human Rights Council.²³³ The report focused on the applicability of the prohibition of torture and other cruel, inhuman

²³⁰ A/71/304.

²³¹ A/HRC/31/59.

²³² A/71/317.

²³³ A/HRC/31/57.

or degrading treatment or punishment in international law to the unique experiences of women, girls, and lesbian, gay, bisexual, transgender and intersex persons.

On 24 March 2016, the Human Rights Council adopted, without a vote, resolution 31/31 entitled “Torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention”.²³⁴

b. General Assembly

The Secretary-General submitted a report on the United Nations Voluntary Fund for Victims of Torture²³⁵ to the General Assembly, which described the outcome of the forty-third session of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, in particular the expert workshop of practitioners on redress and rehabilitation of victims of torture in emergency contexts and long-term needs of victims. The Secretary-General also transmitted to the General Assembly the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.²³⁶ The report addressed the legal, ethical, scientific and practical arguments against the use of torture, other ill-treatment and coercive methods during interviews of suspects, victims, witnesses and other persons in various investigative contexts. In addition, the subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment submitted its ninth annual report,²³⁷ which was transmitted by the Secretary-General to the General Assembly.²³⁸

(ii) *Arbitrary detention, persons deprived of liberty, and extrajudicial, summary and arbitrary execution*

a. Human Rights Council

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, submitted their joint report to the Human Rights Council.²³⁹ The report presented a compilation of practical recommendations for the proper management of assemblies.

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, submitted his report to the Human Rights Council.²⁴⁰ The report provided a short commentary on the process of updating the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (known as the Minnesota Protocol) and surveyed the standards for the use of force by private security providers in law enforcement contexts.

²³⁴ A/HRC/RES/31/31.

²³⁵ A/71/289.

²³⁶ A/71/298.

²³⁷ CAT/C/57/4 and Corr.1.

²³⁸ A/71/341.

²³⁹ A/HRC/31/66.

²⁴⁰ A/HRC/32/39.

On 30 September 2016, the Human Rights Council adopted resolution 33/30 entitled “Arbitrary detention”, by a recorded vote of 46 to 0, with 1 abstention.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions,²⁴¹ in which the Special Rapporteur provided an overview of his activities since the submission of his previous report and offered a review of some of the subjects considered over the six years of his mandate.

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/198 entitled “Extrajudicial, summary or arbitrary executions”, by a recorded vote of 125 to 2, with 56 abstentions.

(iii) *Enforced disappearances and missing persons*

a. Human Rights Council

The Working Group on Enforced or Involuntary Disappearances²⁴² submitted its annual report to the Human Rights Council,²⁴³ detailing the activities of and communications and cases examined by the Working Group on Enforced or Involuntary Disappearances covering the period 16 May 2015 to 18 May 2016.

b. General Assembly

Pursuant to General Assembly resolution 70/160, the Secretary-General submitted to the General Assembly a report entitled “International Convention for the Protection of All Persons from Enforced Disappearance”,²⁴⁴ containing information on the activities carried out in relation to the implementation of the resolution by Member States, the Secretary-General, the United Nations High Commissioner for Human Rights and his Office, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and intergovernmental and non-governmental organizations.

The Committee on Enforced Disappearances also submitted the reports of its tenth and eleventh sessions to the General Assembly.²⁴⁵

On 19 December 2016, the General Assembly adopted, upon recommendation of the Third Committee, resolution 71/201 entitled “Missing persons”, without a vote.

²⁴¹ A/71/372.

²⁴² The mandate was most recently extended by the Human Rights Council in its resolution 27/1 of 25 September 2014.

²⁴³ A/HRC/33/51.

²⁴⁴ A/71/278.

²⁴⁵ For the reports of the tenth session, see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 56 (A/71/56)*. For the report of the eleventh session, see *ibid.*, *Seventy-second Session, Supplement No. 56 (A/72/56)*.

(iv) *Integration of human rights of women and a gender perspective*²⁴⁶**a. Human Rights Council**

The Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, submitted a report to the Human Rights Council.²⁴⁷ The report provided an overview of the legally binding provisions, implementing mechanisms and relevant jurisprudence regarding violence against women and set out the thematic priorities of her intended action. In particular, the report focused on the use of data on violence against women as a tool for its prevention.

The Working Group on the issue of discrimination against women in law and in practice also submitted a report to the Human Rights Council.²⁴⁸ The report addressed the issue of discrimination against women with regard to health and safety.

The Office of the United Nations High Commissioner for Human Rights also submitted a report to the Council.²⁴⁹ The report focused on violence against indigenous women and girls and on women's rights under the 2030 Agenda for Sustainable Development.

On 30 June 2016, the Human Rights Council adopted, without a vote, resolution 32/4 entitled "Elimination of discrimination against women" and resolution 32/7 entitled "The right to a nationality: women's equal nationality rights in law and in practice". On 1 July, the Human Rights Council adopted resolution 32/19 entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls", without a vote.

b. General Assembly

On 5 December 2016, upon recommendation of the First Committee, the General Assembly adopted resolution 71/56 entitled "Women, disarmament, non-proliferation and arms control resolutions", without a vote. On 19 December 2016, the General Assembly adopted resolution 71/170 entitled "Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence", on the recommendation of the Third Committee and without a vote.

(v) *Trafficking***a. Human Rights Council**

The Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, submitted her annual report to the Human Rights Council.²⁵⁰ In the report, the Special Rapporteur outlined her activities undertaken during the period under review and presented a thematic report on the subject of trafficking in

²⁴⁶ For more information on the rights of women, see section 6 of this chapter.

²⁴⁷ A/HRC/32/42 and A/HRC/32/42/Corr.1.

²⁴⁸ A/HRC/32/44.

²⁴⁹ A/HRC/33/68.

²⁵⁰ A/HRC/32/41 and Corr.1.

persons in conflict and post-conflict situations: protecting victims of trafficking and people at risk of trafficking, especially women and children.

On 30 June 2016, The Human Rights Council adopted resolution 32/3, entitled “Trafficking in persons, especially women and children: protecting victims of trafficking and persons at risk of trafficking, especially women and children in conflict and post-conflict situations”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General-Assembly the report of the Special Rapporteur on trafficking in persons, especially women and children.²⁵¹ The report raised international awareness of the forms and nature of trafficking related to the complex situation of conflict.

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/167 entitled “Trafficking in women and girls”, without a vote.

(vi) Freedom of religion or belief, expression and assembly

a. Human Rights Council

The Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, submitted a report²⁵² to the Human Rights Council which analysed the relationship between the right to freedom of religion or belief and the right to freedom of opinion and expression.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, submitted his annual report to the Council, on the intersection of State regulation, the private sector and freedom of expression in a digital age.²⁵³

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, submitted his report to the Council addressing the phenomenon of fundamentalism and its impact on the exercise of the rights to freedom of peaceful assembly and of association by examining the positive role that assembly and association rights can play in preventing the spread of extremism and radicalization.²⁵⁴

On 23 March 2016, the Human Rights Council adopted resolution 31/16, entitled “Freedom of religion or belief”, without a vote. On 24 March 2016, the Human Rights Council adopted resolution 31/37 entitled “The promotion and protection of human rights in the context of peaceful protests”, by a recorded vote of 31 to 5, with 10 abstentions. On 1 July 2016, the Human Rights Council adopted resolution 32/32 entitled “The rights to freedom of peaceful assembly and of association”, without a vote.

²⁵¹ A/71/303.

²⁵² A/HRC/31/18.

²⁵³ A/HRC/32/38.

²⁵⁴ A/HRC/32/36 and Add.1-5.

b. General Assembly

The Secretary-General transmitted to the General Assembly the interim report of the Special Rapporteur on freedom of religion or belief, in accordance with General Assembly resolution 70/158.²⁵⁵ In his report, the Special Rapporteur focused on the broad range of violations of freedom of religion or belief and their manifold root causes, as well as additional variables, including from a gender perspective, which needed to be taken into account for an appropriate analysis of the problems.

The Secretary-General submitted to the General Assembly a report on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.²⁵⁶

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.²⁵⁷ The report addressed some contemporary challenges to freedom of expression while assessing trends relating to the permissible restrictions laid out in article 19, paragraph 3, of the International Covenant on Civil and Political Rights. It concluded with recommendations that the United Nations, States and civil society might take to promote and protect freedom of opinion and expression.

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association²⁵⁸. The report addressed the exercise and enjoyment of the rights to freedom of peaceful assembly and of association in the workplace, with a focus on the most marginalized portions of the world's labour force, including global supply chain workers, informal workers, migrant workers, domestic workers and others.

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/195 entitled "Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief" and resolution 71/196 entitled "Freedom of religion or belief", without a vote.

(vii) *Right to life*

a. Human Rights Council

On 12 July 2016, the Secretary-General submitted a report to the Human Rights Council entitled "Question of the death penalty",²⁵⁹ which confirmed that the trend towards the universal abolition of the death penalty was continuing.

²⁵⁵ A/71/269.

²⁵⁶ A/71/369.

²⁵⁷ A/71/373.

²⁵⁸ A/71/385.

²⁵⁹ A/HRC/33/20.

b. General Assembly

The Secretary-General submitted a report to the General Assembly regarding capital punishment entitled “Moratorium on the use of the death penalty”.²⁶⁰ The report discussed developments towards the abolition of the death penalty and the establishment of moratoriums on executions and the role of national human rights institutions and private companies, as well as regional and international initiatives for advancing the abolition of the death penalty.

On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/187 entitled “Moratorium on the use of the death penalty”, by a recorded vote of 117 to 40, with 31 abstentions.

(viii) *Right to privacy*

a. Human Rights Council

The Special Rapporteur on the right to privacy, Joseph A. Cannataci, submitted a report to the Human Rights Council,²⁶¹ in which he described his vision for the mandate, his working methods and provided an insight into the state of privacy at the beginning of 2016 and a work plan for the first three years of the mandate.

b. General Assembly

The Secretary-General transmitted to the General Assembly the first report of the Special Rapporteur on the right to privacy.²⁶² This report focused on outlining the first set of five priorities on which the Special Rapporteur had commenced work in parallel, namely Thematic Action Streams (TAS) on Big Data and Open Data; Security and Surveillance; Health Data; Personal data processed by corporations; and “A better understanding of Privacy”.

On 19 December 2016, the General Assembly adopted resolution 71/199 entitled “The right to privacy in the digital age”, without a vote. The Assembly reaffirmed, *inter alia*, the right to privacy, according to which no one should be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights.

(ix) *Right to truth*

a. Human Rights Council

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, submitted his annual report to the Human Rights

²⁶⁰ A/71/332.

²⁶¹ A/HRC/31/64.

²⁶² A/71/368.

Council.²⁶³ In the report, which focused on national consultations processes, the Special Rapporteur addressed the participation of victims in transitional justice measures.

On 30 September 2016, the Human Rights Council adopted resolution 33/19, entitled “Human rights and transitional justice”, by a recorded vote of 29 to 1, with 17 abstentions.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.²⁶⁴ This report focused on the issue of national consultations on the design and implementation of transitional justice measures.

(g) Rights of the child

a. Human Rights Council

The Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, submitted her annual report to the Human Rights Council.²⁶⁵ In the report, the Special Rapporteur outlined the activities undertaken in discharging her mandate and the progress achieved in addressing grave violations against children, including by addressing the impact of armed conflict on girls, the emerging and recurrent challenges related to the deprivation of liberty of children in situations of conflict, and progress in ending grave violations against children, in particular through direct engagement with parties to conflict.

The Special Representative of the Secretary-General on Violence against Children, Marta Santos Pais, submitted her annual report to the Human Rights Council.²⁶⁶ The report built upon the decision by the Assembly to renew the mandate of the Special Representative, and upon the opportunities provided by the adoption of the 2030 Agenda for Sustainable Development and the commemoration in 2016 of the tenth anniversary of the submission to the Assembly of the United Nations study on violence against children.

The Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, submitted two reports to the Council, which contained a thematic study on tackling the demand for the sexual exploitation of children and recommendations to reduce and eradicate the demand through prevention, accountability and rehabilitation measures²⁶⁷ and a thematic study on illegal adoptions and recommendations on how to prevent and combat that phenomenon.²⁶⁸

The United Nations High Commissioner for Human Rights also submitted three reports to the Council. The first report analysed the human rights situation of migrants in

²⁶³ A/HRC/34/62.

²⁶⁴ A/71/567.

²⁶⁵ A/HRC/34/44.

²⁶⁶ A/HRC/31/20.

²⁶⁷ A/HRC/31/58.

²⁶⁸ A/HRC/34/55.

transit, highlighting human rights concerns as well as the relevant normative framework.²⁶⁹ The second report analyzed the efforts made with regard to strengthening existing policies and programmes aimed at universal birth registration and vital statistics development and provided a summary of international legal obligations and its implementation status.²⁷⁰ The third one analysed the ways in which the 2030 Agenda for Sustainable Development has the potential to support the realization of children's rights and presents an overview of relevant lessons from the implementation of the Millennium Development Goals.²⁷¹

On 23 March 2016, the Human Rights Council adopted resolution 31/7 entitled "Rights of the child: information and communications technologies and child sexual exploitation", without a vote. On 30 June 2016, the Council adopted resolution 32/3 entitled "Trafficking in persons, especially women and children: protecting victims of trafficking and persons at risk of trafficking, especially women and children in conflict and post-conflict situations", without a vote. On 29 September 2016, the Council adopted, without a vote, resolution 33/7 entitled "Unaccompanied migrant children and adolescents and human rights", and resolution 33/11 entitled "Preventable mortality and morbidity of children under 5 years of age as a human rights concern". On 30 September 2016, the Council adopted resolution 33/18 entitled "Preventable maternal mortality and morbidity and human rights", without a vote.

b. General Assembly

The Secretary-General submitted six reports to the General Assembly, entitled "Children and armed conflict",²⁷² "Protecting children from bullying",²⁷³ "Child, early and forced marriage",²⁷⁴ "Collaboration within the United Nations system on child protection",²⁷⁵ "Intensifying efforts to end obstetric fistula",²⁷⁶ and "Status of the Convention on the Rights of the Child",²⁷⁷ respectively.

The Special Representative of the Secretary-General for Children and Armed Conflict submitted her annual report to the General Assembly, pursuant to General Assembly resolution 69/157 of 18 December 2014.²⁷⁸ The report covered the activities undertaken by the Special Representative in the period from August 2015 to July 2016.

The Special Representative of the Secretary-General on Violence against Children also submitted her annual report to the General Assembly, pursuant to General Assembly resolution 69/157 of 18 December 2014.²⁷⁹ The report built on the 2030 Agenda for Sustainable Development and its target to end all forms of violence against children, and

²⁶⁹ A/HRC/31/35.

²⁷⁰ A/HRC/33/22.

²⁷¹ A/HRC/34/27.

²⁷² A/70/836-S/2016/360 and Add.1.

²⁷³ A/71/213.

²⁷⁴ A/71/253.

²⁷⁵ A/71/277.

²⁷⁶ A/71/306.

²⁷⁷ A/71/413.

²⁷⁸ A/71/205.

²⁷⁹ A/71/206.

on the commemoration in 2016 of the tenth anniversary of the submission to the Assembly of the United Nations study on violence against children.

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, in which she provided a study containing an analysis of the sale of children for the purpose of forced labour and proposes comprehensive measures to combat this phenomenon.²⁸⁰

On 19 December 2016, the General Assembly, on the recommendation of the Third Committee and without a vote, adopted resolution 71/175 entitled “Child, early and forced marriage”, resolution 71/176 entitled “Protecting children from bullying”, and resolution 71/177, entitled “Rights of the child”.

c. Security Council

On 23 December 2016, the Security Council adopted resolution 2333 (2016), in which it addressed the impact of the conflict in Liberia on both women and children.

(h) Migrants

a. Human Rights Council

The Special Rapporteur on the human rights of migrants, François Crépeau, submitted his report to the Human Rights Council, in accordance with Human Rights Council resolution 17/12 of 17 June 2011.²⁸¹ The report expressed concern that trade liberalization had sometimes come at the expense of the human rights of migrants.

On 1 July 2016, the Human Rights Council adopted resolution 32/14 entitled “Protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants, including in large movements”, without a vote.

b. General Assembly

The Secretary-General submitted a report to the General Assembly entitled “Promotion and protection of human rights, including ways and means to promote the human rights of migrants”.²⁸²

The Secretary-General also transmitted to the General Assembly the report of the Special Rapporteur on human rights of migrants,²⁸³ which outlined proposals for the development of the global compact on migration, with a view, in particular, to ensuring that human rights were effectively included and mainstreamed therein.

On 30 June 2016, without a reference to a main Committee, the General Assembly adopted resolution 70/290 entitled “High-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants”, without a vote. On 21 December 2016,

²⁸⁰ A/71/261.

²⁸¹ A/HRC/32/40.

²⁸² A/71/284.

²⁸³ A/71/285.

upon recommendation of the Second Committee, the General Assembly further adopted resolution 71/237 entitled “International migration and development”, without a vote.

(i) Internally displaced persons

a. Human Rights Council

The Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, submitted his annual report to the Human Rights Council.²⁸⁴ The report considered the progress made in key priority areas identified by the Special Rapporteur, and the major challenges relating to the human rights of internally displaced persons that required new or enhanced attention.

On 1 July 2016, the Human Rights Council adopted resolution 32/11 entitled “Mandate of the Special Rapporteur on the human rights of internally displaced persons”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the human rights of internally displaced persons.²⁸⁵ The report provided for the outcomes and commitments on internal displacement of the World Humanitarian Summit held in Istanbul, Turkey, in May 2016, which provided a timely opportunity to consider how to better prevent and respond to humanitarian crises and meet the needs and protect the rights of those affected, including internally displaced persons.

On 7 June 2016, without a reference to a Main Committee, the General Assembly adopted resolution 70/265 entitled “Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, by a recorded vote of 76 to 15, with 64 abstentions. On 8 December 2016, without a reference to a main Committee, the General Assembly adopted resolution 71/128 entitled “International co-operation on humanitarian assistance in the field of natural disasters, from relief to development”, without a vote. On 19 December 2016, upon recommendation of the Third Committee, the General Assembly adopted resolution 71/173 entitled “Assistance to refugees, returnees and displaced persons in Africa”, without a vote.

(j) Minorities

a. Human Rights Council

The Special Rapporteur on minority issues, Rita Izsák, submitted her report to the Human Rights Council,²⁸⁶ which included a thematic analysis on the topic of minorities and discrimination based on caste and analogous systems of inherited status.

On 23 March 2016, the Human Rights Council adopted resolution 31/13 entitled “Rights of persons belonging to national or ethnic, religious and linguistic minorities”, without a vote.

²⁸⁴ A/HRC/32/35.

²⁸⁵ A/71/279.

²⁸⁶ A/HRC/31/56.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on minority issues.²⁸⁷ The report was entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities” and addressed the human rights of persons belonging to national or ethnic, religious and linguistic minorities, where they found themselves in situations of humanitarian crises, such as conflict or disasters.

(k) Indigenous issues

a. Human Rights Council

The Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz, submitted her report to the Human Rights Council.²⁸⁸ In the report, the Special Rapporteur provided a brief summary of her activities since her previous report and offered a thematic analysis of the impact of international investment agreements on the rights of indigenous peoples.

The United Nations High Commissioner for Human Rights also submitted a report to the Council on the rights of indigenous peoples.²⁸⁹

The Expert Mechanism on the Rights of Indigenous Peoples submitted a report to the Human Rights Council, covering the activities of the Expert Mechanism during its ninth session in Geneva from 11 to 15 July 2016.²⁹⁰ The Expert Mechanism also submitted to the Council a study on the promotion and protection of the rights of indigenous peoples with respect to children and youth²⁹¹ and a summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples²⁹².

On 29 September 2016, the Human Rights Council adopted, without a vote, resolutions 33/12 entitled “Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples” and resolution 33/13 entitled “Human rights and indigenous peoples”. On 30 September 2016, the Council adopted resolution 33/25 entitled “Expert Mechanism on the Rights of Indigenous Peoples”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the rights of indigenous peoples.²⁹³ In the report, the Special Rapporteur provided a brief summary of her activities since her previous report to the Assembly, as well as a thematic analysis of conservation measures and their impact on indigenous peoples’ rights.

²⁸⁷ A/71/254.

²⁸⁸ A/HRC/33/42.

²⁸⁹ A/HRC/33/27.

²⁹⁰ A/HRC/33/56.

²⁹¹ A/HRC/33/57.

²⁹² A/HRC/33/58.

²⁹³ A/71/229.

On 19 December 2016, the General Assembly adopted resolution 71/178 entitled “Rights of indigenous peoples”, on the recommendation of the Third Committee and without a vote.

(I) Terrorism and human rights

a. Human Rights Council

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, submitted his report to the Human Rights Council.²⁹⁴ In the report, the Special Rapporteur listed key activities undertaken from June to December 2015 and focused on human rights in the context of preventing and countering violent extremism, following the Secretary-General’s Plan of Action to Prevent Violent Extremism.²⁹⁵

The United Nations High Commissioner for Human Rights also submitted two reports to the Human Rights Council. The first report focused on the best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism.²⁹⁶ The second report provided a summary of the panel discussion on the human rights dimensions of preventing and countering violent extremism held on 17 March 2016, during the thirty-first session of the Council.²⁹⁷

On 23 March 2016, the Human Rights Council adopted resolution 31/3 entitled “Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism”, without a vote. On 24 March, the Human Rights Council adopted resolution 31/30 entitled “Effects of terrorism on the enjoyment of all human rights”, by a recorded vote of 28 to 14, with 5 abstentions. On 30 September 2016, the Human Rights Council adopted resolution 33/21 entitled “Protection of human rights and fundamental freedoms while countering terrorism”, by a recorded vote of 38 to 0, with 9 abstentions.

b. General Assembly

The Secretary-General submitted a report to the Assembly entitled “Promotion and protection of human rights and fundamental freedoms while countering terrorism”.²⁹⁸

On 5 December 2016, upon the recommendation of the First Committee and without a vote, the General Assembly adopted resolution 71/38 entitled “Measures to prevent terrorists from acquiring weapons of mass destruction”, and resolution 71/66 entitled “Preventing the acquisition by terrorists of radioactive sources”. On 13 December 2016, upon the recommendation of the Sixth Committee, the General Assembly adopted resolution 71/151 entitled “Measures to eliminate international terrorism” without a vote.

²⁹⁴ A/HRC/31/65.

²⁹⁵ A/70/674.

²⁹⁶ A/HRC/33/29.

²⁹⁷ A/HRC/33/28.

²⁹⁸ A/71/384.

c. Security Council

On 22 September 2016, the Security Council adopted resolution 2309 (2016) on the matters of terrorism and civil aviation, which affirmed that all States have an interest to protect the safety of their own citizens and nationals against terrorist attacks conducted against international civil aviation, wherever these may occur, in accordance with international Law. On 12 December 2016, the Security Council adopted resolution 2322 (2016), by which it reiterated its call upon all states to become party to the international counter-terrorism conventions and protocols and reaffirmed that those responsible for committing or otherwise responsible for terrorist acts, and violations of international humanitarian law or violations or abuses of human rights in this context, must be held accountable.

(m) Persons with disabilities²⁹⁹

a. Human Rights Council

The Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Aguilar, submitted two reports to the Human Rights Council. The first report described the activities carried out since March 2015 and provided a thematic study on the right of persons with disabilities to participate in decision-making.³⁰⁰ The second report focused on the activities undertaken in 2016 and included a thematic study on access to support by persons with disabilities.³⁰¹

On 23 March 2016 the Human Rights Council adopted resolution 31/6, entitled “The rights of persons with disabilities in situations of risk and humanitarian emergencies”, without a vote. On 1 July 2016, the Human Rights Council adopted resolution 32/23, entitled “Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities”, by a recorded vote of 32 to 12, with 3 abstentions.

b. General Assembly

The Secretary-General submitted to the General Assembly a report entitled “Towards the full realization of an inclusive and accessible United Nations for persons with disabilities”,³⁰² which covered accessibility issues as they related to human resources, the physical facilities on the United Nations premises, conference services and facilities, and information and documentation, and offered options for improving accessibility.

The Secretary-General transmitted the report of the Special Rapporteur on the rights of persons with disabilities,³⁰³ which sought to provide guidance to States and other actors on how to establish disability-inclusive policies that are in conformity with the Convention on the Rights of Persons with Disabilities and which could contribute to the achievement of the Sustainable Development Goals.

²⁹⁹ See also the Report of the Secretary-General (E/CN.5/2017/4).

³⁰⁰ A/HRC/31/62.

³⁰¹ A/HRC/34/58.

³⁰² A/71/344.

³⁰³ A/71/314.

On 19 December 2016, upon the recommendation of the Third Committee, the General Assembly adopted resolution 71/165 entitled “Inclusive development for persons with disabilities” without a vote.

(n) Contemporary forms of slavery

a. Human Rights Council

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, presented her report to the Human Rights Council, which provided a thematic study on enforcing the accountability of States and businesses for preventing, mitigating and redressing contemporary forms of slavery in supply chains.³⁰⁴

On 29 September 2016, the Human Rights Council adopted resolution 33/1 entitled “Special Rapporteur on contemporary forms of slavery, including its causes and consequences”, without a vote.

b. General Assembly

The Secretary-General submitted to the General Assembly a report on United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,³⁰⁵ which provided an overview of the work of the Trust Fund, in particular the recommendations for grants to beneficiary organizations that were adopted by the Board of Trustees of the Fund at its twentieth session, held in Geneva from 23 to 27 November 2015.

(o) Environment and human rights³⁰⁶

Human Rights Council

The Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste, Başkut Tuncak, submitted his report to the Human Rights Council.³⁰⁷ In the report, the Special Rapporteur examined the impacts of toxics and pollution on children’s rights, and the obligations of States and responsibilities of businesses in preventing exposure by children to such substances.

The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John Knox, submitted his report to the Human Rights Council.³⁰⁸ The report described the increasing attention paid to the relationship between climate change and human rights in recent years, reviewed the effects of climate change on the full enjoyment of human rights and outlined the application of human rights obligations to climate-related actions.

³⁰⁴ A/HRC/33/46.

³⁰⁵ A/71/272.

³⁰⁶ For more information on the environment, see section 8 of this chapter.

³⁰⁷ A/HRC/33/41.

³⁰⁸ A/HRC/31/52.

On 23 March 2016, the Human Rights Council adopted resolution 31/8 entitled “Human rights and the environment”, without a vote. On 1 July 2016, the Human Rights Council also adopted resolution 32/33 entitled “Human rights and climate change”, without a vote.

(p) Business and human rights

a. Human Rights Council

The Working Group on the issue of human rights and transnational corporations and other business enterprises submitted its report to the Human Rights Council,³⁰⁹ which focused on the duty of States to protect against human rights abuses involving State-owned enterprises.

The United Nations High Commissioner for Human Rights submitted a report to the Council entitled “Improving accountability and access to remedy for victims of business-related human rights abuse”.³¹⁰

The Secretary-General submitted the summary of discussions of the fourth annual Forum on Business and Human Rights, held in Geneva from 16 to 18 November 2015, to the Human Rights Council.³¹¹

On 30 June 2016, the Human Rights Council adopted resolution 32/10 entitled “Business and human rights: improving accountability and access to remedy”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises,³¹² which examined the human rights impacts of agro-industrial operations, especially with respect to the production of palm oil and sugarcane, on indigenous peoples and local communities.

(q) Promotion and protection of human rights

(i) *International promotion and protection*

a. Human Rights Council

The Independent Expert on human rights and international solidarity, Virginia Dandan, submitted her report to the Human Rights Council.³¹³ In the report, the Independent Expert presented a summary of the outcome of a series of mandated regional consultations on the proposed draft declaration on the right of peoples and individuals to international solidarity which was initially submitted to the Council in June 2014.

³⁰⁹ A/HRC/32/45.

³¹⁰ A/HRC/32/19.

³¹¹ A/HRC/FBHR/2015/2 and A/HRC/32/46.

³¹² A/71/291.

³¹³ A/HRC/32/43.

The United Nations High Commissioner for Human Rights submitted to the Council a report on the workshop on regional arrangements for the promotion and protection of human rights.³¹⁴

The Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, submitted his report to the Council, which focused on the aggravation of the “regulatory chill” generated by investor-State dispute settlements, and demonstrated that the newly proposed investment court system suffered from the same fundamental flaws as investor-State dispute settlement.³¹⁵

On 24 March 2016, the Human Rights Council adopted resolution 31/22 entitled “The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation”, by a recorded vote of 32 to 0, with 15 abstentions. On 30 June 2016, the Human Rights Council adopted resolution 32/6 entitled “Enhancement of international cooperation in the field of human rights”, without a vote, and resolution 32/9 entitled “Human rights and international solidarity”, by a recorded vote of 33 to 13, with 1 abstention. On 1 July 2016, the Council adopted resolution 32/28 entitled “Declaration on the Right to Peace”, by a recorded vote of 34 to 9, with 4 abstentions. On 29 September 2016, the Human Rights Council adopted resolution 33/3, entitled “Promotion of a democratic and equitable international order”, by a recorded vote of 30 to 12, with 5 abstentions. On 30 September 2016, the Council adopted resolution 33/19 entitled “Human rights and transitional justice”, by a recorded vote of 29 to 1, with 17 abstentions, and resolution 33/28 entitled “Enhancement of technical cooperation and capacity-building in the field of human rights”, without a vote.

On 30 June 2016, the Human Rights Council adopted decision 32/115 entitled “Regional arrangements for the promotion and protection of human rights”, without a vote.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Independent Expert on human rights and international solidarity.³¹⁶ The report aimed at the amplification of the legal framework for international solidarity, while articulating the conceptualization and nature of such right. It took also into account both economic, social and cultural rights and civil and political rights in the consideration of the extraterritorial obligations of States and identified which non-State actors could play a role in the right to international solidarity.

The Secretary-General also transmitted to the General Assembly the report of the Independent Expert on the promotion of a democratic and equitable international order, which addressed the impacts of taxation on human rights and explores the challenges posed to the international order by widespread tax avoidance, tax evasion, tax fraud and profit shifting, facilitated by bank secrecy and a web of shell companies registered in tax havens.³¹⁷

³¹⁴ A/HRC/34/23.

³¹⁵ A/HRC/33/40.

³¹⁶ A/71/280.

³¹⁷ A/71/286.

On 6 December 2016, the General Assembly adopted resolution 71/90 entitled “International cooperation in the peaceful uses of outer space”, upon the recommendation of the Fourth Committee and without a vote. On 8 December 2016, without a reference to a Main Committee, the General Assembly adopted resolution 71/128 entitled “International cooperation on humanitarian assistance in the field of natural disasters, from relief to development”, without a vote. On 19 December 2016, upon the recommendation of the Third Committee, the General Assembly adopted resolution 71/190 entitled “Promotion of a democratic and equitable international order”, by a recorded vote of 130 to 53, with 6 abstentions; resolution 71/194 entitled “Enhancement of international cooperation in the field of human rights”, without a vote; and resolution 71/211 entitled “International cooperation to address and counter the world drug problem”, without a vote. On 21 December 2016, upon the recommendation of the Second Committee and without a vote, the General Assembly adopted resolution 71/213 entitled “Promotion of international cooperation to combat illicit financial flows in order to foster sustainable development” and resolution 71/242 entitled “Industrial development cooperation”. On 22 December 2016, the General Assembly adopted resolutions 71/249, entitled “Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace”, without a reference to a Main Committee and without a vote.

(ii) *Ombudsman, mediator and other national human rights institutions*

a. Human Rights Council

The Secretary-General submitted to the Human Rights Council a report on national institutions for the promotion and protection of human rights.³¹⁸ The report contained information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions; cooperation between those institutions and the international human rights system; and support provided by OHCHR to the Global Alliance of National Human Rights Institutions—the former International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights—and relevant regional networks.

On 29 September 2016, the Human Rights Council adopted resolution 33/15 entitled “National institutions for the promotion and protection of human rights”, without a vote.

b. General Assembly

The Secretary-General submitted to the General Assembly a note referring to the report on national institutions for the promotion and protection of human rights submitted to the Human Rights Council.³¹⁹

On 19 December 2016, upon the recommendation of the Third Committee, the General Assembly adopted resolution 71/200 entitled “The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights”, without a vote.

³¹⁸ A/HRC/33/33.

³¹⁹ A/71/273.

(iii) *Right to promote and protect universally recognized human rights*

a. **Human Rights Council**

The Special Rapporteur on the situation of human rights defenders, Michel Forst, submitted his annual report to the Human Rights Council.³²⁰ In his report, the Special Rapporteur conceptualized good practices in the protection of human rights defenders at the local, national, regional and international levels.

On 24 March 2016, the Human Rights Council adopted resolution 31/32 entitled “Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights”, by a recorded vote of 33 to 6, with 8 abstentions. On 1 July 2016, the Council adopted resolution 32/13 entitled “The promotion, protection and enjoyment of human rights on the Internet”, without a vote. On 29 September 2016, the Council adopted resolution 33/6 entitled “The role of prevention in the promotion and protection of human rights”, without a vote.

b. **General Assembly**

The Secretary-General transmitted to the General Assembly a report of the Special Rapporteur.³²¹ The report highlighted the situation of environmental human rights defenders, raised alarm about the increasing and intensifying violence against them, and made recommendations to various stakeholders in order to reverse this trend and to empower and protect those defenders, for the sake of the common environment and sustainable development.

(r) **Miscellaneous**

(i) *Human rights and good governance*

The Special Rapporteur on the independence of judges and lawyers, Monica Pinto, submitted her first annual report³²² to the Human Rights Council, in which the Special Rapporteur analyzed the work done by her predecessors and established an initial set of indicators of independence and impartiality which could be used by State institutions, judges, prosecutors, lawyers, civil society actors, donors and cooperation agencies, among others, to assess the independence and impartiality of specific justice systems, to identify needs for reform, and to allow targeted measures and actions to be taken to improve the administration of justice and the justice system in a more effective way.

On 23 March 2016, the Human Rights Council adopted resolution 31/2 entitled “Integrity of the judicial system” and resolution 31/14 entitled “The role of good governance in the promotion and protection of human rights”, without a vote. On 29 September 2016, the Human Rights Council adopted resolution 33/8 entitled “Local government and human rights”, without a vote.

³²⁰ A/HRC/31/55.

³²¹ A/71/281.

³²² A/HRC/32/34.

- (ii) *Effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights*

a. Human Rights Council

The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Juan Pablo Bohoslavsky, submitted two reports to the Human Rights Council. The first was the thematic report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights focused on illicit financial flows, human rights.³²³ On such report, the Independent Expert explored the interrelationships between income and wealth inequality, on the one hand, and financial crises, on the other, and their implications for the enjoyment of human rights. The second was the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development of the Independent Expert on the effects of foreign debt and other related international financial obligations of States.³²⁴

On 16 April 2016, the High Commissioner for Human Rights submitted a report to the Human Rights Council presenting a compilation of best practices to counter the negative impact of corruption on the enjoyment of all human rights developed by States, national human rights institutions, national anti-corruption authorities, civil society and academia.³²⁵

On 23 March 2016, the Human Rights Council adopted resolution 31/11 entitled “The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights”, by a recorded vote of 33 to 12, with 2 abstentions. On 24 March 2016, the Human Rights Council also adopted resolution 31/22 entitled “The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation”, by a recorded vote of 32 to 0, with 15 abstentions.

b. General Assembly

The Secretary-General submitted a report on external debt sustainability and development to the General Assembly pursuant to General Assembly resolution 70/190,³²⁶ which analyzed the evolution of external debt sustainability in developing and transition economies since the start of the millennium.

On 21 December 2016, upon the recommendation of the Second Committee, the General Assembly adopted resolution 71/216 entitled “External debt sustainability and development”, without a vote.

³²³ A/HRC/31/60.

³²⁴ A/HRC/31/61.

³²⁵ A/HRC/32/22.

³²⁶ A/71/276.

(iii) *Unilateral coercive measures*a. **Human Rights Council**

The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy, submitted his report to the Human Rights Council, in which he described the activities undertaken between July 2015 and June 2016 and the issues relating to remedies and redress for victims of unilateral coercive measures.³²⁷

b. **General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.³²⁸ In the report, which focused on issues of remedies and redress for victims of unilateral coercive measures, the Special Rapporteur set out a preliminary review of the conceptual aspects of remedies for violations of human rights caused by unilateral coercive measures in general international law, in international human rights law and in international humanitarian law.

On 19 December 2016, upon the recommendation of the Third Committee, the General Assembly adopted resolution 71/193 entitled “Human rights and unilateral coercive measures”, by a recorded vote of 133 to 54, without abstentions.

(iv) *Human rights of older persons*

The Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, submitted her report to the Council, which assessed the implementation of existing international instruments with regard to older persons while identifying the best practices and gaps in the implementation of existing laws related to the promotion and protection of the rights of older persons.³²⁹

On 29 September 2016, the Human Rights Council adopted resolution 33/5 entitled “The human rights of older persons”, without a vote.

(v) *Other issues*

On 8 April 2016, the Human Rights Council adopted resolution 31/23 entitled “Promoting human rights through sport and the Olympic ideal”, without a vote. On 30 June 2016, the Council adopted resolution 32/5 entitled “Human rights and arbitrary deprivation of nationality”, without a vote. On 1 July 2016, the Council adopted resolution 32/12 entitled “Impact of arms transfers on human rights”, by a recorded vote of 32 to 5, with 10 abstentions, resolution 32/21 entitled “Elimination of female genital mutilation”, without a vote, and resolution 32/31 entitled “Civil society space”, by a recorded vote of 31 to 7, with 9 abstentions.

³²⁷ A/HRC/33/48.

³²⁸ A/71/287.

³²⁹ A/HRC/33/44.

6. Women³³⁰

(a) United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)

UN-Women was established by the General Assembly pursuant to resolution 64/289 of 2 July 2010 as a composite entity to function as a secretariat with the additional role of leading, coordinating and promoting the accountability of the United Nations system in its work on gender equality and the empowerment of women.³³¹ The Executive Board of UN-Women held four meeting sessions in New York in 2016,³³² during which it adopted four decisions: decision 2016/1, entitled “Report of the Under-Secretary-General/Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women on progress made on the strategic plan, 2014–2017, including the midterm review of the strategic plan”; decision 2016/2, entitled “Report on the evaluation function of the United Nations Entity for Gender Equality and the Empowerment of Women, 2015”; decision 2016/3, entitled “Report on internal audit and investigation activities for the period from 1 January to 31 December 2015”, and decision 2016/4, entitled “Report on Structured Dialogue on Financing: UN-Women’s funding overview, gaps and financing strategy”.

(b) Commission on the Status of Women

The Commission on the Status of Women was established by the Economic and Social Council in its resolution 11 (II) 21 June 1946 as a functional commission to deal with questions relating to gender equality and the advancement of women. It is the principal global policy-making body in this field and prepares recommendations for and reports to the Economic and Social Council on the promotion of women’s rights in political, economic, civil, social and educational fields.

The Commission held its sixtieth session in New York from 14 to 24 March 2016.³³³ In accordance with Economic and Social Council resolution 2013/18, the priority theme of the Commission was “Women’s empowerment and the link to sustainable development”. It also considered as its review theme “The elimination and prevention of all forms

³³⁰ This section covers the Security Council, the General Assembly, the Economic and Social Council, and the Commission on the Status of Women and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). For more detailed information and documents regarding this topic generally, see the website of UN-Women at <https://www.unwomen.org>. For information regarding women and human rights, see Chapter III section A.5(a)(vi) and section A.5(c) iv).

³³¹ It consolidated the mandates and functions of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women.

³³² See the reports of the Executive Board of UN-Women: Report on the election of the Bureau and on the first regular session, 11 January and 9 February 2016 (UNW/2016/3); Report on the annual session of 2016, 27 and 28 June 2016 (UNW/2016/7); Report on the second regular session of 2016, 1 to 2 September 2016 (UNW/2016/10) and the Report of the joint meeting of the Executive Boards of UNDP/UNFPA/UNOPS, UNICEF, UN-Women and WFP, 3 June 2016.

³³³ For report of the Commission on the Status of Women on its sixtieth session, see *Official Records of the Economic and Social Council, 2016, Supplement No.7 (E/2016/27–E/CN.6/2016/22)*.

of violence against women and girls”, evaluating progress in the implementation of the agreed conclusions from its fifty-seventh session.

During its sixtieth session, the Commission adopted two resolutions: resolution 60/1 entitled “Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts” and resolution 60/2 entitled “Women, the girl child and HIV and AIDS”.

(c) Economic and Social Council

On 2 June 2016, the Economic and Social Council adopted resolution 2016/2 entitled “Mainstreaming a gender perspective into all policies and programmes in the United Nations system”, resolution 2016/3 entitled “Multi-year programme of work of the Commission on the Status of Women”, and resolution 2016/4 entitled “Situation of and assistance to Palestinian women”.

On the same day, the Council also adopted decision 2016/224 entitled “Report of the Commission on the Status of Women on its sixtieth session and provisional agenda and documentation for the sixtieth-first session”.

(d) General Assembly

On 19 December 2016, the General Assembly adopted, on the recommendation of the Third Committee and without a vote, resolution 71/167 entitled “Trafficking in women and girls” and resolution 71/170 entitled “Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence”.

(e) Security Council

On 15 June 2016, the President of the Security Council issued a statement in connection with the Council’s consideration of the item “Women and peace and security”.³³⁴

7. Humanitarian matters

(a) Economic and Social Council

On 29 June 2016, the Economic and Social Council adopted resolution 2016/9 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”, without a vote.

(b) General Assembly

On 6 December 2016, the General Assembly, upon the recommendation of the Fourth Committee, adopted resolution 71/96 entitled “Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the

³³⁴ S/PRST/2016/9.

Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories”, by a recorded vote of 168 to 6, with 6 abstentions.

On 8 December 2016, the General Assembly, without reference to a Main Committee and without a vote, adopted resolution 71/126 entitled “Assistance to the Palestinian people”, resolution 71/127 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”, resolution 71/128 entitled “International cooperation on humanitarian assistance in the field of natural disasters, from relief to development”, and resolution 71/129 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”.

8. Environment

(a) United Nations Climate Change Conference in Marrakech

The United Nations Climate Change Conference was held in Bab Ighli, Marrakech, Morocco, from 7 to 18 November 2016. The twenty-second session of the Conference of States Parties to the United Nations Framework Convention on Climate Change (COP22), 1992,³³⁵ the twelfth session of the Conference of the Parties serving as the meeting of Parties to the Kyoto Protocol (CMP12), 1997,³³⁶ and the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1) were held during the Conference.³³⁷

The Conference of States Parties to the United Nations Framework Convention on Climate Change adopted 25 decisions and one resolution.³³⁸ The Conference of the Parties serving as the meeting of Parties to the Kyoto Protocol adopted eight decisions and one resolution.³³⁹

(b) Economic and Social Council

In 2016, the first High-level Political Forum on Sustainable Development was held since the adoption of the Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) during United Nations Sustainable Development Summit on 25 September 2015. The Forum is the United Nations’ central platform for the follow-up and review of the 2030 Agenda for Sustainable Development and the SDGs. The Forum, which adopted a Ministerial Declaration, was expected to provide political leadership, guidance and recommendations on the 2030 Agenda’s implementation and follow-up; keep track of progress of the SDGs; spur coherent policies informed by evidence, science and country experiences; as well as address new and emerging issues. The 2016 session of the Forum included voluntary reviews of 22 countries and thematic reviews of progress on the SDGs, including cross-cutting issues, supported by reviews by the functional commissions of the Economic and Social Council and other inter-governmental bodies and forums. The

³³⁵ United Nations, *Treaty Series*, vol. 1771, p. 107.

³³⁶ *Ibid.*, vol. 2303, p. 107.

³³⁷ For the list of decisions and resolutions, see the report of the Conference (FCCC/KP/CMP/2016/8 and Add.1 and 2).

³³⁸ For the report of the Conference of the Parties, see FCCC/CP/2016/10 and Add. 1 and Add.2.

³³⁹ For the report of the Conference of the Parties, see FCCC/KP/CMP/2016/8 and Add.1.

Forum also included a range of side events, a Partnership Exchange special event, an SDGs Business Forum, and SDGs Learning, Training and Practice sessions.³⁴⁰

On 25 July 2016, the Council adopted resolution 2016/10 entitled “Economic and Social Commission for Western Asia strategy and plan of action on the 2030 Agenda for Sustainable Development”, without vote, and resolution 2016/11 entitled “Committing to the effective implementation of the 2030 Agenda for Sustainable Development in Asia and the Pacific”, without a vote. On 27 July 2016, the Council adopted resolution 2016/24 entitled “Human Settlements”, without a vote.

(c) General Assembly

During the seventieth session, on 29 July 2016, the Assembly adopted resolution 70/299 entitled “Follow-up and review of the 2030 Agenda for Sustainable Development at the global level” (2015–2016), without reference to a Main Committee and without a vote. On 9 September 2016, the Assembly adopted resolution 70/301 entitled “Tackling illicit trafficking in wildlife” and resolution 70/303 entitled “Modalities for the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development”, without reference to a Main Committee and without a vote.

During the seventy-first session, on 21 December 2016, the Assembly, upon the recommendation of the Second Committee and without a vote, the following resolutions: resolution 71/219 entitled “Combating sand and dust storms”; resolution 71/220 entitled “Cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea”; resolution 71/222 entitled “International Decade for Action “Water for Sustainable Development” 2018–2028”; resolution 71/224 entitled “Towards the sustainable development of the Caribbean Sea for present and future generations”; resolution 71/225 entitled “Follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States”; resolution 71/226 entitled “Disaster risk reduction”; resolution 71/227 entitled “Effective global response to address the impacts of the El Niño phenomenon”; resolution 71/228 entitled “Protection of global climate for present and future generations of humankind”; resolution 71/229 entitled “Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa”; resolution 71/230 entitled “Implementation of the Convention on Biological Diversity and its contribution to sustainable development”; resolution 71/231 entitled “Report of the United Nations Environment Assembly of the United Nations Environment Programme”; resolution 71/232 entitled “Harmony with Nature”; resolution 71/233 entitled “Ensuring access to affordable, reliable, sustainable and modern energy for all”; resolution 71/234 entitled “Sustainable mountain development”; resolution 71/235 entitled “Implementation of the outcome of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) and strengthening of the United Nations Human Settlements

³⁴⁰ High-level Political Forum on Sustainable Development 2016—Ensuring that no one is left behind, Sustainable Development Goals Knowledge Platform, <https://sustainabledevelopment.un.org/hlpf/2016>.

Programme (UN Habitat)”; and resolution 71/240 entitled “Promotion of sustainable tourism, including ecotourism, for poverty eradication and environment protection”.

On the same day, the Assembly, upon the recommendation of the Second Committee, also adopted the following resolutions: resolution 71/218 entitled “Oil slick on Lebanese shores”, by a recorded vote of 166 to 8, with 7 abstentions; resolution 71/221 entitled “Entrepreneurship for sustainable development”, by a recorded vote of 147 to 26, with 7 abstentions; and resolution 71/223 entitled “Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development”, by a recorded vote of 134 to 44, with 7 abstentions.

9. Law of the Sea

(a) Reports of the Secretary-General

Pursuant to paragraph 324 of General Assembly resolution 70/235 of 23 December 2015, the Secretary-General submitted a comprehensive report on oceans and the law of the sea³⁴¹ to the General Assembly at its seventy-first session under the agenda item entitled “Oceans and the law of the sea”.

The first part of the report³⁴² was prepared to facilitate discussions on the topic of focus of the seventeenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Informal Consultative Process), namely “Marine debris, plastics and microplastics”. The report provided an overview of the sources and pathways of marine debris, including plastics and microplastics; their environmental, economic and social impacts. It also addressed action, including legislative action, undertaken at the global, regional and national levels to prevent and significantly reduce marine debris, including plastics and microplastics; as well as further action necessary to prevent and significantly reduce marine debris, including plastics and microplastics.

The second part of the report³⁴³ provided information on the status of the United Nations Convention on the Law of the Sea³⁴⁴ (the “Convention”) and its implementing agreements and the work of the bodies established under the Convention, namely the International Seabed Authority (ISA),³⁴⁵ the International Tribunal for the Law of the Sea (ITLOS),³⁴⁶ and the Commission on the Limits of the Continental Shelf (CLCS).³⁴⁷

³⁴¹ A/71/74 and A/71/74/Add.1.

³⁴² A/71/74.

³⁴³ A/71/74/Add.1.

³⁴⁴ United Nations, *Treaty Series*, vol. 1833, p. 3.

³⁴⁵ A/71/74/Add.1, II(A) (paras. 7, 8 and 1), VII(E) (paras. 83 and 97) and X (para. 137). See also SPLOS/303/Chapters IV(A) (para. 25) and V and VIII (para. 92).

³⁴⁶ A/71/74/Add.1, II(A) (paras. 9, 13 and 14) and II (B) (para. 17). See also SPLOS/303/Chapters IV (A and B), VIII (paras. 92 and 107) and IX (paras. 116, 125 and 126). For more information about the work of the Tribunal in 2016, see the annual report of the International Tribunal for the Law of the Sea for 2016 (SPLOS/304) and chap. VII., part B of this publication.

³⁴⁷ A/71/74/Add.1, Chapter II(A) (paras. 10–12, 13 and 15). See also SPLOS/303/Chapters VI (A and B), VII, VIII (para. 92) and IX (paras. 121, 125 and 127). For more information on the fortieth

It also provided an overview of the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea, and addressed issues in relation to peaceful settlement of disputes,³⁴⁸ maritime spaces,³⁴⁹ developments relating to international shipping activities,³⁵⁰ people at sea,³⁵¹ maritime security,³⁵² sustainable development of oceans and seas,³⁵³ oceans and climate change and ocean acidification,³⁵⁴ building the capacity of States to implement the legal regime for the oceans and seas,³⁵⁵ and strengthening international cooperation and coordination.³⁵⁶

(b) Consideration by the General Assembly

(i) *Oceans and law of the sea*

The General Assembly considered the agenda item entitled “Oceans and the law of the sea” on 7 and 23 December 2016, having before it the following documents: the report of the Secretary-General,³⁵⁷ the reports on the work of the *Ad Hoc* Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (the Regular Process),³⁵⁸ and of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Informal Consultative Process) at its seventeenth meeting,³⁵⁹ and on the resumed twenty-fifth and the twenty-sixth Meetings of States Parties to the Convention.³⁶⁰

On 23 December 2016, the General Assembly, without reference to a Main Committee, adopted resolution 71/257 entitled “Oceans and the law of the sea”, by a recorded vote of 158 to 2, with 2 abstentions.

(ii) *Sustainable fisheries*

On 7 December 2016, the General Assembly also considered the agenda item entitled “Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention

(1 February–18 March 2016), forty-first (11 July–26 August 2016), and forty-second (17 October–2 December 2016) sessions of the CLCS, see CLCS/93, CLCS/95 and CLCS/96, respectively.

³⁴⁸ A/71/74/Add.1, Chapter II.

³⁴⁹ *Ibid.*, Chapter III.

³⁵⁰ *Ibid.*, Chapter IV.

³⁵¹ *Ibid.*, Chapter V.

³⁵² *Ibid.*, Chapter VI.

³⁵³ *Ibid.*, Chapter VII.

³⁵⁴ *Ibid.*, Chapter VIII.

³⁵⁵ *Ibid.*, Chapter IX.

³⁵⁶ *Ibid.*, Chapter X.

³⁵⁷ A/71/74 and Add.1.

³⁵⁸ A/71/362.

³⁵⁹ A/71/204.

³⁶⁰ SPLOS/293 and SPLOS/303.

on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments”.

On the same day, the General Assembly, without reference to a Main Committee, adopted resolution 71/123 entitled, “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments”, without a vote.

By its resolution 70/75, the General Assembly requested the Secretary-General to resume the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks again, which was held from 23 to 27 May 2016.³⁶¹ The Review Conference was mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks. The Conference reaffirmed the importance of meeting the Sustainable Development Goals and targets set out in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, and its commitment to conserve and sustainably use the oceans, seas and marine resources for sustainable development. It further reaffirmed the importance of the Paris Agreement, the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, and the small island developing States (SIDS) Accelerated Modalities of Action (SAMOA) Pathway (Samoa Pathway).

(iii) *Preparatory Committee established by General Assembly resolution 69/292*

The first and second sessions of the Preparatory Committee established by General Assembly resolution 69/292: Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction took place from 28 March to 8 April 2016 and 26 August to 9 September 2016, respectively, at the United Nations Headquarters in New York. These sessions considered issues relating to marine genetic resources, including questions on the sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; and capacity-building and the transfer of marine technology. The Preparatory Committee also dealt with a number of cross-cutting issues relating to the scope of an instrument, its relationship with UNCLOS and other instruments, guiding approaches and principles, institutional arrangements, dispute settlement and responsibility and liability.

³⁶¹ See the Report of the resumed Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (A/CONF.210/2016/5). See also the Report of the Secretary-General on the topic (A/CONF.210/2016/1).

**(c) Consideration by the Meeting of States Parties to the
United Nations Convention on the Law of the Sea**

The resumed twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held on 15 January 2016, elected Antonio Cachapuz de Medeiros (Brazil) as a member of the International Tribunal for the Law of the Sea.³⁶²

The twenty-sixth Meeting of States Parties was held at United Nations Headquarters from 20 to 24 June 2016.³⁶³ It took note of reports presented by the International Tribunal for the Law of the Sea as well as of the information related to the activities of the International Seabed Authority and the Commission on the Limits of the Continental Shelf (CLCS), and approved the budget of the Tribunal for the biennium 2017–2018. Owing to a lack of nominations, neither the resumed twenty-fifth Meeting nor the twenty-sixth Meeting was in a position to fill the vacancy that had arisen in the CLCS.

The Meeting also considered the report submitted by the Secretary-General under article 319 of the Convention.³⁶⁴ In their deliberation under the agenda item entitled “Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States parties, which have arisen with respect to the United Nations Convention on the Law of the Sea”, States Parties addressed, *inter alia*, the importance of the oceans and the effective implementation of the Convention, including for the sustainable development of oceans and seas and their resources, in particular in the context of the 2030 Agenda for Sustainable Development, the need for capacity-building and cross-sectoral cooperation and coordination, the work of the International Seabed Authority on the development of a regulatory framework for the exploitation of mineral resources in the Area, the General Assembly resolution on the development of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, international migration by sea, and the situations in Crimea and in the South China Sea.³⁶⁵

10. Crime prevention and criminal justice³⁶⁶

**(a) Conference of the Parties to the United Nations Convention
against Transnational Organized Crime**

The eighth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was held in Vienna from 17 to 21 October 2016.³⁶⁷ The Conference adopted four resolutions and two decisions.

³⁶² See SPLOS/293, paras. 10–13.

³⁶³ See SPLOS/303.

³⁶⁴ See the Report of the Secretary-General (A/71/74 and A/71/74/Add.1).

³⁶⁵ See SPLOS/303.

³⁶⁶ For more detailed information and documents regarding this topic generally, see the website of the United Nations Office on Drugs and Crimes at <https://www.unodc.org>.

³⁶⁷ For the report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its eighth session, see CTOC/COP/2016/15.

(b) Commission on Crime Prevention and Criminal Justice (CCPJ)

The Commission on Crime Prevention and Criminal Justice was established by the Economic and Social Council in its resolution 1992/1 of 6 February 1992 as a functional commission to deal with a broad scope of policy matters in this field, including combating national and transnational crime, covering organized crime, economic crime and money laundering; promoting the role of criminal law in environmental protection, crime prevention in urban areas, including juvenile crime and violence; and improving the efficiency and fairness of criminal justice administration systems. Aspects of these principal themes are selected for discussion at each of its annual sessions. The Commission also provides substantive and organizational direction for the quinquennial United Nations Congress on Crime Prevention and Criminal Justice.

The Commission held its regular and reconvened twenty-fifth session from 23 to 27 May 2016 and 1 to 2 December 2016,³⁶⁸ respectively. The main theme for the twenty-fifth session of the Commission was “Criminal justice responses to prevent and counter terrorism in all its forms and manifestations, including the financing of terrorism, and technical assistance in support of the implementation of relevant international conventions and protocols”.

(c) Economic and Social Council

On 26 July 2016, the Economic and Social Council, upon recommendation of the Commission on Crime Prevention and Criminal Justice, adopted the following resolutions and decisions: resolution 2016/16 entitled “Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice”, recommending its adoption by the General Assembly; resolution 2016/17 entitled “Restorative justice in criminal matters”; resolution 2016/18 entitled “Mainstreaming holistic approaches in youth crime prevention”; decision 2016/241 entitled “Organization of the thematic discussions at future sessions of the Commission on Crime Prevention and Criminal Justice”; and decision 2016/243 entitled “Report of the Commission on Crime Prevention and Criminal Justice on its twenty-fifth session and provisional agenda for its twenty-sixth session”.

(d) General Assembly

On 19 December 2016, the General Assembly adopted, on the recommendation of the Third Committee and without a vote, four resolutions under the agenda item 106 entitled “Crime prevention”, namely resolution 71/206 entitled “Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice”; resolution 71/207 entitled “United Nations African Institute for the Prevention of Crime and the Treatment of Offenders”; resolution 71/208 entitled “Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance

³⁶⁸ See *Official Records of the Economic and Social Council, 2016, Supplement No. 10* and *ibid.*, *Supplement No. 10A (E/2016/30 and Add.1)*.

with the United Nations Convention against Corruption”; and resolution 71/209 entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”.

11. International drug control

(a) Commission on Narcotic Drugs

The Commission on Narcotic Drugs (CND) was established by the Economic and Social Council in its resolution 9 (I) of 16 February 1946 as a functional commission and as the central policy-making body within the United Nations system dealing with drug-related matters. Pursuant to Economic and Social Council resolution 1999/30 of 28 July 1999, the Commission’s agenda is structured in two distinct segments: one relating to its normative functions and one to its role as governing body of the United Nations International Drug Control Programme. The Commission convenes ministerial-level segments of its sessions to focus on specific themes.

The regular and reconvened fifty-ninth session of the Commission was held in Vienna from 14 to 22 March and from 30 November to 2 December 2016.³⁶⁹ The Commission adopted two draft resolution to be recommended by the Economic and Social Council for adoption by the General Assembly at its special session on the world drug problem and at its regular session. It also recommended three draft decisions for adoption by the Economic and Social Council. It further brought another eight resolutions and seven decisions to the attention of the Economic and Social Council, the text of which is available in the report of the Commission.

(b) Economic and Social Council

On 26 July 2016, the Economic and Social Council adopted resolution 2016/19 entitled “Promoting the implementation of the United Nations Guiding Principles on Alternative Development”, on the recommendation of the Commission on Narcotic Drugs.

(c) General Assembly

The thirtieth special session of the General Assembly was held at the United Nations Headquarters in New York from 19 to 21 April 2016 to review the progress in the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, including an assessment of the achievements and challenges in countering the world drug problem, within the framework of the three international drug control conventions and other relevant United Nations instruments. On 19 April 2016, the Assembly adopted, without reference to a Main Committee, resolution S-30/1 entitled “Our joint commitment to effectively addressing and countering the world drug problem”.

On 19 December 2016, the General Assembly adopted, on the recommendation of the Third Committee and without a vote, resolution 71/210 entitled “Promoting the implementation

³⁶⁹ For the report of the fifty-ninth session of the Commission on Narcotic Drugs, see *Official records of the Economic and Social Council 2016, Supplement No. 8 and Supplement No. 8A (E/2016/28-E/CN.7/2016/16 and Add. 1)*.

of the United Nations Guiding Principles on Alternative Development” and resolution 71/211 entitled “International cooperation to address and counter the world drug problem”.

12. Refugees and displaced persons

(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees³⁷⁰

The Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR) was established by the Economic and Social Council in 1958 and functions as a subsidiary organ of the General Assembly, reporting to it through the Third Committee. The Executive Committee meets annually in Geneva to review and approve the programmes and budget of the UNHCR and its intergovernmental and non-governmental partners. The sixty-sixth plenary session of the Executive Committee was held in Geneva from 3 to 7 October 2016.³⁷¹

(b) General Assembly

On 7 June 2016, the General Assembly adopted, without reference to a Main Committee, resolution 70/265 entitled “Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, by a recorded vote of 76 to 15, with 64 abstentions.

On 30 June 2016, the General Assembly adopted, without reference to a Main Committee and without a vote, resolution 70/290 entitled “High-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants”.

On 19 September 2016, the General Assembly adopted, without reference to a Main Committee and without a vote, resolution 71/1 entitled “New York Declaration for Refugees and Migrants”.

On 6 December 2016, the Assembly adopted, on the recommendation of the Fourth Committee, resolution 71/91 entitled “Assistance to Palestine refugees”, by a recorded vote of 167 to 1, with 9 abstentions; resolution 71/92 entitled “Persons displaced as a result of the June 1967 and subsequent hostilities”, by a recorded vote of 166 to 6, with 6 abstentions; resolution 71/93 entitled “Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East”, by a recorded vote of 167 to 6, with 5 abstentions; and resolution 71/94, entitled “Palestine refugees’ properties and their revenues”, by a recorded vote of 165 to 7, with 5 abstentions.

On 19 December 2016, the General Assembly adopted, on the recommendation of the Third Committee and without a vote, resolution 71/171 entitled “Enlargement of the Executive

³⁷⁰ For detailed information and documents regarding this topic generally, see the website of the UNHCR at <https://www.unhcr.org>.

³⁷¹ For the report of the United Nations High Commissioner for Refugees on the activities of his Office, see *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 12 (A/71/12)*. For the report of the sixty-seventh session of the Executive Committee of the High Commissioner’s Programme, see *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 12A (A/71/12/Add.1)*.

Committee of the Programme of the United Nations High Commissioner for Refugees”, resolution 71/172 entitled “Office of the United Nations High Commissioner for Refugees”, and 71/173 entitled “Assistance to refugees, returnees and displaced persons in Africa”.

13. International Court of Justice³⁷²

(a) Organization of the Court

At the end of 2016, the composition of the Court was as follows:

President: Ronny Abraham (France);

Vice-President: Abdulqawi Ahmed Yusuf (Somalia);

Judges: Hisashi Owada (Japan), Peter Tomka (Slovakia), Mohamed Bennouna (Morocco), Antônio Augusto Cançado Trindade (Brazil), Christopher Greenwood (United Kingdom), Xue Hanqin (China), Joan E. Donoghue (United States of America), Giorgio Gaja (Italy), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), James Richard Crawford (Australia) and Kirill Gevorgian (Russian Federation).

The Registrar of the Court was Philippe Couvreur (Belgium); the Deputy-Registrar was Jean-Pelé Fomété (Cameroon).

The Chamber of Summary Procedure, comprising five judges, including the President and Vice-President, and two substitutes, which is established annually by the Court in accordance with Article 29 of the Statute of the International Court of Justice to ensure the speedy dispatch of business, was composed as follows:

Members:

President: Ronny Abraham;

Vice-President: Abdulqawi Ahmed Yusuf;

Judges: Xue Hanqin, Joan E. Donoghue, and Giorgio Gaja.

Substitute members:

Judges: Antônio Augusto Cançado Trindade and Kirill Gevorgian.

(b) Jurisdiction of the Court³⁷³

As of 31 December 2016, 72 States had recognized the compulsory jurisdiction of the Court, as contemplated by Article 36, paragraph 2, of the Statute. No new declarations recognizing compulsory jurisdiction were made in 2016.

³⁷² For more information about the Court, see the reports of the International Court of Justice to the General Assembly, *Official Records of the General Assembly, Seventieth-first Session, Supplement No. 4 (A/71/4)* (for the period 1 August 2015 to 31 July 2016) and *ibid.*, *Seventy-second Session, Supplement No. 4 (A/72/4)* (for the period 1 August 2016 to 31 July 2017). See also the website of the Court at <https://www.icj-cij.org>.

³⁷³ For further information regarding the acceptance of the compulsory jurisdiction of the International Court of Justice, see chapter I.4 of *Multilateral Treaties Deposited with the Secretary-General*, available on the website <https://treaties.un.org/Pages/ParticipationStatus.aspx>.

(c) General Assembly

On 27 October 2016, the General Assembly adopted, without reference to a Main Committee, decision 71/509 in which it took note of the report of the International Court of Justice for the period from 1 August 2015 to 31 July 2016.

On 5 December 2016, the Assembly adopted, on the recommendation of the First Committee, resolution 71/58 entitled “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”, by a recorded vote of 136 to 2, with 22 abstentions.

On 13 December 2016, the Assembly adopted, on the recommendation of the Sixth Committee and without a vote, resolution 71/147 entitled “Commemoration of the seventieth anniversary of the International Court of Justice”.

14. International Law Commission³⁷⁴

(a) Membership of the Commission³⁷⁵

The membership of the International Law Commission at its sixty-eighth session consisted of Mohammed Bello Adoke (Nigeria), Ali Mohsen Fetais Al-Marri (Qatar), Lucius Cafilisch (Switzerland), Enrique J. A. Candiotti (Argentina), Pedro Comissário Afonso (Mozambique), Abdelrazeg El-Murtadi Suleiman Gouider (Libya), Concepción Escobar Hernández (Spain), Mathias Forteau (France), Juan Manuel Gómez-Robledo (Mexico), Hussein A. Hassouna (Egypt), Mahmoud D. Hmoud (Jordan), Huikang Huang (China), Marie G. Jacobsson (Sweden), Maurice Kamto (Cameroon), Kriangsak Kittichaisaree (Thailand), Roman A. Kolodkin (Russian Federation),³⁷⁶ Ahmed Laraba (Algeria), Donald M. McRae (Canada), Shinya Murase (Japan), Sean D. Murphy (United States of America), Bernd H. Niehaus (Costa Rica), Georg Nolte (Germany), Ki Gab Park (Republic of Korea), Chris Maina Peter (United Republic of Tanzania), Ernest Petrič (Slovenia), Gilberto Vergne Saboia (Brazil), Narinder Singh (India), Mr. Pavel Šturma (Czech Republic), Dire D. Tladi (South Africa), Eduardo Valencia-Ospina (Colombia), Marcelo Vázquez-Bermúdez (Ecuador),³⁷⁷ Amos S. Wako (Kenya), Nugroho Wisnumurti (Indonesia) and Michael Wood (United Kingdom).

(b) Sixty-eighth session of the International Law Commission

The International Law Commission held the first part of its sixty-eighth session from 2 May to 10 June 2016, and the second part of the session from 4 July to 12 August 2016, at its

³⁷⁴ Detailed information and documents relating to the work of the International Law Commission may be found on the Commission’s website at <https://legal.un.org/ilc/>.

³⁷⁵ Pursuant to article 10 of the Statute of the International Law Commission, the election of the members of the Commission for a five-year term, beginning on 1 January 2012 (until 31 December 2016), took place by secret ballot, at the 59th meeting of the General Assembly at its sixty-sixth session, held on 17 November 2011.

³⁷⁶ On 8 May 2015 the Commission elected Roman A Kolodkin to fill the casual vacancy occasioned by the resignation of Kirill Gevorgian (Russian Federation).

³⁷⁷ On 6 May 2013, the Commission elected Marcelo Vázquez-Bermúdez to fill the casual vacancy occasioned by the resignation of Stephen C. Vasciannie (Jamaica) in 2012.

seat at the United Nations Office at Geneva.³⁷⁸ The Commission continued its consideration of the following topics: “Protection of persons in the event of disasters”, “Immunity of State officials from foreign criminal jurisdiction”, “Subsequent agreements and subsequent practice in relation to the interpretation of treaties”, “Provisional application of treaties”, “Identification of customary international law”, “Protection of the environment in relation to armed conflicts”, “Protection of the atmosphere”, “Crimes against humanity”, and “*Jus cogens*”.

In relation to the topic “Protection of persons in the event of disasters”, the Commission had before it the eighth report of the Special Rapporteur,³⁷⁹ as well as comments and observations received from Governments and international organizations on the draft articles adopted on first reading.³⁸⁰ The Commission subsequently adopted, on second reading, a draft preamble and 18 draft articles, together with commentaries thereto, and in accordance with article 23 of its statute recommended to the General Assembly the elaboration of a convention on the basis of the draft articles.³⁸¹

As regards the topic “Identification of customary international law”, the Commission had before it the fourth report of the Special Rapporteur³⁸² and the memorandum by the Secretariat concerning the role of decisions of national courts in the case law of international courts and tribunals of a universal character for the purpose of the determination of customary international law.³⁸³ The Commission adopted on first reading a set of 16 draft conclusions, together with commentaries thereto, and decided, in accordance with articles 16 to 21 of its Statute, to transmit the draft conclusions, through the Secretary-General, to Governments for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by 1 January 2018 (chap. V).³⁸⁴

As regards the topic “Subsequent agreements and subsequent practice in relation to the interpretation of treaties”, the Commission had before it the fourth report of the Special Rapporteur.³⁸⁵ The Commission adopted on first reading a set of 13 draft conclusions, together with commentaries thereto, on subsequent agreements and subsequent practice in relation to the interpretation of treaties. The Commission decided, in accordance with articles 16 to 21 of its Statute, to transmit the draft conclusions, through the Secretary-General, to Governments for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by 1 January 2018.³⁸⁶

With respect to the topic “Crimes against humanity”, the Commission had before it the second report of the Special Rapporteur,³⁸⁷ as well as the memorandum by the Secretariat providing information on existing treaty-based monitoring mechanisms which

³⁷⁸ For the report of the International Law Commission on the work at its sixty-eighth session, see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*.

³⁷⁹ A/CN.4/697.

³⁸⁰ A/CN.4/696 and Add. 1.

³⁸¹ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. IV.

³⁸² A/CN.4/695 and Add.1.

³⁸³ A/CN.4/691.

³⁸⁴ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. V.

³⁸⁵ A/CN.4/694.

³⁸⁶ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. VI.

³⁸⁷ A/CN.4/690.

may be of relevance to the future work of the International Law Commission.³⁸⁸ Following the debate in Plenary, the Commission decided to refer the draft articles proposed by the Special Rapporteur to the Drafting Committee. Upon consideration of the report of the Drafting Committee,³⁸⁹ the Commission provisionally adopted draft articles 5 to 10, together with commentaries thereto. The Commission also decided to refer to the Drafting Committee the question of the liability of legal persons. Following its consideration of a further report of the Drafting Committee,³⁹⁰ the Commission provisionally adopted paragraph 7 of draft article 5, together with the commentary thereto.³⁹¹

With regard to the topic “Protection of the atmosphere”, the Commission had before it the third report of the Special Rapporteur.³⁹² The Commission considered and provisionally adopted draft guidelines 3, 4, 5, 6 and 7 and a preambular paragraph, together with commentaries thereto.³⁹³

With regard to the topic of “*Jus Cogens*”, the Commission had before it the first report of the Special Rapporteur.³⁹⁴ The Commission subsequently decided to refer draft conclusions 1 and 3, as contained in the report of the Special Rapporteur, to the Drafting Committee. The Commission subsequently took note of the interim report of the Chairperson of the Drafting Committee on draft conclusions 1 and 2 provisionally adopted by the Committee, which was submitted to the Commission for information.³⁹⁵

With respect to the topic “Protection of the environment in relation to armed conflicts”, the Commission had before it the third report of the Special Rapporteur.³⁹⁶ Following the debate in Plenary, the Commission decided to refer the draft principles, as contained in the report of the Special Rapporteur, to the Drafting Committee. The Commission subsequently took note of draft principles 4, 6, 7, 8, 14, 15, 16, 17 and 18, provisionally adopted by the Drafting Committee. Furthermore, the Commission provisionally adopted the draft principles it had taken note of during its sixty-seventh session, which had been renumbered and revised for technical reasons by the Drafting Committee at the present session, together with commentaries thereto.³⁹⁷

In relation to the topic “Immunity of State officials from foreign criminal jurisdiction”, the Commission had before it the fifth report of the Special Rapporteur.³⁹⁸ Upon its consideration of the report of the Drafting Committee on work done previously and taken note of by the Commission during its sixty-seventh session,³⁹⁹ the Commission provisionally adopted draft articles 2 (*f*) and 6, together with commentaries thereto.⁴⁰⁰

³⁸⁸ A/CN.4/698.

³⁸⁹ A/CN.4/L.873.

³⁹⁰ A/CN.4/L.873/Add.1.

³⁹¹ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. VII.

³⁹² A/CN.4/692.

³⁹³ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. VIII.

³⁹⁴ A/CN.4/693.

³⁹⁵ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. IX.

³⁹⁶ A/CN.4/700.

³⁹⁷ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. X.

³⁹⁸ A/CN.4/701.

³⁹⁹ A/CN.4/L.865.

⁴⁰⁰ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chap. XI.

As regards the topic “Provisional application of treaties”, the Commission had before it the fourth report of the Special Rapporteur.⁴⁰¹ Following the debate in Plenary, the Commission decided to refer draft guideline 10, as contained in the fourth report of the Special Rapporteur, to the Drafting Committee. The Commission subsequently took note of draft guidelines 1 to 4 and 6 to 9, provisionally adopted by the Drafting Committee during the sixty-seventh and sixty-eighth sessions. Draft guideline 5 on unilateral declarations had been kept in abeyance by the Drafting Committee to be returned to at a later stage.⁴⁰²

Also, at its sixty-eighth session, the Commission decided to request the Secretariat to prepare a memorandum on ways and means for making the evidence of customary international law more readily available, which would survey the present state of the evidence of customary international law and make suggestions for its improvement and another memorandum analysing State practice in respect of treaties (bilateral and multilateral), deposited or registered in the last 20 years with the Secretary-General, which provide for provisional application, including treaty actions related thereto.⁴⁰³

The Commission decided to include in its long-term programme of work the topics: (a) The settlement of international disputes to which international organizations are parties; and (b) Succession of States in respect of State responsibility.⁴⁰⁴

Finally, the Commission recommended that it would hold the first part of its seventieth session in New York and requested the Secretariat to proceed with the necessary administrative and organizational arrangements to facilitate this. The Commission recommended that a seventieth anniversary commemorative event be held during its seventieth session in 2018.⁴⁰⁵

(c) Sixth Committee

The Sixth Committee of the General Assembly considered the agenda item “Report of the International Law Commission on the work of its sixty-eighth session” at its 20th to 30th and 33rd meetings, from 24 to 28 October and from 1 to 3 and 11 November 2016.⁴⁰⁶ The Chair of the International Law Commission at its sixty-eighth session introduced the report of the Commission on the work of that session: chapters I to V and XIII at the 20th meeting, on 24 October; chapters VII to IX at the 24th meeting, on 27 October; and chapters X to XII at the 27th meeting, on 1 November.⁴⁰⁷

At the 33rd meeting, on 11 November 2016, the representative of Peru, on behalf of the Bureau, introduced a draft resolution entitled “Report of the International Law

⁴⁰¹ A/CN.4/699 and Add.1.

⁴⁰² *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*, chapter XII.

⁴⁰³ *Ibid.*, chap. XIII, sect. A.

⁴⁰⁴ *Ibid.*, chap. XIII, sect. B.

⁴⁰⁵ *Ibid.*

⁴⁰⁶ For the report of the Sixth Committee, see A/71/509. For the summary records, see A/C.6/71/SR.20–30, and 33.

⁴⁰⁷ For the ILC report, see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10 (A/71/10)*.

Commission on the work of its sixty-eighth session”.⁴⁰⁸ At the same meeting, the representative of Slovakia, on behalf of the Bureau, introduced a draft resolution entitled “Protection of persons in the event of disasters”.⁴⁰⁹ At the same meeting, the Committee adopted the two draft resolutions without a vote.

(d) General Assembly

On 13 December 2016, the General Assembly adopted resolution 71/140 entitled “Report of the International Law Commission on the work of its sixty-eighth session”. The Assembly expressed its appreciation to the Commission for the work accomplished at its sixty-eighth session and recommended that it continue its work on the topics in its current programme. Furthermore, the Assembly decided that the next session of the Commission should be held at the United Nations Office at Geneva from 1 May to 2 June and from 3 July to 4 August 2017.

On the same day, the General Assembly adopted resolution 71/141 entitled “Protection of persons in the event of disasters”. The Assembly, *inter alia*, took note of the draft articles on protection of persons in the event of disasters, invited Governments to submit comments concerning the recommendation by the Commission to elaborate a convention on the basis of these articles, and decided to include in the provisional agenda of its seventy-third session an item entitled “Protection of persons in the event of disasters”.

15. United Nations Commission on International Trade Law

(a) Forty-ninth session of the Commission

The United Nations Commission on International Trade Law (UNCITRAL) held its forty-ninth session in New York from 27 June to 15 July 2016 and adopted its report on 1, 8, and 15 July 2016.⁴¹⁰

At the session, the Commission finalized and adopted the UNCITRAL Model Law on Secured Transactions,⁴¹¹ the 2016 UNCITRAL Notes on Organizing Arbitral Proceedings,⁴¹² and the Technical Notes on Online Dispute Resolution.⁴¹³

The Commission had before it the reports of Working Group I (MSMEs) on the work of its twenty-fifth and twenty-sixth sessions outlining progress on the two topics on its current work agenda: (a) Key principles in business registration; and (b) Legal questions surrounding the creation of a simplified business entity.⁴¹⁴ The Commission commended the Working Group for the progress that was being made on the two topics and noted that the legislative texts resulting from the current work of the Working Group on those two topics should be published, including electronically, and in the six official

⁴⁰⁸ A/C.6/71/L.26.

⁴⁰⁹ A/C.6/71/L.31.

⁴¹⁰ *Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/71/17)*, paras. 1 and 12. For the membership of the United Nations Commission on International Trade Law, see para. 4.

⁴¹¹ *Ibid.*, para. 119.

⁴¹² *Ibid.*, para. 158.

⁴¹³ *Ibid.*, para. 217.

⁴¹⁴ *Ibid.*, para. 219.

languages of the United Nations, and be disseminated broadly to Governments and other interested bodies.⁴¹⁵

Regarding the future work in the area of electronic commerce, the Commission recalled that at its forty-eighth session, in 2015, it had instructed the Secretariat to conduct preparatory work on identity management and trust services, cloud computing and mobile commerce. The Commission confirmed its decision that the Working Group IV (Electronic Commerce) could take up work on those topics upon completion of the work on the Model Law on Electronic Transferable Records.⁴¹⁶ In that context, the Secretariat and the Working Group were asked to continue to update and conduct preparatory work on the two topics including their feasibility in parallel and in a flexible manner and report back to the Commission so that it could make an informed decision at a future session.⁴¹⁷

With respect to the work of the Working Group V on insolvency law, the Commission commended the Working Group for the progress that was being made on the three topics on its current work agenda,⁴¹⁸ and agreed that the Working Group should aim to tailor the mechanisms already provided in the UNCITRAL Legislative Guide on Insolvency Law⁴¹⁹ to specifically address MSMEs and develop new and simplified mechanisms as required. The Commission noted that the feasibility of developing a convention on international insolvency issues might continue to be studied informally by an *ad hoc*, open-ended group of interested participants on the basis of a list of issues prepared and distributed by the Secretariat.⁴²⁰

The Commission considered its technical assistance to law reform activities, including a draft guidance note on strengthening United Nations support to States to implement sound commercial law reforms.⁴²¹ The Commission endorsed the text of the draft guidance and requested the Secretary-General to finalize it in the light of deliberations at the current session, and to circulate the final text as broadly as possible to its intended users.⁴²²

The Commission also considered, *inter alia*, the items on promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts,⁴²³ the status and promotion of UNCITRAL texts,⁴²⁴ measures aimed at coordination and cooperation with other organizations active in the field of international trade law,⁴²⁵ the role of UNCITRAL in promoting the rule of law at the national and international levels,⁴²⁶ and the work programme of the Commission.⁴²⁷

⁴¹⁵ Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/71/17), para. 224.

⁴¹⁶ *Ibid.*, para.235.

⁴¹⁷ *Ibid.*

⁴¹⁸ *Ibid.*, para.245.

⁴¹⁹ United Nations publication, Sales No. E.05.V.10.

⁴²⁰ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 247.

⁴²¹ *Ibid.*, paras. 255–262.

⁴²² *Ibid.*, para. 262.

⁴²³ *Ibid.*, paras. 263–270.

⁴²⁴ *Ibid.*, paras. 271–273.

⁴²⁵ *Ibid.*, paras. 274–285.

⁴²⁶ *Ibid.*, paras. 303–342.

⁴²⁷ *Ibid.*, paras. 343–344.

(b) Sixth Committee

The Sixth Committee considered the item “Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session” at its 11th, 12th, 19th and 24th meetings, on 10, 11, 20 and 27 October 2016.⁴²⁸ For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its forty-ninth session.⁴²⁹

At the 11th meeting, on 10 October, the Chair of the United Nations Commission on International Trade Law at its forty-ninth session introduced the report of the Commission on the work of its forty-ninth session.

At the 19th meeting, on 20 October, the representative of Austria, on behalf of several States, introduced a draft resolution entitled “Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session”,⁴³⁰ At the same meeting, the representative of Austria, on behalf of the Bureau, introduced three draft resolutions entitled “Model Law on Secured Transactions of the United Nations Commission on International Trade Law”,⁴³¹ “2016 Notes on Organizing Arbitral Proceedings of the United Nations Commission on International Trade Law”,⁴³² and “Technical Notes on Online Dispute Resolution of the United Nations Commission on International Trade Law”.⁴³³ At its 24th meeting, on 27 October, the Committee adopted the four draft resolutions without a vote.

(c) General Assembly

On 13 December 2016, the General Assembly adopted, upon the recommendation of the Sixth Committee, resolution 71/135 entitled “Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session”, resolution 71/136 entitled “Model Law on Secured Transactions of the United Nations Commission on International Trade Law”, resolution 71/137 entitled “2016 Notes on Organizing Arbitral Proceedings of the United Nations Commission on International Trade Law”, and resolution 71/138 entitled “Technical Notes on Online Dispute Resolution of the United Nations Commission on International Trade Law”, without a vote.

16. Legal questions dealt with by the Sixth Committee and other related subsidiary bodies of the General Assembly

During the seventy-first session of the General Assembly, the Sixth Committee (Legal), in addition to the topics discussed above concerning the International Law Commission and the United Nations Commission on International Trade Law, considered

⁴²⁸ For the report of the Sixth Committee, see A/71/507. For the summary records, see A/C.6/71/SR.11, 12, 19 and 24.

⁴²⁹ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*.

⁴³⁰ A/C.6/71/L.10.

⁴³¹ A/C.6/71/L.11.

⁴³² A/C.6/71/L.12.

⁴³³ A/C.6/71/L.13.

a wide range of topics. The work of the Sixth Committee and of other related subsidiary organs is described below, together with the relevant resolutions and decisions adopted by the General Assembly in 2016.⁴³⁴ The resolutions and decisions of the General Assembly described in this section were all adopted, without a vote, during the seventy-first session, on 13 December 2016, on the recommendation of the Sixth Committee.⁴³⁵

(a) Responsibility of States for internationally wrongful acts

The draft articles on responsibility of States for internationally wrongful acts were prepared by the International Law Commission and were submitted to the General Assembly at its fifty-sixth session in 2001.⁴³⁶ The Assembly took note of the draft articles and commended them to the attention of Governments without prejudice to the question of their future adoption or other appropriate action, and decided to include in the provisional agenda of its fifty-ninth session an item entitled “Responsibility of States for internationally wrongful acts”.⁴³⁷ The Assembly had previously considered the item triennially since its fifty-ninth session.

(i) Sixth Committee

During the seventy-first session of the General Assembly, the Sixth Committee considered the item at its 9th, 31st and 33rd meetings, on 7 October and on 4 and 11 November 2016.⁴³⁸ For its consideration of the item, the Committee had before it the report of the Secretary-General on this topic.⁴³⁹

At the 33rd meeting, on 11 November 2016, the representative of Brazil introduced, on behalf of the Bureau, the text of a draft resolution entitled “Responsibility of States for internationally wrongful acts”.⁴⁴⁰ At the same meeting, the Committee adopted the draft resolution without a vote.

(ii) General Assembly

By resolution 71/133 of 13 December 2016, the General Assembly acknowledged the growing number of decisions of international courts, tribunals and other bodies referring

⁴³⁴ For further information and documents regarding the work of the Sixth Committee and the other related subsidiary organs of the General Assembly mentioned in this section, see https://www.un.org/en/ga/sixth/71/71_session.shtml.

⁴³⁵ The Sixth Committee adopts drafts resolutions, which it recommends for adoption by the General Assembly. These draft resolutions are contained in the reports of the Sixth Committee to the General Assembly on the various agenda items. The Sixth Committee reports also contain information concerning the relevant documentation on the consideration of the items by the Sixth Committee.

⁴³⁶ General Assembly resolution 56/83 of 12 December 2001, annex.

⁴³⁷ *Ibid.*, paras. 1–4.

⁴³⁸ For the report of the Sixth Committee, see A/71/505. For the summary records, see A/C.6/71/SR.9, 31 and 33.

⁴³⁹ A/71/133.

⁴⁴⁰ A/C.6/71/L.28.

to the articles, and commended them once again to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. The Assembly requested the Secretary-General to invite Governments to submit further written comments on any future action regarding the articles, to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles, and to invite Governments to submit information on their practice in this regard. It further requested the Secretary-General to submit this material well in advance of its seventy-fourth session. Finally, the General Assembly decided to further examine, within the framework of a working group of the Sixth Committee and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles. In this regard, the Assembly decided to include the item in the provisional agenda of its seventy-fourth session.

(b) Criminal accountability of United Nations officials and experts on mission

The item entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects” was included in the agenda of the General Assembly at its nineteenth session, in February 1965, when the General Assembly established the Special Committee on Peacekeeping Operations that was to undertake a comprehensive review of the whole question of peacekeeping operations in all their aspects.⁴⁴¹

At its sixty-first session, in 2006, the General Assembly decided that the agenda item entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects”, which had been allocated to the Special Political and Decolonization Committee (Fourth Committee), should also be referred to the Sixth Committee for discussion of the report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations,⁴⁴² submitted pursuant to General Assembly resolution 59/300.⁴⁴³ At the same session, the General Assembly decided to establish an *ad hoc* committee, for the purpose of considering the report of the Group of Legal Experts, in particular its legal aspects and to report on its work to General Assembly under the agenda item entitled “Criminal Accountability of United Nations officials and experts on mission”.⁴⁴⁴ The Assembly had previously considered this item annually since its sixty-second session.

(i) Sixth Committee

During the seventy-first session of the General Assembly, the Sixth Committee considered the item at its 8th, 9th and 33rd meetings, on 7 October and on 11 November

⁴⁴¹ General Assembly resolution 2006 (XIX) of 18 February 1965.

⁴⁴² A/60/980.

⁴⁴³ General Assembly decision 61/503A of 13 September 2006.

⁴⁴⁴ The *Ad Hoc* Committee on criminal accountability of United Nations officials and experts on mission was established by General Assembly resolution 61/29 of 4 December 2006. The *Ad Hoc* Committee held two sessions at United Nations Headquarters in New York, from 9 to 13 April 2007 and from 7 to 9 and on 11 April 2008. For more information, see https://legal.un.org/committees/criminal_accountability/.

2016.⁴⁴⁵ For its consideration of the item, the Committee had before it the report of the Secretary-General on this topic.⁴⁴⁶

At the 33rd meeting, on 11 November 2016, the representative of Pakistan, on behalf of the Bureau, introduced a draft resolution entitled “Criminal accountability of United Nations officials and experts on mission”, which the Committee adopted without a vote.⁴⁴⁷

(ii) *General Assembly*

On 13 December 2016, the General Assembly adopted resolution 71/134 entitled “Criminal accountability of United Nations officials and experts on mission” without a vote. The General Assembly, *inter alia*, decided that the consideration of the report of the Group of Legal Experts, in particular its legal aspects, would be continued at the seventy-third session in the context of a working group of the Sixth Committee. The Assembly reiterated its request to the Secretary-General to report to it at its seventy-first session on the implementation of the resolution. It also decided that the consideration of the report of the Group of Legal Experts, in particular its legal aspects, would be continued at the seventy-third session in the context of a working group of the Sixth Committee, while including the item in the provisional agenda of the seventy-second session.

(c) **United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law**

The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established by the General Assembly at its twentieth session in 1965,⁴⁴⁸ to provide direct assistance in the field of international law, as well as through the preparation and dissemination of publications and other information relating to international law. The General Assembly authorized the continuation of the Programme of Assistance annually until its twenty-sixth session, biennially until its sixty-fourth session and annually thereafter.

In the performance of the functions entrusted to him by the General Assembly, the Secretary-General is assisted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, the members of which are appointed by the General Assembly.

⁴⁴⁵ For the report of the Sixth Committee, see A/71/506. For the summary records, A/C.6/71/SR.8, 9 and 33.

⁴⁴⁶ A/71/167.

⁴⁴⁷ A/C.6/71/L.25.

⁴⁴⁸ General Assembly resolution 2099 (XX) of 20 December 1965. For further information on the Programme of Assistance, see <https://legal.un.org/poa/>.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 17th, 18th, 30th and 32nd meetings, on 20 October and on 3 and 7 November 2016.⁴⁴⁹ For its consideration of the item, the Committee had before it the report of the Secretary-General.⁴⁵⁰

At the 30th meeting, on 3 November, the representative of Ghana, on behalf of the Bureau, introduced a draft resolution entitled “United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law”.⁴⁵¹ At its 32nd meeting, on 7 November, the Committee adopted the draft resolution, without a vote.

(ii) *General Assembly*

On 13 December 2016, the General Assembly adopted resolution 71/139 entitled “United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law”. In the resolution, the General Assembly noted resources have been provided under the programme budget for the organization of the Regional Courses in International Law on an annual basis and the further development of the Audiovisual Library of International Law. The Assembly also authorized the Secretary-General to carry out the activities specified in his reports on this item, including the following activities to be financed from the provisions in the regular budget: the International Law Fellowship Programme and the Regional Courses in International Law for Africa, for Latin-America and the Caribbean and for Asia-Pacific, with a minimum of 20 fellowships for each course; the Audiovisual Library of International Law; and the dissemination of legal publications and lectures of the Audiovisual Library to developing countries to the extent that there are sufficient resources. The General Assembly requested the Secretary-General to continue to include resources under the proposed programme budget for the biennium 2018–2019 for those activities.

(d) **Diplomatic protection**

At its sixty-first session, the General Assembly took note of the draft articles on diplomatic protection adopted by the International Law Commission at its fifty-eighth session, in 2006, and invited Governments to submit comments concerning the recommendation of the Commission that the Assembly elaborate a convention on the basis of the draft articles.⁴⁵² The Assembly had considered previously this item triennially since its sixty-second session.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 9th, 10th, 31st and 32nd meetings, on 7 and 10 October, 4 and 7 November 2016, respectively.⁴⁵³

⁴⁴⁹ For the report of the Sixth Committee, see A/71/508. For the summary records, see A/C.6/71/SR.17, 18, 30 and 32.

⁴⁵⁰ A/71/432.

⁴⁵¹ A/C.6/71/L.17.

⁴⁵² General Assembly resolution 61/35 of 4 December 2006.

⁴⁵³ For the report of the Sixth Committee, see A/71/510. For the summary records, see A/C.6/71/SR.9, 10, 31 and 32.

Pursuant to resolution 68/113 of 16 December 2013, the Committee decided, at its 1st meeting, on 3 October 2016, to establish a Working Group on Diplomatic Protection open to all States Members of the United Nations or members of the Specialized Agencies or of the International Atomic Energy Agency. The Working Group, which was chaired by Thembile Joyini (South Africa), held two meetings, on 17 and 19 October 2016. At its 31st meeting, on 4 November 2016, the Committee heard and took note of the oral report of the Chair of the Working Group.

At the 31st meeting, on 4 November 2016, the representative of South Africa, on behalf of the Bureau, introduced a draft resolution entitled “Diplomatic protection”.⁴⁵⁴ At the 32nd meeting, on 7 November 2016, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

By resolution 71/142 of 13 December 2016, the General Assembly commended once again the articles on diplomatic protection to the attention of Governments and invited them to submit in writing to the Secretary-General any further comments, including comments concerning the recommendation of the Commission to elaborate a convention on the basis of the articles. The Assembly also decided to include the item in the provisional agenda of its seventy-fourth session and, within the framework of a working group of the Sixth Committee, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second, sixty-fifth, sixty-eighth and seventy-first sessions of the General Assembly, to continue to examine the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the articles and to also identify any difference of opinion on the articles. The agenda item will be considered next at the seventy-fourth session (2019).

(e) Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

The topic “International liability for injurious consequences arising out of acts not prohibited by international law” was included in the programme of work of the Commission in 1978. In 1997, the Commission decided to deal first with prevention aspects of the topic under the subtitle “Prevention of transboundary damage from hazardous activities”. The Commission, in 2001, completed the draft articles on prevention of transboundary harm from hazardous activities and recommended to the General Assembly the elaboration of a convention on the basis of the draft articles.⁴⁵⁵

In 2002, the Commission resumed its work on the second part of the topic under the subtitle “International liability in case of loss from transboundary harm arising out of hazardous activities”.⁴⁵⁶ In 2006, the Commission completed the liability aspects by adopting draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities and recommended to the General Assembly that it endorse the draft principles by a resolution and urge States to take national and international action to

⁴⁵⁴ A/C.6/71/L.14.

⁴⁵⁵ See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10 (A/56/10 and Corr.1)*.

⁴⁵⁶ See General Assembly resolution 56/82 of 12 December 2001 and *Official Records of the General Assembly, Fifty-seventh Session, Supplement No.10 (A/57/10 and Corr.1)*.

implement them.⁴⁵⁷ The General Assembly at its sixty-first session, took note of the principles presented by the Commission and decided to include in the provisional agenda of its sixty-second session an item entitled “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm”.⁴⁵⁸ The Assembly had previously considered the item triennially since its sixty-second session.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 18th, 31st, and 32nd meetings, on 20 October and on 4 and 7 November 2016, respectively.⁴⁵⁹

At the 31st meeting, on 4 November 2013, the representative of Czechia, on behalf of the Bureau, introduced a draft resolution entitled “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm”.⁴⁶⁰ At the 32nd meeting, on 7 November 2016, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

By the terms of the resolution 71/143 of 13 December 2016, the General Assembly invited Governments to submit further comments on any future action, in particular on the form of the respective articles and principles, bearing in mind the recommendations made by the Commission in that regard, including in relation to the elaboration of a convention on the basis of the articles, as well as on any practice in relation to the application of the articles and principles. The Assembly also requested the Secretary-General to submit a compilation of decisions of international courts, tribunals and other bodies referring to the articles and the principles. Finally, it decided to include this item in the provisional agenda of its seventy-fourth session.

(f) Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

This item was included in the agenda of the thirty-seventh session of the General Assembly, in 1982, at the request of Denmark, Finland, Norway and Sweden.⁴⁶¹ The Assembly had previously considered the item biennially since its thirty-seventh session.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 10th, 11th and 33rd meetings, on 10 October and 11 November 2016.⁴⁶²

⁴⁵⁷ See *Official Records of the General Assembly, Sixty-first Session, Supplement No.10 (A/61/10)*.

⁴⁵⁸ General Assembly resolution 61/36 of 19 December 2006.

⁴⁵⁹ For the report of the Sixth Committee, see A/71/511. For the summary records, see A/C.6/71/SR.18, 31 and 32.

⁴⁶⁰ A/C.6/71/L.20.

⁴⁶¹ A/37/142.

⁴⁶² For the report of the Sixth Committee, see A/71/512. For the summary records, see A/C.6/71/SR.10, 11 and 33.

At the 33rd meeting, on 11 November 2016, the representative of Sweden, on behalf of several States, introduced a draft resolution entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.⁴⁶³ At the same meeting, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

On 13 December 2016, the General Assembly adopted resolution 71/144 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”. The Assembly requested the Secretary-General to submit to the Assembly at its seventy-third session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, including with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross. Finally, it decided to include this item in the provisional agenda of its seventy-third session.

(g) Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

This item was included in the agenda of the thirty-fifth session of the General Assembly, in 1980, at the request of Denmark, Finland, Iceland, Norway and Sweden.⁴⁶⁴ The General Assembly had previously considered the item annually at its thirty-sixth to forty-third sessions, and biennially thereafter.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 11th, 30th and 32nd meetings, on 10 October and on 3 and 7 November 2016.⁴⁶⁵ For its consideration of the item, the Committee had before it the report of the Secretary-General.⁴⁶⁶

At the 30th meeting, on 3 November, the representative of Finland, on behalf of several States, introduced a draft resolution entitled “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives”.⁴⁶⁷ At the 32nd meeting, on 7 November, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

On 13 December 2016, the General Assembly adopted resolution 71/145 entitled “Consideration of effective measures to enhance the protection, security and safety of

⁴⁶³ A/C.6/71/L.21.

⁴⁶⁴ A/35/142.

⁴⁶⁵ For the report of the Sixth Committee, see A/71/513. For the summary records, see A/C.6/71/SR.11, 30 and 32.

⁴⁶⁶ A/71/130 and Add.1.

⁴⁶⁷ A/C.6/71/L.18.

diplomatic and consular missions and representatives”. The Assembly decided to include this item in the provisional agenda of its seventy-third session.

(h) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

(i) *Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization*⁴⁶⁸

The item entitled “Need to consider suggestions regarding the review of the Charter of the United Nations” was included in the agenda of the twenty-fourth session of the General Assembly, in 1969, at the request of Colombia.⁴⁶⁹

At its twenty-ninth session, in 1974, the General Assembly decided to establish an *ad hoc* committee on the Charter of the United Nations to consider any specific proposals that Governments might make with a view to enhancing the ability of the United Nations to achieve its purposes, as well as other suggestions for the more effective functioning of the United Nations that might not require amendments to the Charter.⁴⁷⁰

Meanwhile, another item, entitled “Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law in relations between States”, was included in the agenda of the twenty-seventh session of the General Assembly, at the request of Romania.⁴⁷¹

At its thirtieth session, the General Assembly decided to reconvene the *ad hoc* committee as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, to examine suggestions and proposals regarding the Charter and the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law.⁴⁷² Since its thirtieth session, the General Assembly has considered the report of the Special Committee annually.

The Special Committee met at United Nations Headquarters from 16 to 24 February 2016 and considered the items “Maintenance of international peace and security”, “Peaceful settlement of disputes”, “*Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council*” and “Working methods of the Special Committee and identification of new subjects”.⁴⁷³

⁴⁶⁸ For more information, see the website of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, available from <https://legal.un.org/committees/charter/>.

⁴⁶⁹ A/7659.

⁴⁷⁰ General Assembly resolution 3349 (XXIX) of 17 December 1974.

⁴⁷¹ A/8792.

⁴⁷² General Assembly resolution 3499 (XXX) of 15 December 1975.

⁴⁷³ For the report of the Special Committee, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 33 (A/71/33)*.

(ii) *Sixth Committee*

The Sixth Committee considered the item at its 15th, 16th, 30th, 32nd and 33rd meetings, on 14 October and on 3, 7 and 11 November 2016.⁴⁷⁴

At the 30th meeting, on 3 November 2016, the representative of Zambia, on behalf of the bureau, introduced the draft resolution entitled “Commemoration of the seventieth anniversary of the International Court of Justice”,⁴⁷⁵ which was adopted at the 32nd meeting, on 7 November 2016, without a vote.

At the 33rd meeting, on 11 November, the representative of Zambia, on behalf of the Bureau, introduced a draft resolution entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”,⁴⁷⁶ which was adopted at the same meeting without a vote.

(iii) *General Assembly*

On 13 December 2016, the General Assembly adopted resolution 71/146 entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”. The Assembly, *inter alia*, requested the Special Committee to continue its consideration of all proposals concerning the question of the maintenance of international peace and security and of the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions, to keep on its agenda the question of the peaceful settlement of disputes between States, and to continue to consider, on a priority basis, ways and means of improving the Committee’s working methods and enhancing its efficiency.

On the same day, the General Assembly also adopted resolution 71/147 entitled “Commemoration of the seventieth anniversary of the International Court of Justice”.

(i) **The rule of law at the national and international levels**

This item was included in the provisional agenda of the sixty-first session of the General Assembly, in 2006, at the request of Liechtenstein and Mexico.⁴⁷⁷ The General Assembly had previously considered the item annually since its sixty-first session.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 4th, 5th, 6th, 7th, 8th and 33rd meetings on 5, 6 and 7 October and on 11 November 2016.⁴⁷⁸ For its consideration of the item,

⁴⁷⁴ For the report of the Sixth Committee, see A/71/514. For the summary records, see A/C.6/71/SR.15, 16, 30, 32 and 33.

⁴⁷⁵ A/C.6/71/L.16.

⁴⁷⁶ A/C.6/71/L.15.

⁴⁷⁷ A/61/142.

⁴⁷⁸ For the report of the Sixth Committee, see A/71/515. For the summary records, see A/C.6/71/SR.4, 5, 6, 7, 8 and 33.

the Committee had before it the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities.⁴⁷⁹

At the 33rd meeting, on 16 November 2016, the representative of Liechtenstein, on behalf of the Bureau, introduced a draft resolution entitled “The rule of law at the national and international levels”.⁴⁸⁰ At the same meeting, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

On 13 December 2016 the General Assembly adopted resolution 71/148 entitled “The rule of law at the national and international levels”. The General Assembly decided to include this item in the provisional agenda of its seventy-second session and invited Member States to focus their comments in the upcoming Sixth Committee debate on the subtopics “Ways and means to further disseminated international law to strengthen the rule of law”.

(j) **The scope and application of the principle of universal jurisdiction**

This item was included in the provisional agenda of the sixty-fourth session of the General Assembly, in 2009, at the request of the United Republic of Tanzania on behalf of the Group of African States.⁴⁸¹ The General Assembly had previously considered the item annually since its sixty-fourth session.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 13th, 14th, 15th, 31st, and 32nd meetings, on 11, 13 and 14 October and on 4 and 7 November 2016.⁴⁸² For its consideration of the item, the Committee had before it the reports of the Secretary-General submitted to the General Assembly at its sixty-fifth to seventy-first sessions.⁴⁸³

At its 1st meeting, on 3 October, the Committee established a working group pursuant to General Assembly resolution 70/119 to continue to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction. The Working Group held three meetings, on 13, 14 and 21 October. At its 31st meeting, on 4 November, the Committee heard and took note of the oral report of the Chair of the Working Group.⁴⁸⁴

At the 31st meeting, on 4 November, the representative of Kenya, on behalf of the Bureau, introduced a draft resolution entitled “The scope and application of the principle

⁴⁷⁹ A/71/169.

⁴⁸⁰ A/C.6/71/L.27.

⁴⁸¹ A/63/237/Rev.1.

⁴⁸² For the report of the Sixth Committee, see A/71/516. For the summary records, see A/C.6/71/SR.13, 14, 15, 31 and 32.

⁴⁸³ A/65/181, A/66/93 and Add.1, A/67/116, A/68/113, A/69/174, A/70/125, and A/71/111.

⁴⁸⁴ A/C.6/71/SR.31.

of universal jurisdiction”.⁴⁸⁵ At the 32nd meeting, on 7 November, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

In resolution 71/149 of 13 December 2016, the General Assembly, *inter alia*, invited Member States and relevant observers, as appropriate, to submit, before 28 April 2017, information and observations on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties, their national legal rules and judicial practice. The Assembly further requested the Secretary-General to prepare and submit to it, at its seventy-second session, a report based on such information and observations. Moreover, the Assembly decided that the Sixth Committee should continue its consideration of the item, without prejudice to the consideration of the topic and related issues in other forums of the United Nations. The Assembly decided that the Working Group should be open to all Member States and that relevant observers to the General Assembly would be invited to participate in the work of the Working Group.

(k) **The law of transboundary aquifers**

At its sixty-third session, in 2008, the General Assembly, under the item entitled “Report of the International Law Commission on the work of its sixtieth session”, considered chapter IV of the report of the Commission, which contained the draft articles on the law of transboundary aquifers, together with commentaries, and a recommendation that the Assembly take note of the draft articles on the law of transboundary aquifers in a resolution and annex those articles to the resolution. The General Assembly, subsequently, welcomed the conclusion of the work of the Commission on the law of transboundary aquifers and its adoption of the draft articles and a detailed commentary on the subject; took note of the draft articles, the text of which was annexed to its resolution; commended them to the attention of Governments without prejudice to the question of their future adoption or other appropriate action; encouraged the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles; and decided to include the item in the provisional agenda of its sixty-sixth session with a view to examining, in particular, the question of the form that might be given to the draft articles.⁴⁸⁶ The Assembly further considered this item at its sixty-sixth and sixty-eighth sessions.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 18th, 19th and 33rd meetings, on 20 October and 11 November 2016, respectively.⁴⁸⁷

⁴⁸⁵ A/C.6/71/L.23.

⁴⁸⁶ General Assembly resolution 63/124 of 11 December 2008.

⁴⁸⁷ For the report of the Sixth Committee, see A/71/517. For the summary records, see A/C.6/71/SR.18, 19 and 33.

At the 33rd meeting, on 11 November 2016, the representative of Japan, on behalf of the Bureau, introduced a draft resolution entitled “The Law of Transboundary Aquifers”.⁴⁸⁸ At the same meeting, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

On 13 December 2016, the General Assembly adopted resolution 71/150 entitled “The law of transboundary aquifers”. The Assembly, *inter alia*, once again commended the draft articles annexed to its resolution 68/118 to the attention of Governments as guidance for bilateral or regional agreements and arrangements for the proper management of transboundary aquifers, and encouraged the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization to continue its contribution by providing further scientific and technical assistance upon the consent of the recipient State and within its mandate. The Assembly further decided to include the item in the provisional agenda of its seventy-fourth session.

(I) **Measures to eliminate international terrorism**

This item was included in the agenda of the twenty-seventh session of the General Assembly in 1972, further to an initiative of the Secretary-General.⁴⁸⁹ At that session, the General Assembly decided to establish the *ad hoc* committee on International Terrorism, consisting of 35 members.⁴⁹⁰

At its fifty-first session, the General Assembly established an *ad hoc* committee to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism.⁴⁹¹ Through the work of the Committee, the General Assembly has thus far adopted three counter-terrorism instruments.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 1st, 2nd, 3rd, 4th, 31st and 33rd meetings, on 3, 4 and 5 October and on 4 and 11 November 2016.⁴⁹² For its consideration of the item, the Committee had before it the report of the Secretary-General on measures to eliminate international terrorism.⁴⁹³

⁴⁸⁸ A/C.6/71/L.22.

⁴⁸⁹ A/8791 and Add.1 and Add.1/Corr.1.

⁴⁹⁰ General Assembly resolution 3034 (XXVII) of 18 December 1972.

⁴⁹¹ General Assembly resolution 51/210 of 17 December 2016.

⁴⁹² For the report of the Sixth Committee, see A/71/182, Add.1 and Add.2. For the summary records, see A/C.6/71/SR.1, 2, 3, 4, 31 and 33.

⁴⁹³ A/71/182, Add.1 and Add.2.

At its 1st meeting, on 3 October 2016, the Committee established a Working Group pursuant to General Assembly resolution 70/120 with a view to finalizing the process on the draft comprehensive convention on international terrorism, as well as discussions on the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations. The Working Group was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held three meetings, on 17 and 20 October and on 1 November. At its 31st meeting, on 4 November, the Committee heard and took note of the oral report by the Chair of the Working Group on the work of the Working Group and on the results of the informal consultations held during the current session.⁴⁹⁴

At the 33rd meeting, on 11 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled “Measures to eliminate international terrorism”.⁴⁹⁵ At the same meeting, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

On 13 December 2016, the General Assembly adopted resolution 71/151 entitled “Measures to eliminate international terrorism”. The Assembly, *inter alia*, decided to recommend that the Sixth Committee, at the seventy-second session of the General Assembly, establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as discussions on the item included in its agenda by General Assembly resolution 54/110, while encouraging all Member States to redouble their efforts during the intersessional period towards resolving any outstanding issues.

(m) **Revitalization of the work of the General Assembly**

This item, which was included in the agenda of the forty-sixth session of the General Assembly in 1991, had originally been proposed for inclusion in the draft agenda of that session by the President of the General Assembly at its forty-fifth session.⁴⁹⁶ The General Assembly had previously considered the question at its forty-sixth to forty-eighth, fifty-second to fifty-third, and fifty-fifth⁴⁹⁷ to seventieth sessions.

At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to allocate the item to all the Main Committees for the purpose of discussing their working methods and considering and taking action on their respective tentative programmes of work for the seventy-first session of the General Assembly.

⁴⁹⁴ See A/C.6/71/SR.31.

⁴⁹⁵ A/C.6/71/L.24.

⁴⁹⁶ See General Assembly decision 45/461 of 16 September 1991.

⁴⁹⁷ At its fifty-fourth session, the General Assembly decided to defer consideration of the item (General Assembly decision 54/491).

(i) *Sixth Committee*

The Sixth Committee considered the item at its 32nd and 33rd meetings, on 7 and 11 November 2016.⁴⁹⁸

At the 33rd meeting, on 11 November, the Chair introduced a draft decision containing the provisional programme of work of the Committee for the seventy-second session of the General Assembly, as proposed by the Bureau.⁴⁹⁹ At the same meeting, the Committee adopted the draft decision.

(ii) *General Assembly*

In its decision 71/528 of 13 December 2016, the General Assembly noted that the Sixth Committee has decided to adopt the provisional programme of work for the seventy-second session of the General Assembly, as proposed by the Bureau.

(n) Administration of justice at the United Nations

The General Assembly had previously considered the item at its fifty-fifth to fifty-seventh sessions, at its fifty-ninth session and at its sixty-first to sixty-ninth sessions, in the framework of both the Fifth and Sixth Committee, with the aim of introducing a new system for handling internal disputes and disciplinary matters in the United Nations.

At its sixty-second session, the General Assembly decided to establish: (a) a two-tier formal system of administration of justice, comprising a first instance United Nations Dispute Tribunal and an appellate instance United Nations Appeals Tribunal; (b) the Office of Administration of Justice, comprising the Office of the Executive Director and the Office of Staff Legal Assistance and the Registries for the United Nations Dispute Tribunal and the United Nations Appeals Tribunal; (c) a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes with branches in several duty stations and a new mediation division; (d) the Internal Justice Council; and (e) the Management Evaluation Unit in the Office of the Under-Secretary-General for Management.⁵⁰⁰

At its sixty-third session, the General Assembly adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal; it also decided that those Tribunals would be operational as of 1 July 2009; and further decided that all persons who had access to the Office of the Ombudsman under the previous system would also have access to the new informal system.⁵⁰¹

Outstanding legal matters have been considered by the Sixth Committee in the ensuing years. These matters included, *inter alia*, the rules of procedure of the two tribunals, the scope *ratione personae* of the administration of justice system and the scope and functioning of the Office of Staff Legal Assistance (OSLA).

⁴⁹⁸ For the report of the Sixth Committee, see A/71/519. For the summary records, see A/C.6/71/SR.32 and 33.

⁴⁹⁹ A/C.6/71/L.30.

⁵⁰⁰ General Assembly resolution 62/228.

⁵⁰¹ General Assembly resolution 63/253.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 16th and 22nd meetings, on 14 and 26 October 2016.⁵⁰² For its consideration of the item, the Committee had before it the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services,⁵⁰³ the report of the Secretary-General on the administration of justice at the United Nations,⁵⁰⁴ and the report of the Internal Justice Council on the administration of justice at the United Nations.⁵⁰⁵

At the 22nd meeting, on 26 October 2016, the Committee received a report on the results of the informal consultations and authorized its Chair to send a letter to the President of the General Assembly with a request that it be brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly. The letter was circulated as an annex to the document A/C.5/71/10.

(ii) *General Assembly*

On 23 December 2016, the General Assembly adopted resolution 71/266 entitled “Administration of justice at the United Nations”, without a vote, on the recommendation of the Fifth committee. The Assembly, *inter alia*, took note of the reports of the Secretary-General on administration of justice at the United Nations and on the activities of the Office of the United Nations Ombudsman and Mediation Services, the note by the Secretary-General transmitting the report of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations, the report of the Secretary-General on the findings and recommendations of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations, and revised estimates relating to the programme budget for the biennium 2016–2017, the report of the Internal Justice Council on administration of justice at the United Nations and the related report of the Advisory Committee on Administrative and Budgetary Questions.⁵⁰⁶ The Assembly also endorsed the conclusions and recommendations contained in the report of the Advisory Committee.

(o) Report of the Committee on Relations with the Host Country(i) *Committee on Relations with the Host Country*

The Committee on Relations with the Host Country was established by the General Assembly at its twenty-sixth session, in 1971.⁵⁰⁷ In 2016, the Committee was composed of the following 19 Member States: Bulgaria, Canada, China, Costa Rica, Côte d’Ivoire, Cuba, Cyprus, France, Honduras, Hungary, Iraq, Libya, Malaysia, Mali, Russian

⁵⁰² For the summary records of the Sixth Committee, see A/C.6/71/SR.16 and 22, A/71/62 and A/71/62/Rev.1.

⁵⁰³ A/71/157.

⁵⁰⁴ A/71/164.

⁵⁰⁵ A/71/158.

⁵⁰⁶ A/71/707.

⁵⁰⁷ General Assembly resolution 2819 (XXVI) of 15 December 1971.

Federation, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland and the United States of America.

In 2016, the Committee held the following meetings: 275th meeting, on 3 February 2016; the 276th meeting, on 19 April 2016; the 277th meeting, on 29 July 2016; the 278th meeting, on 29 September 2016; and the 279th meeting, on 21 October 2016. During its meetings, the Committee considered a number of topics, namely (i) entry visas issued by the host country; (ii) host country activities: activities to assist members of the United Nations community; and (iii) other matters. At its 279th meeting, the Committee approved a number of recommendations and conclusions, which were contained in chapter IV of its report.⁵⁰⁸

(ii) *Sixth Committee*

The Sixth Committee considered the item at its 30th and 33rd meetings, on 3 and 11 November 2016.⁵⁰⁹ The Chair of the Committee on Relations with the Host Country introduced the report of the Committee.

At the 33rd meeting, on 11 November 2016, the representative of Cyprus, on behalf of the Bureau, introduced a draft resolution entitled “Report of the Committee on Relations with the Host Country”.⁵¹⁰ At the same meeting, the Committee adopted the draft resolution without a vote.

(iii) *General Assembly*

On 13 December 2016, General Assembly adopted resolution 71/152 entitled “Report of the Committee on Relations with the Host Country”. The Assembly, *inter alia*, endorsed the recommendations and conclusions contained in the report of the Committee on Relations with the Host Country and decided to include the item entitled “Report of the Committee on Relations with the Host Country” in the provisional agenda of its seventy-second session.

(p) **Observer Status in the General Assembly**

(i) *Sixth Committee*

The Committee considered requests for observer status in the General Assembly for the Cooperation Council of Turkic-speaking States, for the Eurasian Economic Union in the General Assembly, for the Community of Democracies in the General Assembly, for the International Conference of Asian Political Parties in General Assembly, for the Conference of Ministers of Justice of the Ibero-American Countries in the General Assembly, for the International Youth Organization of Ibero-America in the General Assembly, for the Pacific Islands Development Forum in the General Assembly, for the International Chamber of Commerce in the General Assembly, and for the Central American Bank for

⁵⁰⁸ *Official Records of the General Assembly, Seventieth session, Supplement No. 26 (A/71/26)*, chap. IV.

⁵⁰⁹ For the report of the Sixth Committee, see A/71/522. For the summary records, see A/C.6/71/SR.30 and 33.

⁵¹⁰ A/C.6/71/L.29.

Economic Integration in the General Assembly at its 12th, 13th, 31st, 32nd, and 33rd meetings on 11 October and 4, 7, and 11 November 2016.⁵¹¹

At the 31st meeting, on 4 November, the Chair of the Committee announced that the sponsors of the request for observer status in the General Assembly for the International Conference of Asian Political Parties had decided not to pursue the request at the current session, while reserving the right to present it at a future session.⁵¹²

(ii) *General Assembly*

In its resolutions 71/153, 71/154, 71/155, 71/156, and 71/157, adopted on 13 December 2016, the General Assembly granted observer status to the Conference of Ministers of Justice of the Ibero-American Countries in the General Assembly, the International Youth Organization for Ibero-America in the General Assembly, the Pacific Islands Development Forum in the General Assembly, the International Chamber of Commerce in the General Assembly, and the Central American Bank for Economic Integration in the General Assembly.

By its decisions 71/524, 71/525 and 71/526, adopted on 13 December 2016, the General Assembly decided to defer a decision on the requests for observer status for the Cooperation Council of Turkic-speaking States in the General Assembly, the Eurasian Economic Union in the General Assembly, and the Community of Democracies in the General Assembly, respectively, to its seventy-second session.

17. *Ad hoc international criminal tribunals*⁵¹³

(a) **Organization of the International Criminal Tribunal for the former Yugoslavia**

(i) *Organization of the International Criminal Tribunal for the former Yugoslavia*⁵¹⁴

In 2016, Judge Carmel Agius (Malta) and Judge Liu Daqun (China) continued to serve as President and Vice-President of the Tribunal, respectively.

⁵¹¹ For the reports of the Sixth Committee, see A/71/523, A/71/524, A/71/525, A/71/526, A/71/527, A/71/528, A/71/529, A/71/530, A/71/521, respectively. For the summary records, see A/C.6/71/SR.12, 13, 31, 32 and 33.

⁵¹² For the report of the Sixth Committee, see A/71/526. For the summary records, see A/C.6/71/SR.12 and 31.

⁵¹³ This section covers the International Criminal Tribunal for the former Yugoslavia and the International Residual Mechanism for Criminal Tribunals, established by Security Council resolutions 827 (1993) of 25 May 1993 and 1966 (2010) of 22 December 2010, respectively. Further information regarding the judgments of the International Criminal Tribunal for Yugoslavia and the International Residual Mechanism for Criminal Tribunal is contained in chapter VII of this publication.

⁵¹⁴ For more information, see, for the period 1 August 2015 to 31 July 2016, the twenty-third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/71/263-S/2016/670); and for the period 1 August 2016 to 31 July 2017, the twenty-fourth annual report (A/72/266-S/2017/662). See also the assessment and report of Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) covering the period from 17 November 2015 to

By resolution 2306 (2016) of 6 September 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council amended the Statute of the ICTY by adding article 13 quinquies, which allowed for the appointment of an *ad hoc* judge in the event that no permanent judge was available for assignment to the Appeals Chamber.

By resolution 2329 (2016) of 19 December 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council extended the term of office of the following permanent judges at the Tribunal, who were members of the Trial Chambers and the Appeals Chamber, until 30 November 2017 or until the completion of the cases to which they were assigned, if sooner: Carmel Agius (Malta), Liu Daqun (China), Christoph Flügge (Germany), Theodor Meron (United States of America), Bakone Justice Moloto (South Africa), Fausto Pocar (Italy) and Alphons Orié (The Netherlands).

In the same resolution, the Security Council decided to reappoint Serge Brammertz (Belgium) as Prosecutor of the Tribunal, notwithstanding the provisions of article 16, paragraph 4, of the Statute of the International Tribunal related to the length of office of the Prosecutor, for a term with effect from 1 January 2017 until 30 November 2017, which was subject to an earlier termination by the Security Council upon the completion of the work of the Tribunal. Throughout the period, John Hocking (Australia) continued to serve as Registrar.

In the same resolution, the Security Council decided to extend the term of office of Judge Carmel Agius (Malta) as President of the Tribunal until 31 December 2017 or until one month after the completion of the cases, if sooner.

The following permanent judges left the Tribunal at the conclusion of their respective mandates in 2016: O-Gon Kwon (Republic of Korea), Jean-Claude Antonetti (France), Burton Hall (Bahamas), Howard Morrison (United Kingdom), Mandiaye Niang (Senegal), Guy Delvoie (Belgium) and Koffi Kumelio A. Afandé (Togo).

At the end of 2016, seven permanent judges from seven countries served at the Tribunal: Carmel Agius (President, Malta), Liu Daqun (Vice-President, China), Christoph Flügge (Germany), Alphons Orié (Netherlands), Fausto Pocar (Italy), Theodor Meron (United States of America) and Bakone Justice Moloto (South Africa). On 19 September 2016, Burton Hall (Bahamas) was appointed by the Secretary-General pursuant to article 13 *quinquies* of the Statute of the ICTY as an *ad hoc* judge of the Tribunal, so that he might be assigned to interlocutory appeals from the *Mladić* trial on an *ad hoc* and temporary basis.⁵¹⁵

At the end of 2016, the *ad litem* judges of the Tribunal were as follows: Melville Baird (Trinidad and Tobago), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo) and Flavia Lattanzi (Italy).

17 May 2016 (S/2016/454, annex I) and the Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council in accordance with paragraph 6 of Security Council resolution 1534 (2004) (S/2016/976, annex II).

⁵¹⁵ See letter dated 13 September 2016 from the Secretary-General addressed to the President of the Security Council (S/2016/794) and letter dated 19 September 2016 from the President of the Security Council addressed to the Secretary-General (S/2016/795).

(ii) *Composition of the Appeals Chamber*

At the end of 2016, the composition of the Appeals Chamber was as follows: Carmel Agius (Presiding, Malta), Liu Daqun (China), Fausto Pocar (Italy), Theodor Meron (United States of America), Bakone Justice Moloto (South Africa),⁵¹⁶ and Burton Hall (Bahamas).⁵¹⁷

(iii) *Organization of the International Residual Mechanism for Criminal Tribunals*⁵¹⁸

By resolution 1966 (2010) of 22 December 2010, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to establish the International Residual Mechanism for Criminal Tribunals (“the Mechanism”) with two branches, the branch for the ICTR which commenced functioning on 1 July 2012 and the branch for the ICTY which commenced functioning on 1 July 2013, to carry out a number of essential functions of the Tribunals after their closure. By the same resolution, the Security Council also decided to adopt that Statute of the Mechanism, contained in the annex.

By resolution 2269 (2016) of 29 February 2016 and acting under Chapter VII of the Charter of the United Nations, the Security Council decided to appoint Serge Brammertz as Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 March 2016 until 30 June 2018, and further decided that, notwithstanding the relevant provisions of the Statute of the Mechanism, the judges, the Prosecutor and the Registrar of the Mechanism might be appointed or reappointed for a two-year term. In June 2016, and further to Security Council resolution 2269 (2016) and article 10 (3) of the statute of the Mechanism, the Secretary-General reappointed the 25 judges for a new, two-year term, from 1 July 2016 to 30 June 2018.⁵¹⁹

At the end of 2016, the President of the Mechanism was Judge Theodor Meron (United States of America), the Prosecutor was Serge Brammertz (Belgium), and the Registrar was John Hocking (Australia).

(b) **General Assembly**

On 9 November 2016, the General Assembly adopted two decisions taking notes of the annual reports of the ICTY and the Mechanism, respectively: decision 71/510 entitled “Report of the International Tribunal for the Prosecution of Persons Responsible for

⁵¹⁶ See annual reports of the International Tribunal for the Former Yugoslavia (A/71/263-S/2016/670 and A/72/266-S/2017/662). Since Judge Moloto was also part of the Trial Chamber in the *Mladić* case, he could not be assigned to interlocutory appeals from the same case. As a result, there was an insufficient number of judges to enable the Appeals Chamber to deal with any interlocutory appeals from the *Mladić* case.

⁵¹⁷ See S/2016/794 and S/2016/795.

⁵¹⁸ For more information on the Mechanism, see, for the period 1 July 2015 to 30 June 2016, the fourth annual report of the International Residual Mechanism for Criminal Tribunals (A/71/262-S/2016/669); and for the period 1 July 2016 to 30 June 2017, the fifth annual report of the International Residual Mechanism for Criminal Tribunals (A/72/261-S/2017/661).

⁵¹⁹ See the fifth annual report of the International Residual Mechanism for Criminal Tribunals (A/72/261-S/2017/661).

Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991”; and decision 71/511 entitled “Report of the International Residual Mechanism for Criminal Tribunals”.

On 23 December 2016, the General Assembly adopted, on the recommendation of the Fifth Committee and without a vote, resolution 71/268, entitled “Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991”, and resolution 71/282, entitled “Financing of the International Residual Mechanism for Criminal Tribunals”.

(c) Security Council

On 19 December 2016, the Security Council adopted resolution 2329 (2016) concerning the ICTY. Acting under Chapter VII of the Charter of the United Nations, the Security Council further reiterated its request to the ICTY to complete its work and facilitate the closure of the Tribunal as expeditiously as possible with the aim of completing the transition to the Mechanism, took note of the request of the President of the ICTY for a final extension of the terms of office of the permanent judges of the ICTY, until 30 November 2017 or until the completion of the cases to which they were or would be assigned, if sooner, and strongly emphasized that such extensions and reappointment should be final.

**B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF
INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE
UNITED NATIONS**

1. International Labour Organization⁵²⁰

**(a) Amendments to international labour conventions and resolutions
adopted by the International Labour Conference during its 105th Session
(Geneva, May to June 2016)⁵²¹**

The International Labour Conference adopted at its 105th Session amendments to two international labour Conventions and one Recommendation and eleven resolutions of which five are highlighted below.

(i) Amendments of 2016 to the Code of the Maritime Labour Convention, 2006

Following consideration and adoption by the Special Tripartite Committee established under the Maritime Labour Convention, 2006 (MLC, 2006) at its second meeting on 8 to 10 February 2016, the International Labour Conference adopted, at its 105th Session (2016), amendments to the Code of the MLC, 2006.⁵²² The amendments to the Code implementing Regulation 4.3—Health and safety protection and accident prevention—are intended to eliminate shipboard harassment and bullying by ensuring that these issues are covered by the health and safety policies and measures required by the Code. The amendments to the Code implementing Regulation 5.1—Flag State responsibilities—are intended to allow an extension of not more than five months of the validity of the maritime labour certificate issued for ships in cases where the renewal inspection required by paragraph 2 of Standard A5.1.3 has been successfully completed, but a new certificate cannot immediately be issued to that ship.

*(ii) Amendments of 2016 to the Annexes of the Seafarers' Identity
Documents Convention (Revised), 2003 (No. 185)*

As recommended by the *Ad hoc* Tripartite Maritime Committee that met on 10 to 12 February 2016, the International Labour Conference adopted amendments to the annexes of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185). The amendments establish that, subject to the overriding requirements of article 3 of the Convention, the seafarers' identity document shall conform to the mandatory requirements for electronic machine-readable travel document contained in International Civil Aviation Organization (ICAO) Doc 9303 on machine readable travel documents, Seventh

⁵²⁰ For official documents and more information in the International Labour Organization, see <http://ilo.org>.

⁵²¹ The texts adopted at the 105th Session (2016) of the International Labour Conference are available in English, French and Spanish at: <http://www.ilo.org/ilc/ILCSessions/105/texts-adopted/lang--en/>.

⁵²² Amendments of 2016 to the Code of the Maritime Labour Convention, 2006, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_502375.pdf.

Edition, and as subsequently amended. The amendments thereby changed the biometric in the seafarers' identity document from a fingerprint template in a two-dimensional barcode to a facial image stored in a contactless chip. Furthermore, the amendments establish restrictions for the data contained in the relevant national electronic database.

(iii) *Resolution concerning decent work in global supply chains*

The resolution with accompanying conclusions of the 105th Session of the International Labour Conference (2016) concerning decent work in global supply chains⁵²³ recognized that supply chains have contributed to economic growth, job creation, poverty reduction and entrepreneurship and can contribute to a transition from the informal to the formal economy. They can be an engine of development by promoting technology transfer, adopting new production practices and moving into higher value-added activities, which would enhance skills development, productivity and competitiveness. The Conference noted the important positive impact of supply chains on job creation in view of demographic changes in terms of aging, population growth and the increase of women's participation in the labour market. The conclusions further indicated that failures at all levels within global supply chains have contributed to decent work deficits in the areas of occupational safety and health, wages, working time, and which impact on the employment relationship and the protections it can offer. Such failures have also contributed to the undermining of labour rights, particularly freedom of association and collective bargaining. Informality, non-standard forms of employment and the use of intermediaries are common. The presence of child labour and forced labour in some lower segments of some global supply chains is acute. Migrant workers and homeworkers are found in many global supply chains and may face various forms of discrimination and limited or no legal protection. In many sectors, women represent a large share of the supply chain workforce, disproportionately represented in low-wage jobs in the lower tiers; they are too often subject to discrimination, sexual harassment and other forms of workplace violence. The conclusions further stated that governments may have limited capacity and resources to effectively monitor and enforce compliance with laws and regulations. The expansion of global supply chains across borders has exacerbated these governance gaps. Therefore, the conclusions call upon the International Labour Organization (ILO) to develop a programme of action to address decent work in global supply chains through a comprehensive and coordinated framework (the programme) for the consideration of the Governing Body.

(iv) *Resolution on advancing social justice through decent work*

The Conference evaluated the impact of the ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008, ("Social Justice Declaration") and adopted a resolution on advancing social justice through decent work.⁵²⁴ The resolution reaffirms the ILO tripartite endorsement of the Social Justice Declaration and the four strategic objectives of

⁵²³ Resolution concerning decent work in global supply chains, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_497555.pdf.

⁵²⁴ Resolution on Advancing Social Justice through Decent Work, available at http://www.ilo.org/ilc/ILCSessions/105/texts-adopted/WCMS_497583/lang-en/.

the Decent Work Agenda—employment, social protection, social dialogue and tripartism, and fundamental principles and rights at work. The resolution underscores the critical importance of advancing an integrated approach to decent work by playing a full and more active role in the framework of the 2030 Agenda, better equipping the ILO for its second century in pursuit of the Centenary Initiatives and encouraging Members' endeavours to achieve the full potential of the Social Justice Declaration.

The resolution calls on ILO member States to advance decent work in the framework of the implementation of the 2030 Agenda, in particular by integrating decent work into national sustainable development strategies, and promote policy coherence. It further calls upon the ILO to make the best use of all its means of action to effectively assist its Members in six areas: (i) standards system; (ii) recurrent discussions; (iii) strengthening the results-based framework and Decent Work Country Programmes (DWCP); (iv) institutional capacity building; (v) research, information collection and sharing; and (vi) partnerships and policy coherence for decent work.

(v) *Resolution on the implementation of the Seafarers' Identity Documents Convention (Revised), 2003, and entry into force of the proposed amendments to its annexes, including transitional measures*

In the resolution on the implementation of the Seafarers' Identity Documents Convention (Revised), 2003, and entry into force of the proposed amendments to its annexes, including transitional measures,⁵²⁵ the International Labour Conference noted the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures to implement the amendments. The Conference decided that the amendments would enter into force one year after their adoption and established a transitional period for the Members whose ratification of the Convention had been registered prior to the entry into force of the amendments. It considered that the entry into force of the amendments or the expiry of the transitional period should not affect the validity of any seafarers' identity documents issued under the prior provisions and recommended effective cooperation between all relevant authorities. The Conference also requested the International Labour Office to draw the attention of all relevant actors to the need to eliminate any existing barriers to the effective use of the seafarers' identity documents.

(vi) *Resolution on the facilitation of access to shore leave and transit of seafarers*

In the resolution on the facilitation of access to shore leave and transit of seafarers,⁵²⁶ the International Labour Conference expressed concern at the difficulties that seafarers continue to experience in being able to enjoy shore leave and to transit to and from ships. The Conference called for the harmonization of formalities and other procedures

⁵²⁵ Resolution on the implementation of the Seafarers' Identity Documents Convention (Revised), 2003, and entry into force of the proposed amendments to its Annexes, including transitional measures, available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_497584.pdf.

⁵²⁶ Resolution on the facilitation of access to shore leave and transit of seafarers, available at http://www.ilo.org/ilc/ILCSessions/105/texts-adopted/WCMS_497585/lang--en/.

facilitating access to shore leave and welfare facilities in ports and the transit of seafarers to and from ships. It also called upon countries to implement measures to facilitate the transit of seafarers to and from their ships and shore leave, and called upon the ILO Governing Body to request the Director-General to remain seized of this issue, including through engagement with other United Nations specialized agencies.

(vii) *Resolution concerning the Statute of the Administrative Tribunal of the International Labour Organization*

At its 105th Session (June 2016), the International Labour Conference adopted amendments to the Statute of the ILO Administrative Tribunal.⁵²⁷ Those amendments were the subject of consultations among the 60 international organizations having recognized the Tribunal's jurisdiction and were approved by the ILO Governing Body at its 326th Session (March 2016).

Most importantly, article XII of the Statute and article XII of its annex—which enabled only the defendant organizations to challenge a decision of the Tribunal before the International Court of Justice—have now been removed. These provisions had been criticized as being contrary to the principles of equality of access to justice and equality of arms, last in the context of the International Court of Justice's advisory opinion of 2012 concerning Judgment No. 2867 of the ILO Administrative Tribunal.⁵²⁸ A similar provision had been deleted from the Statute of the former United Nations Administrative Tribunal in 1995.

The other substantive amendment concerns article VI of the Statute which now includes an express reference to the possibility for filing applications for interpretation, execution or review of judgments. In addition, the long-standing practice according to which the Tribunal is duly consulted prior to the adoption of any amendments to the Statute is now expressly reflected in its article XI.

(b) The Standards Review Mechanism Tripartite Working Group

The Standards Review Mechanism (SRM) is an in-built mechanism of the ILO standards policy, established by the Governing Body in 2011. It is part of a series of actions taken by the ILO to ensure that it has a clear, robust and up-to-date body of international labour standards serving as a global reference. The SRM operates through a working group composed of representatives of the ILO tripartite constituents. The mandate of the SRM Tripartite Working Group is to undertake a review of international labour standards and to make recommendations to the Governing Body on the status of the standards examined, the identification of gaps in coverage, including those requiring new standard and practical and time-bound action as appropriate.

The SRM Tripartite Working Group held its first meeting in February 2016 and adopted its initial programme of work which currently comprises the review of 235 international labour conventions and recommendations. At its second meeting in October 2016, the

⁵²⁷ Resolution concerning the Statute of the Administrative Tribunal of the International Labour Organization, available at http://www.ilo.org/ilc/ILCSessions/105/texts-adopted/WCMS_497592/lang--en/.

⁵²⁸ Judgment No.2867 of the Administrative Tribunal of the International Labour Organization upon a Complaint Filed against the International Fund for Agricultural Development (Request for Advisory Opinion), available at <http://www.icj-cij.org/en/case/146>.

SRM Tripartite Working Group determined the follow-up to be taken to the 63 instruments (36 conventions and 27 recommendations) which had been previously identified as outdated. In November 2016, the ILO Governing Body, on the basis of the recommendations of the SRM TWG,⁵²⁹ took a number of decisions. In particular, it decided to place an item on the agenda of the 107th Session (2018) of the International Labour Conference on the abrogation of six international labour conventions and the withdrawal of three recommendations.⁵³⁰ It also decided that the International Labour Office should commence a strategic follow-up in relation to the 30 outdated Conventions including (i) a targeted ratification campaign concerning the related up to date instruments; (ii) the gathering of relevant information on the reasons for non-ratification of up-to-date instruments; and (iii) tailored technical assistance to member States designed to support implementation at the national level of the SRM Tripartite Working Group's recommendations.

**(c) Guidance documents submitted to the Governing Body
of the International Labour Office**

**(i) *Guidelines on flag State inspection of working and living conditions
on board fishing vessels***

At its 326th Session (March 2016), the Governing Body of the ILO authorized the publication of the Guidelines on flag State inspection of working and living conditions on board fishing vessels, adopted by a tripartite meeting of experts in September 2015.⁵³¹

The Guidelines aim to assist States in effectively exercising their jurisdiction and control over vessels that fly their flag by establishing a system for ensuring compliance with national laws, regulations and other measures through which the Work in Fishing Convention, 2007 (No. 188) is implemented. Convention No. 188 requires States to have, as appropriate, inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws or regulations. The Guidelines include chapters on the key concepts and contents of the Convention, on flag State inspection systems for the fishing sector, on specific issues to be addressed during on-board inspection of working and living conditions on fishing vessels (including requirements of the Convention to be implemented through national laws, regulations or other measures; indicative sources of information for inspectors; interviewing fishers; and examples of deficiencies) and on actions to be taken if deficiencies are identified. They also provide guidance on coordination, where appropriate, with enforcement measures related to violations of fundamental principles and rights at work, such as use of forced labour.

⁵²⁹ The Standards Initiative: Report of the second meeting of the Standards Review Mechanism Tripartite Working Group, ILO Doc. GB.328/LILS/2/1, available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_534130.pdf.

⁵³⁰ Dec-GB.328/INS/3(Add.) and dec-GB.328/LILS/2/1.

⁵³¹ GB.326/PV, para. 410(b). The text of the Guidelines on flag State inspection of working and living conditions on board fishing vessels is available at http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/normativeinstrument/wcms_428592.pdf.

(ii) *General principles and operational guidelines for fair recruitment*

At its 328th Session (October 2016), the Governing Body of the ILO authorized the publication of the general principles and operational guidelines for fair recruitment, adopted by the Meeting of Experts on fair recruitment in September 2016.⁵³²

The principles and guidelines are intended to cover the recruitment of all workers, including migrant workers, whether directly by employers or through intermediaries. They apply to recruitment within or across national borders, as well as to recruitment through temporary work agencies, and cover all sectors of the economy. The general principles are intended to orient implementation at all levels and operational guidelines address responsibilities of specific actors in the recruitment process and include possible interventions and policy tools.

The development of the principles and guidelines was recognized in the ILO's Fair Migration Agenda (2014) as a key component for the protection of migrant workers and the fair and effective governance of labour migration, and supports the ILO's Fair Recruitment Initiative. Addressing abusive and fraudulent recruitment practices is increasingly being recognized by the international community as an important element in reducing labour migration costs and thus improving development outcomes for migrant workers and their families. It is also an integral part of the 2030 Agenda for Sustainable Development, specifically recognized as an indicator to measure progress on the target on migration and mobility in Sustainable Development Goal (SDG) 10 on reducing inequality within and among countries. The principles and guidelines also provide further guidance on the relevant measures foreseen under the Protocol of 2014 to the Forced Labour Convention, 1930, and its accompanying Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203).

(iii) *Guiding principles on the access of refugees and other forcibly displaced persons to the labour market*

At its 328th Session (October 2016), the Governing Body of the ILO authorized the publication of the Guiding Principles on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market, adopted by the Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market in July 2016.⁵³³

The Guiding Principles are addressed to all ILO member States and employers' and workers' organizations as a basis for the formulation of policy responses and national tripartite dialogue on the access of refugees and other forcibly displaced persons to the labour market. They provide a comprehensive intervention framework for a job-rich and inclusive ILO approach that engages all areas of its decent work mandate, experience and expertise.

The development of the guiding principles underscores the increasing focus on access to decent work as part of sustainable solutions to refugee movements and the changing nexus

⁵³² GB.328/PV, para. 345. The text of the General principles and operational guidelines for fair recruitment is included in GB.328/INS/17/4, Appendix, available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_532389.pdf.

⁵³³ GB.328/PV, para. 334. The text of the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market is included in GB.328/INS/17/3(Rev.), Appendix I, available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_531687.pdf.

between humanitarian and development action. This change in refugee response is embodied in the Annexes of the New York Declaration for Refugees and Migrants⁵³⁴ which outline the Comprehensive Refugee Response Framework and the development of a Global Compact for Refugees. Among principal solutions for refugees is that of accessing decent work and related labour market opportunities, including skills development, recognition and accreditation. This framework will underpin ILO's renewed Memorandum of Understanding (MOU) with the United Nations High Commissioner for Refugees (UNHCR) and, in particular, the operationalization of its accompanying joint plan of action.

(d) Joint Maritime Commission's Subcommittee on Wages of Seafarers

The Subcommittee met in Geneva from 6 to 7 April 2016 in accordance with a decision taken by the Governing Body at its 323rd Session (March 2015) to discuss updating the minimum monthly basic pay or wage figure for able seafarers referred to in the Maritime Labour Convention, 2006 (Guideline B2.2.4). The Subcommittee adopted a resolution noting that there was no agreement to increase the ILO minimum monthly basic wage figure for an able seafarer and that the current figure of US\$614 will prevail while acknowledging that the agreed minimum monthly basic wage figure in no way prejudices collective bargaining or the adoption of higher levels in other international wage-setting mechanisms. The Subcommittee invited the Governing Body to convene a meeting of the Subcommittee in the first half of 2018 for the purpose of updating the minimum monthly basic wage figure to take effect as of 1 January 2019 and every two years thereafter.⁵³⁵

(e) Legal advisory services and training

With respect to international labour standards, in 2016, the ILO provided technical assistance in reporting and other international labour standards related obligations, including capacity building, assistance with implementation and reform of national legislation, to nearly 49 countries. Assistance included training on the content of selected international labour standards; research to generate information on the status of implementation of international labour standards, including legislative gap analyses; advice on elements that would enable tripartite constituents to take the relevant decisions aiming at full implementation; legal advice on the revision or drafting of legislation and regulations in the light of the supervisory bodies' comments; and strengthening the data collection and reporting capacity of tripartite constituents. The ILO also organized legal training courses at the interregional, regional, sub regional and national levels in collaboration with its International Training Centre in Turin.

⁵³⁴ A/RES/71/1 of 19 September 2016.

⁵³⁵ Final report: Updating of the minimum monthly basic pay or wage figure for able seafarers: Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187); Maritime Labour Convention, 2006, Guideline B2.2.4—Minimum monthly basic pay or wage figure for able seafarers, SWJMC/2016/7, available at http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_534027.pdf.

(f) Committee on Freedom of Association

In 2016, the Committee on Freedom of Association had before it more than 193 cases concerning 60 countries from all parts of the world, for which it presented interim or final conclusions, or for which the examination was adjourned pending the arrival of information from governments (377th, 378th and 379th reports). Many of these cases had been before the Committee on Freedom of Association on more than one occasion. Moreover, seven new cases have been submitted to it since the last meeting of the Committee of Experts. The Committee on Freedom of Association has drawn the attention of the Committee of Experts to the legislative aspects of Cases Nos 2723 (Fiji), 2947 (Spain), 2964 (Pakistan), 3053 (Chile), 3064 (Cambodia), 3111 (Poland), 3118 (Australia), 3128 (Zimbabwe) and 3136 (El Salvador).

(g) Representations submitted under article 24 of the ILO Constitution and complaints made under article 26 of the ILO Constitution

In 2016, the Governing Body considered the developments in 18 representations submitted under article 24 of the ILO Constitution by industrial associations of employers or workers, alleging that a member State that has ratified a Convention has failed to secure within its jurisdiction the effective observance of that Convention.

The Governing Body also considered the developments in five complaints (Chile, Fiji, Guatemala, Qatar and the Bolivarian Republic of Venezuela) made under article 26 of the Constitution, alleging that a member State that has ratified a Convention is not securing its effective observance.

2. Food and Agriculture Organization of the United Nations⁵³⁶

(a) Membership

As of 31 December 2016, the membership of the Food and Agricultural Organization of the United Nations (FAO) remained unchanged at 194 members, two associate members and one member organization.

(b) Constitutional and general legal matters

(i) *Committee on Constitutional and Legal Matters (CCLM)*

The Committee on Constitutional and Legal Matters (CCLM) is a Governing Body of the FAO, established by paragraph 6 of article V of the FAO Constitution.⁵³⁷ During 2016, the FAO Legal Office supported the 102nd and 103rd sessions of the CCLM held in Rome from 14 to 16 March and 24 to 26 October, respectively. During the two sessions, the CCLM reviewed a number of substantive constitutional matters and draft resolutions.

⁵³⁶ For official documents and more information on the Food and Agriculture Organization of the United Nations, see <http://www.fao.org>.

⁵³⁷ FAO Constitution, Basic Texts of the Food and Agriculture Organization of the United Nations (FAO Basic Texts), 2013, vol. I, section A. See also Rule XXXIV of the General Rules of the Organization, FAO Basic Texts, 2013, vol. I, section B.

These included the review of proposed amendments to treaties adopted under the framework of article XIV of the FAO Constitution, matters relating to the relationship of such treaty bodies with the Organization, and the filing and recording of the FAO Constitution under Article 102 of the Charter of the United Nations.

(c) Treaties concluded under the auspices of the FAO

As of 31 December 2016, a number of treaties have been adopted under the auspices of the FAO.⁵³⁸

Seventeen multilateral treaties concluded on the basis of article XIV of the FAO Constitution. These treaties are adopted by the Conference or the Council and submitted to the Member Nations for acceptance. The bodies established by these treaties are FAO Statutory Bodies.⁵³⁹

Nineteen multilateral treaties concluded outside the framework of the FAO, in respect of which the FAO Director-General exercises depositary functions.⁵⁴⁰

In 2016, no new treaties were adopted under the auspices of the FAO. A number of depositary actions concerning treaties deposited with the Director-General were recorded. The status of multilateral treaties adopted pursuant to article XIV of the FAO Constitution or outside of the FAO's framework and deposited with the Director-General of the FAO is available on the FAO's website.⁵⁴¹

(i) *Entry into force of treaties*

The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) was approved by the FAO Conference at its thirty-sixth session (Rome, 18 to 23 November 2009) under article XIV of the FAO Constitution. In accordance with its article 29, the Agreement entered into force on 6 May 2016, thirty days after the date of deposit of the twenty-fifth instrument of ratification, acceptance, approval or accession with the Director-General of the FAO.⁵⁴²

The PSMA is the first international treaty designed to combat illegal, unreported and unregulated ("IUU") fishing through the implementation of port state measures as a means of ensuring the long-term conservation and sustainable use of living marine resources and marine ecosystems. The PSMA sets out minimum standards for port control of foreign fishing vessels and explicitly provides that the rights, jurisdiction and duties of parties under international law are not prejudiced. Parties, therefore, have the discretion

⁵³⁸ This does not include treaties that are no longer in force, the FAO Constitution, and bilateral agreements adopted under Article 15 of the International Treaty on Plant Genetic Resources for Food and Agriculture.

⁵³⁹ http://www.fao.org/treaties/results/en/?search=adv&subj_coll=ArticleXIV.

⁵⁴⁰ http://www.fao.org/treaties/results/en/?search=adv&subj_coll=No_ArticleXIV.

⁵⁴¹ <http://www.fao.org/treaties/en/>.

⁵⁴² The status of participation in the Agreement is available on the following website: http://www.fao.org/fileadmin/user_upload/legal/docs/037s-e.pdf. The Agreement was registered with the Secretariat of the United Nations on 26 January 2017 under No. I-54133.

to apply more stringent measures than those set out in the PSMA for the use of ports in waters under their sovereignty. The PSMA also requires that its provisions be applied in a fair, transparent and non-discriminatory manner.

The PSMA establishes a step-by-step process for the port State to allow or deny the entry to and the use of its ports. Agreed criteria and documentary requirements for entry into and the use of ports are stipulated. In addition, a standard for the conduct of inspections in port, as well as the reporting of such inspections, is laid out. The PSMA provides for the establishment of mechanisms for the exchange of information between a port State and other States, regional fisheries management organizations and international organizations. Full recognition of the special requirements of developing States parties to implement the PSMA is enabled through, *inter alia*, the establishment of appropriate funding mechanisms and an *ad hoc* working group that is tasked to make recommendations to the parties on such mechanisms. The first Meeting of the Parties to the PSMA is to be convened in May 2017.

(ii) *Amendments to treaties*

The Commission for the Desert Locust in the Western Region (CLCPRO) is a Statutory Body established under article XIV of the FAO Constitution, with the objective of ensuring close collaboration for desert locust control in the “Western Region”, encompassing West Africa and North-West Africa. The Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Western Region was approved by the FAO Council at its 119th Session (November 2000) and entered into force on 25 February 2002.⁵⁴³ Proposals for amendments to the Agreement were presented at the 10th Session of the Executive Committee of the Commission, held from 18 to 20 May 2015 in Dakar, Senegal. Following a review of the proposed amendments by the CCLM, the FAO Council approved them by Council Resolution 1/154 at its 154th Session (May-June 2016). In accordance with article XVI of the Agreement, the amendments are to be considered for approval at an extraordinary session of the Commission, scheduled to take place in Bamako, Mali, from 3 to 6 July 2017, and shall enter into force on the date of their adoption by the Commission.⁵⁴⁴

The objective of the amendments to the Agreement is to “enable the Commission, in particular, to strengthen its capacity to react in case of locust outbreaks, which constitutes a major concern for the Members”.⁵⁴⁵ The amendments include a requirement that all members of the Commission establish an autonomous governmental body with the mandate of permanently monitoring, preventing and controlling the desert locust; a call for regional solidarity and cooperation among members of the Commission given the trans-boundary character of desert locust crises; reinforcement of the role of the Chairperson of the Commission in ensuring the follow up of recommendations of the Commission and its Executive Committee; and clarification of the role and functions of the Executive Secretary.

⁵⁴³ Resolution No. 1/119, FAO Council, Report of the 119th Session: http://www.fao.org/docrep/meeting/003/X8984e/X8984e01.htm#P415_45686.

⁵⁴⁴ Report of the 154th Session of the FAO Council, 28 May to 3 June 2016, para. 21(a) and Resolution No. 1/154, adopted on 3 June 2016, Appendix C: <http://www.fao.org/3/a-mq920e.pdf>.

⁵⁴⁵ Report of the 102nd session of the CCLM, available at the following website: <http://www.fao.org/3/a-mq067e.pdf>.

Moreover, taking advantage of the review of the Agreement which had not been previously amended, the definition of the region covered by the Agreement is modified,⁵⁴⁶ in order to include Burkina Faso in the list of Members under article III of the Agreement.⁵⁴⁷

The Convention for the Lake Victoria Fisheries Organization (LVFO) was adopted on 30 June 1994 by a Conference of Plenipotentiaries. It is a treaty outside of the framework of the FAO, with the Director-General of the FAO acting as depositary of the Convention. Membership in the LVFO was initially open only to the riparian States of Lake Victoria. At its 9th Session held in Nairobi, Kenya, on 29 January 2016, the Council of Ministers of the Convention adopted amendments to the Convention with a view to, *inter alia*, opening up membership to all Partner States of the East African Community, and extending the competence of the LVFO to the fisheries and aquaculture resources of the East African Community water bodies. In accordance with article XXI of the Convention, the amendments entered into force on 28 February 2016, thirty days after their adoption.⁵⁴⁸

(d) Collaboration with other entities

(i) *Collaboration with other United Nations system entities*

Building on the publication of the “Legal Guide on Contract Farming” in 2015, collaboration between the International Institute for the Unification of Private Law, the International Fund for Agricultural Development and the FAO continued, with a focus on implementation of the Legal Guide. The FAO initiated the development of three supplementary documents: two briefs for farmers and regulators and a synthesis on legal aspects of contract farming agreements, drafted with a view to accessibility and minimizing the use of technical terms. The FAO also began work on a “Legislative Study on the Regulatory Frameworks for Contract Farming”, aimed at guiding national regulators and policy makers on the conduct of assessments to determine whether and how to revise national regulatory frameworks to support contract farming.

In October 2016, the FAO and the Office of the High Commissioner for Human Rights co-organized a side event during the 43rd session of the Committee on World Food Security on “Human rights, food security and nutrition and small-scale fisheries”. The event explored key entry points for, and good practices of, applying a human-rights based approach (“HRBA”) in the implementation of the Voluntary Guidelines for securing sustainable small-scale fisheries in the context of food security and poverty eradication (SSF Guidelines).

⁵⁴⁶ Article III currently defines the Region covered by the Agreement as follows: “(...) *the western region of the invasion area of the desert locust (hereinafter “the Region”) comprises Algeria, Chad, Libya, Mali, Morocco, Mauritania, Niger, Senegal and Tunisia (...)*”.

⁵⁴⁷ On 16 June 2005, Burkina Faso deposited an instrument of accession to the Agreement with the Director-General of the FAO and was accepted as a Member of the Commission in accordance with Article V(2) of the Agreement. Under Article V(2), the Commission may, by a majority of two-thirds of its Members, admit other Member Nations of FAO or other States belonging to the United Nations, to one of its Specialized Agencies or to the International Atomic Energy Agency having submitted an application to this effect and an instrument declaring acceptance of the Agreement as in force at the time of admission.

⁵⁴⁸ The status of the Convention is available on the following website: http://www.fao.org/fileadmin/user_upload/legal/docs/027s-e.pdf.

During 2016, the FAO also contributed to the open-ended intergovernmental working group established by the Human Rights Council on the draft Declaration on the rights of peasants and other people working in rural areas. The FAO's contributions highlighted, in particular, the following binding and non-binding instruments developed under the auspices of the FAO: the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and the International Treaty on Plant Genetic Resources for Food and Agriculture.

The FAO also collaborated with the International Labour Organization in research on the application of international labour standards in the agriculture, forestry and fisheries sectors, resulting in an FAO legal paper on the "Assessment of International Labour Standards that apply to rural employment", identifying key agricultural labour issues to be addressed in general and sector-specific legislation that apply to work in the agriculture, forestry, fisheries and aquaculture sectors.

(ii) *Collaboration in programme delivery and technical assistance*

Partnerships with public and non-public entities are essential for the achievement of the FAO's mandate and strategic objectives.⁵⁴⁹ Increasingly, programme activities are implemented by partners to which the FAO allocates resources to enable programme delivery.

In 2016, the FAO introduced the Operational Partners Implementation Modality ("OPIM"), with a primary aim of reflecting the nature of these collaborations as partnerships, as distinct from the procurement of services from third parties. The OPIM also seeks to ensure that FAO-managed funds are used efficiently, for the intended purposes, and with minimum risks of fraud, corruption and mismanagement. In particular, it establishes a mechanism for collaboration with non-UN partners similar to the pass-through arrangements and instruments that already exist for collaboration between United Nations System entities. Implementation of programmatic activities are the responsibility of the Operational Partner and are subject to the Operational Partner's own regulations, rules, policies and procedures (including those relating to the administration of funds, auditing standards and procurement of goods, services and works), removing the usual obligation to apply the FAO's regulations, rules and procedures. The FAO retains overall accountability *vis-à-vis* Resource Partners and Recipient Governments for the proper management of funds, technical quality and results achieved.

⁵⁴⁹ See in this respect, the following strategies approved by the FAO Council regarding strategic partnerships:

i) "FAO Organization-wide Strategy on Partnerships", available on the following website: <http://www.fao.org/3/a-bp169e.pdf>.

ii) "FAO Strategy for Partnerships with the Private Sector", available on the following website: <http://www.fao.org/docrep/meeting/028/mg311e.pdf>.

iii) "FAO Strategy for Partnerships with Civil Society Organizations", available on the following website: <http://www.fao.org/docrep/meeting/027/MF999E.pdf>.

Consequently, the FAO will only transfer funds to Operational Partners after an Operational Partner's Assessment. The Assessment addresses the potential Operational Partner's financial and procurement management capacity (accounting policies and procedures, internal controls, reporting and monitoring, information systems and procurement, etc). Based on the results of the Assessment, the Organization may propose measures to be implemented by the Operational Partner. Implementation of specific activities requires the conclusion of a legally binding instrument (the "Operational Partners Agreement") which outlines the FAO's and the Operational Partner's roles, responsibilities, mandatory reporting and audit requirements, funds transfer modalities and other conditions for collaboration. To address the different legal status and structures of the various types of Operational Partners, a number of Agreement templates have been developed.

"Operational Partners" include government entities, local or international non-governmental organizations, United Nations System and other intergovernmental/ multilateral institutions, academia and research institutions. Private and for-profit entities are not eligible as Operational Partners.

(e) Legislative matters

(i) *Legislative assistance and advice*

The Development Law Branch (LEGN) of the FAO Legal Office continued to discharge its mandate to provide legal advice and legislative assistance on sustainable agriculture and management of natural resources to the FAO Member Nations.

In 2016, LEGN provided legal support to Member Nations under the framework of 75 national projects and 29 multi-country, regional and global projects. These included:

- Support to seven countries on agribusiness, to six countries on organic agriculture, and to six regional projects with over 20 participating countries in the areas of food security, nutrition and school feeding;
- Legal assistance provided to 13 countries on animal health and production, to 25 countries on pesticides, and to a further 25 countries on food safety and phytosanitary protection;
- Legal advice provided to five countries on seeds and, on tenure, to 18 countries; support to seven country projects, as well as nine regional and global projects on fisheries and aquaculture, such as legal advice to strengthen laws and institutions to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing, including through the use of port State measures to *inter alia* Albania, Papua New Guinea, Saint Christopher and Nevis, Sierra Leone, and Thailand;
- Legal support to 11 national projects and three regional initiatives on forestry and wildlife, including the creation of a multi-stakeholder Legal Working Group (LWG) in Côte d'Ivoire to conduct a legislative review for the Forest Law Enforcement, Governance and Trade (FLEGT) initiative aimed at strengthening effective stakeholder participation in the legislative process.

LEGN also assisted in the drafting of legal instruments, the formulation of model laws, legislative reviews, and guidance on the establishment of implementation infrastructures and oversight mechanisms and the strengthening of institutional frameworks.

It developed a number of practical legal tools to assist the FAO Member Nations. Selected examples of the tools and guidance developed include:

- “Responsible Governance of Tenure and the Law: A guide for lawyers and other legal service providers”, providing a practical guidance on the legal aspects of the “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (CFS, 2012), which explores the legal value of the Guidelines, linkages with responsibilities of legal professionals in the private sector, and the use of the Guidelines in law-making, implementation of laws and the settlement of disputes;
- “Legal Assessment Tool (LAT) for gender-equitable land tenure”, to support country-driven efforts to achieve responsible governance of land tenure by addressing a number of persisting challenges relating to *inter alia* the parallel systems of statutory law and customary law, gender equality in property and inheritance rights and women’s representation in land institutions;
- “How-to Guide on legislating for an Ecosystem Approach to Fisheries (EAF)”, to facilitate the implementation of EAF within national legal frameworks. The Guide identifies key components for legislating for EAF and the operationalization of these components into concrete steps for drafting legislation.

(ii) *Legislative research and publications*

The FAO continued to improve and expand the content and functionalities of FAOLEX, an online repository of national legislation and policies relating to the FAO mandates administered and maintained by LEGN.

(iii) *FAOLEX*

In 2016, the FAO launched a new FAOLEX website with a more intuitive interface, enhanced search functionality, as well as improved options for data-sharing and integration with external partners and databases.⁵⁵⁰ Over 10,000 new entries of legislations, policies and international agreements were added to FAOLEX. Simultaneously, LEGN converted over 800,000 pages of historical legislative documents into digital format and plans to make them available in an Historical Database.

During 2016, the FAO also continued to update and add profiles of the legal framework and governance for aquaculture management of the FAO Members in the National Aquaculture Legislative Overview (NALO) database.⁵⁵¹ NALO aims to be an information portal for related laws and regulations to facilitate aquaculture development and market entries.

⁵⁵⁰ The FAOLEX database is available at <http://faolex.fao.org>.

⁵⁵¹ The NALO database is available at <http://www.fao.org/fishery/nalo/search/en>.

3. United Nations Educational, Scientific and Cultural Organization⁵⁵²

(a) International regulations

(i) *Entry into force of instruments previously adopted*

In 2016, no multilateral conventions or agreements adopted under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO) entered into force.

(ii) *Proposals concerning the preparation of new instruments*

Draft declaration of ethical principles in relation to climate change

Pursuant to a resolution of the 38th session of the General Conference in 2015 (38 C/ Resolution 42), during 2016, preparatory work was undertaken on the draft declaration of ethical principles in relation to Climate Change. The consideration of this draft is included in the provisional agenda of the 39th session of the General Conference (30 October to 14 November 2017).

(iii) *Proposals concerning the preparation of revised instruments*

Revision of the 1974 Recommendation on the Status of Scientific Researchers

During 2016, preparatory work was undertaken on the revision of the 1974 Recommendation on the Status of Scientific Researchers. The consideration of this draft is included in the provisional agenda of the 39th session of the General Conference (30 October to 14 November 2017).

(b) Human rights

Examination of cases and questions concerning the exercise of Human Rights comes within UNESCO's fields of competence.

The Committee on Conventions and Recommendations met in private sessions at UNESCO Headquarters from 4 to 6 April 2016 and from 4 to 6 October 2016, in order to examine communications which had been transmitted to it in accordance with Decision 104 EX/3.3 of the Executive Board.

At its April 2016 session, the Committee examined 24 communications of which three were examined with a view to determining its admissibility or otherwise, 20 were examined as to their substance and one was examined for the first time. Ten communications were struck from the list because they were considered as having been settled. One communication was struck from the list because the alleged victim died during the examination of the case by the Committee. One communication was also struck from the list because it was considered as inadmissible. The examination of the other 12 communications was deferred. The Committee presented its report to the Executive Board at its 199th session.

⁵⁵² For official documents and more information on the United Nations Educational, Scientific and Cultural Organization, see <https://www.unesco.org>.

At its October 2016 session, the Committee examined 16 communications of which six were examined with a view to determining their admissibility, or otherwise, and 10 were examined as to their substance. Six communications were struck from the list because they were considered as having been settled. The examination of the other 10 communications was deferred. The Committee presented its report to the Executive Board at its 200th session.

4. International Monetary Fund⁵⁵³

(a) Membership issues

(i) *Accession to membership*

Nauru became a member of the International Monetary Fund (IMF) on 12 April 2016. As of 31 December 2016, the membership of the IMF consisted of 189 member countries.

(ii) *Status and obligations under article VIII or article XIV of the IMF's Articles of Agreement*

Under article VIII, sections 2, 3, and 4 of the IMF's Articles of Agreement, members of the IMF may not, without the IMF's approval, (i) impose restrictions on the making of payments and transfers for current international transactions; or (ii) engage in any discriminatory currency arrangements or multiple currency practices. Notwithstanding these provisions, pursuant to article XIV, section 2 of the IMF's Articles of Agreement, when a member joins the IMF, it may notify the IMF that it intends to avail itself of the transitional arrangements under article XIV of the IMF's Articles of Agreement that allow the member to maintain and adapt to changing circumstances the restrictions on payments and transfers for current international transactions that were in effect on the date on which it became a member. Article XIV of the IMF's Articles of Agreement does not, however, permit a member, after it joins the IMF, to introduce new restrictions on the making of payments and transfers for current international transactions without the IMF's approval.

The total number of countries that have accepted the obligations of article VIII, sections 2, 3, and 4, as of 31 December 2016, was 170. Nineteen countries continued to avail themselves of the transitional arrangements under article XIV.

(iii) *Overdue financial obligations to the IMF*

As of 31 December 2016, members with protracted arrears (i.e., financial obligations that are overdue by six months or more) involving the general resources of the IMF were Somalia and Sudan. In addition, Somalia and Sudan had protracted overdue Trust IMF and/or Structural Adjustment Facility obligations not involving the general resources of the IMF.

Article XXVI, section 2(a) of the IMF's Articles of Agreement provides that if "a member fails to fulfill any of its obligations under this Agreement, the Fund may declare the member ineligible to use the general resources of the Fund." Such declarations

⁵⁵³ For documents and more information on the International Monetary Fund, see <https://www.imf.org>.

of ineligibility were in place at end of December 2016 with respect to Somalia and Sudan, whose arrears were subject to sanctions under article XXVI.

Zimbabwe, which had arrears since 2001 to the Poverty Reduction and Growth Trust (PRGT) administered by the IMF as Trustee, cleared those arrears on 20 October 2016. Following the full settlement of its overdue obligations to the PRGT, the Executive Board removed the remedial measures that had been in place: the Board fully lifted the suspension of technical assistance and reinstated Zimbabwe on the list of members eligible for PRGT financing.

(b) Key policy decisions of the IMF

In 2016, the IMF took steps to move ahead with a number of major policy reforms that would allow it to meet the evolving needs of its members and to adjust to changes in the global economy, as follows:

(i) IMF Governance

Quota Reform and All-Elected Executive Board

The amendment to the IMF's Articles of Agreement creating an all-elected Executive Board (Board Reform Amendment) entered into force on January 26, 2016. The entry into force of the Board Reform Amendment likewise fulfilled the final condition for the implementation of the IMF's 14th General Review of Quotas, which delivered historic and far-reaching changes to the governance and permanent capital of the Fund.

The Board Reform Amendment was part of a broader package of quota and governance reforms, which also included a doubling of IMF quotas under the 14th General Review of Quotas and a major shift in quota shares toward dynamic emerging market and developing countries. For the first time, four emerging market countries (Brazil, China, India, and Russia) were included among the 10 largest members of the IMF. The reforms also increased the financial strength of the IMF by doubling its permanent capital resources to Special Drawing Rights (SDR) 477 billion (about US\$659 billion).

The entry into force of the Board Reform Amendment, which was approved by the Board of Governors in 2010, required the acceptance by three-fifths of the IMF's members representing 85 per cent of the total voting power. The entry into force was also a general condition for the effectiveness of quota increases under the 14th General Review of Quotas. With the entry into force of the Board Reform Amendment, and all other general effectiveness conditions having been met, members could then pay for their quota increases to make them effective.

The 2010 Quota and Governance reforms built on an earlier set of reforms that were approved by the Governors in April 2008.

For the first time, the Executive Board consists entirely of elected Executive Directors, ending the category of appointed Executive Directors (previously the members with the five largest quotas appointed an Executive Director). The 2010 package of reforms also increased the scope for appointing a second Alternate Executive Director to multi-country constituencies with seven or more members to enhance these constituencies' representation in the

Executive Board. As a result, 13 constituencies—including both African constituencies—are currently eligible to appoint an additional Alternate Executive Director.

Following the effectiveness of the 14th General Review of Quotas, the focus turned to work on the 15th General Review of Quotas and securing the necessary broad consensus, including on a new quota formula.

(ii) *IMF financing and financial assistance*

a. **Review of access limits, surcharge policies, and other quota-related policies**

On 17 February 2016, the Executive Board concluded a review of access limits, surcharge policies, and other quota-related policies. This review took place in response to the effectiveness of the quota increases under the 14th General Review of Quotas, which doubled members' quotas on average.

A number of Fund policies have thresholds set as a percentage of members' quotas. These include limits on members' normal access to Fund resources in the General Resources Account (GRA), thresholds for surcharges on high levels of outstanding Fund credit, and commitment fees. With quotas doubling on average and absent policy change, quota-based limits and thresholds would also have doubled in Special Drawing Rights (SDR) terms. This would have eroded critical elements of the Fund's risk management framework, as it would have doubled, on average, access to Fund resources in the GRA without triggering safeguards under the exceptional access framework and SDR amounts on which surcharges do not apply, reducing the incentives for timely repayments. At the same time, the Board saw the need to maintain access relative to economic developments and metrics since the last review of access, in 2009, which called for some increase in limits and thresholds in SDR terms.

To reflect these considerations and ensure that no member's access to GRA resources declined in SDR terms (even those with low quota increases), the Board decided to adjust annual and cumulative access limits to 145 and 435 per cent of new quota, respectively from 200 and 600 per cent, respectively, resulting in an average increase of 45 per cent in SDR terms. Also, specific access limits applicable to the Precautionary Liquidity Line (PLL) were halved to reflect the doubling of quotas on average.

The Board also decided to lower the threshold for level-based surcharges from 300 per cent of quota to 187.5 per cent. The Board also extended the trigger for time-based surcharges on credit outstanding under the Extended Fund Facility from 36 months to 51 months to better align this trigger with the repayment schedule under this facility.

Commitment fee thresholds were also lowered to reflect the doubling of quotas on average. With the new thresholds, a 15-basis points fee will be charged on committed amounts of up to 115 per cent (from 200 per cent) of quota over a 12-month period; 30 basis points will be charged on committed amounts between 115 per cent and 575 per cent (from 1,000 per cent) of quota; and 60 basis points will be charged on amounts exceeding 575 per cent of quota.

The Board further decided to adjust the quota-based threshold below which a member may be placed on an extended article IV consultation cycle from 200 per cent of quota to 145 per cent of quota, consistent with its decision on access limits.

To ensure no member is made worse off by the changes to access, level-based surcharge, and commitment fee policies, the Board approved a limited grandfathering for affected members.

b. Reforming the exceptional access framework

On 20 January 2016, the Executive Board approved changes to the exceptional access framework, which governs access above the IMF's normal access limits, to make it more calibrated to members' debt situations and contribute to the efficient resolution of sovereign debt crisis, while avoiding unnecessary costs for the members, creditors, and the financial system as a whole. These reforms were put forward in two previous papers, namely, a 2014 staff paper "The Fund's Lending Framework and Sovereign Debt—Preliminary Considerations" and a 2015 staff paper "The Fund's Lending Framework and Sovereign Debt—Further Considerations".

The IMF established a comprehensive exceptional access policy framework in 2002, under which, the IMF could only provide large-scale financing in capital account crisis if all of four criteria were met, one of which was as follows: that there is a "high probability" that the member country's debt is sustainable. With respect to the criterion on debt sustainability, if the high probability bar was met, the IMF could lend without requiring any debt operation. If, however, the bar was not met, a sufficiently deep debt restructuring was typically needed to restore debt sustainability with high probability before the IMF could lend. There was no middle ground between providing financing and requiring a deep debt reduction.

Accordingly, for members whose debt was "sustainable but not with high probability", the debt reduction operation could constitute an unnecessarily drastic measure. This underlying rigidity in the 2002 exceptional access framework was tested in 2010, in the context of the first IMF-supported program for Greece. Because the IMF did not assess Greece's debt to be sustainable with high probability, the framework required an upfront debt reduction. However, there were serious concerns at the time that this could lead to severe contagion both in the Eurozone and beyond. Thus, at the time, the IMF created a "systemic exemption" for cases in which debt was judged to be sustainable but not with high probability. In such cases, the exemption allowed large-scale financing to go ahead without a debt reduction operation if there was a high risk of systemic international spillovers.

The 2016 reform seeks to improve the previous framework in two important ways: First, it removes the systemic exemption because *inter alia* it did not prove reliable in mitigating contagion, it increased subordination risks for private creditors, and finally the exemption had the potential to aggravate "moral hazard" in the international financial system. Second, it gives the IMF appropriate flexibility to make its financing conditional on a broader range of debt operations, including the less disruptive option of a "debt re-profiling"—that is, a short extension of maturities falling due during the program, with normally no reduction in principal or coupons.

In particular, the reformed policy—like the old one—prescribes that when debt is clearly sustainable, the IMF will continue to use its catalytic role and provide financing support to the member without requiring any debt operation. When debt is clearly unsustainable, a prompt and definitive debt restructuring will continue to be required to restore debt sustainability with "high probability".

However, for countries where debt is assessed to be sustainable but not with a high probability, the new policy allows the IMF to approve exceptional access without requiring debt

reduction upfront, if the member also receives financing from other creditors (official or private) during the program. This financing should be on a scale and terms that (i) helps improve the member's debt sustainability prospects, without necessarily bringing debt sustainability with high probability at the outset; and (ii) provides sufficient safeguards for IMF resources.

The new policy does not automatically presume that a reprofiling or any other particular option would be implemented at the outset when debt is assessed to be sustainable but not with a high probability. Instead, the choice of the most appropriate option, from a range of options that could meet the two conditions noted above, would depend on the member's specific circumstances.

Where a reprofiling is undertaken, the scope of debt to be reprofiled would be determined on a case-by-case basis, recognizing that it would not be advisable to reprofile a particular category of debt if the costs for the member of doing so—including risks to domestic financial stability—outweighed the potential benefits.

The new policy also allows the IMF to deal with rare "tail-event" cases where even a reprofiling is considered untenable because of contagion risks so severe that they cannot be managed with normal defensive policy measures. In these rare cases, the IMF could still provide large-scale financing without a debt operation, but would require that its official partners also provide financing on terms sufficiently favorable to backstop debt sustainability and safeguard IMF resources.

The reformed policy also addressed the third, or "market access", criterion. The Board confirmed that the third criterion, which requires a member to have prospects for gaining/regaining market access, remains binding even when there are open-ended commitments of official support for the post-program period. It also clarified that the timeframe within which a member is expected to gain/regain market access has to be consistent with the start of repayment of its obligations to the IMF, not just when the last repayment installment is due, as could have been implied by the old formulation of the criterion.

c. Enhancing financial assistance for low income countries

On 16 November 2016, the Executive Board discussed a staff paper on "Financing for Development: Enhancing the Financial Safety Net for Developing Countries—Further Considerations." The paper provided clarification to some issues concerning how low-income members eligible for IMF concessional support under the PRGT access IMF resources. The Board reaffirmed the long-standing rule that all members of the IMF, including low-income members are eligible to seek support from the general resources of the Fund. Executive Directors also noted that, given the financial benefits to the member from borrowing on concessional terms, staff should continue to advise PRGT-eligible members considering Fund financial support to seek support from the PRGT to the extent possible.

The Board further clarified the legal rules that apply to the blending of PRGT resources and the general resources of the Fund. There is a presumption that the better-off PRGT-eligible members (based on per capita income and access to international markets) will not use IMF concessional resources exclusively. The Board clarified that the PRGT-eligible members to which this presumption does not apply, are however not precluded from seeking non-concessional support under the general resources. In all cases, Fund staff will encourage members to borrow on the most favorable terms available to the member, without precluding the member from exercising its membership rights as it chooses, if applicable requirements are met.

(iii) *Financial issues*

a. Chinese Renminbi Added to SDR Basket of Currencies

On 1 October 2016, the Chinese renminbi (RMB) became a fifth currency in the IMF's Special Drawing Right (SDR) currency basket.

This followed the decisions by the Board taken on 30 November 2015, that effective on 1 October 2016, the RMB was determined to be a freely usable currency as defined under article XXX of the IMF's Articles of Agreement and that it met the criteria for inclusion in the SDR basket, along with the U.S. dollar, the euro, the Japanese yen, and the British pound. The addition of the Chinese currency to the basket was the first time since the adoption of the euro that a currency was added to the basket. The Board also decided at that time that the weights of each currency would be 41.73 per cent for the U.S. dollar, 30.93 per cent for the euro, 10.92 per cent for the Chinese yuan, 8.33 per cent for the Japanese yen, and 8.09 per cent for the Pound sterling.

The Board has broad authority under the IMF's Articles of Agreement to determine the SDR valuation methodology, which includes the criteria for selecting currencies for inclusion in the SDR currency basket, the weights of the selected currencies, and the periodicity for reviewing the basket. The current currency selection criteria require that the value of the SDR be determined on the basis of the five currencies issued by IMF members whose exports of goods, services, and income credits have the largest value during the five-year period and which have been determined by the IMF to be freely usable currencies. Under the current valuation method, the SDR currency basket is reviewed every five years unless developments in the interim justify an earlier review. The next review of the method of valuation of the SDR is expected to take place by 30 September 2021, unless an earlier review is warranted.

b. Renewal of New Arrangements to Borrow

The Executive Board approved on 4 November 2016 the renewal of the New Arrangements to Borrow (NAB) for a five-year period starting 17 November 2017.

The NAB are credit arrangements between the IMF and a large group of IMF members and institutions to provide supplementary resources of up to SDR 181 billion (about US\$250 billion) to the IMF to forestall or cope with an impairment of the international monetary system or to deal with an exceptional situation that poses a threat to the stability of that system. It was established in November 1998, and has been renewed continuously since then, with the current five-year NAB period ending on 16 November 2017.

The NAB serves as the key backstop to the Fund's quota resources, and together with the IMF's bilateral borrowing resources, helps to assure members and markets that the IMF has adequate resources to meet its members' financial needs. The NAB must be activated before NAB resources can be used. As the last activation of the NAB ended on 25 February 2016, NAB resources are not currently used to finance the IMF's financing commitments to its members made after 25 February 2016.

c. Review of developments in sovereign debt restructuring

Twenty five (25) members of the IMF committed a total of SDR 243 billion (US\$340 billion) in bilateral borrowed resources with maximum terms through end-2020.

In August 2016, the Executive Board approved a new bilateral borrowing framework to replace a similar framework agreed in 2012 when, in response to the global financial crisis, the membership decided to supplement IMF resources through bilateral borrowing agreements. Under the 2012 framework, 35 IMF members and institutions provided the Fund with a total amount of bilateral borrowing resources of SDR 282 billion or US\$393 billion. These 2012 agreements, which began to expire on 12 October, had never been activated and thus never drawn, but played a critical role as a third line of defense, after quotas and the NAB, in providing assurance to members and markets that the IMF had adequate resources to meet potential needs.

In light of the ongoing uncertainty and structural shifts in the global economy, the Board approved the 2016 bilateral borrowing framework to allow the IMF to maintain access on a temporary basis to bilateral borrowing and avoid a sharp fall in its lending capacity.

The 2016 bilateral borrowing framework retains key modalities of the 2012 framework and includes a new multilateral voting structure that gives creditors a formal say in any future activation of the bilateral borrowing agreements, which is a pre-condition for the IMF's use of bilateral borrowing resources. The new agreements will have a common maximum term of end-2020, with an initial term to end-2019 extendable for a further year with creditors' consents. The agreements under the 2016 bilateral borrowing framework will continue to serve as a third line of defense after quotas and the NAB.

As of 30 April 2017, 35 member countries have committed a total of about SDR300 billion or \$400 billion in bilateral borrowed resources under the 2016 framework.

(iv) *IMF surveillance*

Principles for Evenhanded Fund Surveillance and a New Mechanism for Reporting Concerns

On 22 February 2016, the Executive Board agreed to move forward with a framework to help ensure the evenhandedness of IMF surveillance. The framework responds to recommendations from the 2014 Triennial Surveillance Review (TSR) and has two key elements. First, it articulates principles of what it means to be evenhanded. Second, it establishes a mechanism for reporting and assessing specific concerns about lack of evenhandedness in surveillance.

The evenhandedness of IMF analysis and advice is critical to the institution's credibility and the effectiveness of its engagement with member countries. The TSR examined the issue in detail, including through an external study. While it did not find a systematic lack of evenhandedness, it identified instances where differences in surveillance across countries were not all well justified by country circumstances. The TSR also confirmed the continuation of long-standing perceptions that the Fund is not evenhanded. The new framework aims to address both perceptions and instances of lack of evenhandedness transparently, while safeguarding the independence and candor of staff advice.

Directors agreed on the importance of having a clearer and shared understanding of what it means to be evenhanded in surveillance, as lack of clarity on this definition has been an obstacle to addressing issues related to evenhandedness. Therefore, the Fund has adopted principles of evenhandedness focusing on a new “input-based” approach. In this regard, the surveillance inputs (e.g., resources, approach) and outcomes (i.e., policy advice) should both be well-founded and free from bias, consistent with the Fund’s principle of “uniformity of treatment.”

These principles inform how staff thinks about evenhandedness as well as the approach and presentation of surveillance. Evenhandedness does not imply a “one size fits all approach”; in fact, surveillance should be tailored to country circumstances. For instance, judgments about surveillance inputs would normally reflect domestic and/or systemic risks (i.e., they should be appropriately risk-adjusted) and be tailored to country circumstances. This could include choices about the (i) focus of resources; (ii) depth of risk and spillovers analysis; (iii) analytical approaches and tools; (iv) selection of policy themes; and (v) approach to contentious issues.

Directors also supported the establishment of a mechanism to report concerns about lack of evenhandedness, while underscoring the importance of preserving the independence and candor of staff advice. This mechanism entails a channel for Executive Directors to report concerns regarding evenhandedness in the Fund’s surveillance activities, which will then be examined by a standing Committee comprised of senior staff acting in their personal capacity. The Committee will assess concerns against the backdrop of the principles described above, taking into account comparator cases. The Committee’s findings will be reported back to the Director concerned, along with Management’s forward-looking recommendations, if applicable. The Executive Board will be kept abreast of developments through periodic communications as well as an annual report.

5. International Maritime Organization⁵⁵⁴

(a) Membership

As at 31 December 2016, the membership of the International Maritime Organization (IMO) stood at 172.

(b) Review of the legal activities

(i) *Supporting ratification and implementation of 2010 HNS Convention*

The Legal Committee, at its 103rd session in June 2016,⁵⁵⁵ agreed on the urgent need for the ratification and national implementation of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention).

⁵⁵⁴ For official documents and more information on the International Maritime Organization, see <https://www.imo.org>.

⁵⁵⁵ The report of the 103rd session of the Legal Committee is contained in document LEG 103/14.

To support the ratification and entry into force of the treaty, the Committee extended the Correspondence Group to develop a HNS Scenarios presentation, in order to present several scenarios of different types of HNS incidents with the damage that could occur. The presentation would also highlight the benefits the Convention will bring by creating a safety net for States.

The Correspondence Group was also tasked with reviewing a proposed draft resolution on implementation and entry into force of the 2010 HNS Protocol and a programme for a possible future workshop to be considered at LEG 104.

Together with the International Oil Pollution Compensation Funds (IOPC Funds) and the International Tanker Owners Pollution Federation (ITOPF), IMO has produced a six page brochure that explains the benefits of the Convention and encourages the next steps for States to implement and accede to the Convention.

(ii) *Moving forwards with delegation for issuing of certificates under CLC and HNS*

The Committee also agreed to move forward with allowing the delegation of authority to issue certificates in relation to the International Convention on Civil Liability for Oil Pollution Damage, 1992 (the 1992 Civil Liability Convention) and 2010 HNS Convention.

Unlike the Bunkers Convention, the 2002 Athens Convention and the Nairobi Wreck Removal Convention, the 1992 Civil Liability Convention and 2010 HNS Convention do not provide an explicit framework for the delegation of authority to issue certificates of insurance.

A correspondence group was established to develop an Assembly resolution allowing to delegate the authority to issue insurance certificates under the CLC and the HNS Convention. The resolution should ensure certainty in respect of the interpretation of these two instruments and provide the clarity requested by States parties.

(iii) *Fair treatment of seafarers—guidance and workshops welcomed*

The Committee, also at its 103rd session, welcomed the work of the International Transport Workers' Federation (ITF) to develop guidance on the implementation of the Guidelines on fair treatment of seafarers in the event of a maritime accident and to organize regional or national workshops to discuss and refine the guidance, to make it useful for as many States as possible.

(iv) *Electronic certificates implementation urged*

Following consideration of recommendations to reduce administrative burdens, the Legal Committee urged States parties to expedite the implementation of electronic certificates under CLC 1969, CLC 1992 and the 2001 Bunkers Convention.

Meanwhile, insurance certificates under the 2002 Athens Convention, the 2007 Nairobi Wreck Removal Convention and the 2010 HNS Convention will be included into the list of certificates and documents required to be carried on board ships.⁵⁵⁶

⁵⁵⁶ Certificates to be carried on board ships are listed in IMO Document FAL.2/Circ.127; MEPC.1/Circ.817; MSC.1/Circ.1462.

(v) *Cyber security—interim guidelines*

The Maritime Safety Committee (MSC), at its 96th session, approved interim guidelines on maritime cyber risk management, aimed at enabling stakeholders to take the necessary steps to safeguard shipping from current and emerging threats and vulnerabilities related to digitization, integration and automation of processes and systems in shipping.

The interim guidelines are intended to provide high-level recommendations for maritime cyber risk management, which refers to a measure of the extent to which a technology asset is threatened by a potential circumstance or event, which may result in shipping-related operational, safety or security failures as a consequence of information or systems being corrupted, lost or compromised. The guidelines include background information, functional elements and best practices for effective cyber risk management.

(vi) *Guidance for developing national maritime security legislation*

The MSC, at its 96th session, also approved Guidance for the development of national maritime security legislation. The guidance aims to assist SOLAS contracting governments with developing national legislation to fully implement the provisions of SOLAS chapter XI-2 on Special measures to enhance maritime security and the International Ship and Port Facility Security (ISPS) Code.

(vii) *Review of the 1995 STCW-F Convention*

At the same session, the MSC approved principles and scope for the review of the 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, which entered into force in 2012.

(viii) *Interim Recommendations on the safe carriage of industrial personnel*

The MSC, at its 97th session, adopted Interim Recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages.

Governments are invited to apply the Interim Recommendations, pending the planned development of the new chapter of SOLAS and the draft new code addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages. The new SOLAS chapter and code will be developed under coordination by the Sub Committee on Ship Design and Construction (SDC).

The Interim Recommendations are aimed at addressing the safe and efficient transfer of technicians at sea, such as those working in the growing offshore alternative energy sector.

The Interim Recommendations define industrial personnel as all persons who are transported or accommodated on board for the purpose of offshore industrial activities performed on board other vessels and/or other offshore facilities and says they should not be considered as passengers within the meaning of SOLAS regulation I/2(e). Safety training and familiarization with safety procedures should be delivered to these personnel.

Offshore industrial activities covered by the Interim Recommendations would include the construction, maintenance, operation or servicing of offshore facilities related,

but not limited, to exploration, the renewable or hydrocarbon energy sectors, aquaculture, ocean mining or similar activities.

(ix) *Interim Recommendations for carriage of liquefied hydrogen in bulk*

The MSC also adopted Interim Recommendations for carriage of liquefied hydrogen in bulk, which have been developed as the International Gas Carrier (IGC) Code does not specify requirements for the carriage of liquefied hydrogen in bulk.

The Interim Recommendations are based on the results of a comparison study of similar cargoes listed in the IGC Code, e.g. liquefied natural gas and are intended to facilitate the establishment of a tripartite agreement for a pilot ship that will be developed for the research and demonstration of safe long-distance overseas carriage of liquefied hydrogen in bulk.

The Interim Recommendations contain general requirements and special requirements for the carriage of liquefied hydrogen in bulk by ship, such as the provision of portable hydrogen detector for each crew member working in the cargo area; selection of fire detectors for detecting hydrogen fire; and appropriate safety measures to prevent formation of an explosive mixture in the case of a leakage of hydrogen.

(x) *Goal-based standards*

The MSC further developed proposed amendments to revise and update the goal-based standards (GBS) Verification Guidelines, based on the experience gained during the initial verification audits. The revisions, to be considered at the 98th session in 2017, include additional and revised paragraphs relating to issues such as the insertion of an application date for any revised version of the Guidelines or submitting corrective action plans to address any findings reported by the GBS Audit Teams. Guidelines on common submissions by groups of submitters and the inclusion of an ongoing review of the rules are also proposed to be included. A revised timetable and schedule of activities for the implementation of the GBS verification scheme was also agreed, to include a 31 December 2017 deadline for the receipt of rule change information and request for new initial verification audits, if any.

(xi) *Navigation around offshore multiple structures*

The MSC adopted, subject to subsequent confirmation by the IMO Assembly, amendments on a recommendation to Governments to take into account safety of navigation when multiple structures at sea, such as wind turbines, are being planned.

The amendment would add a new paragraph in the General provisions on ships' routing (resolution A.572(14), as amended) on establishing multiple structures at sea. It recommends that Governments should take into account, as far as practicable, the impact multiple structures at sea, including but not limited to wind turbines, could have on the safety of navigation, including any radar interference.

Traffic density and prognoses, the presence or establishment of routing measures in the area, and the manoeuvrability of ships and their obligations under the 1972 Collision Regulations should be considered when planning to establish multiple structures at sea.

Sufficient manoeuvring space extending beyond the side borders of traffic separation schemes should be provided to allow evasive manoeuvres and contingency planning by ships making use of routing measures in the vicinity of multiple structure areas.

(xii) *Navigational warnings circular*

The MSC approved a circular expressing grave concern over the reported launch of missiles by the Democratic People's Republic of Korea without due warnings. The circular urges all Members to attach the greatest importance to the safety of navigation and avoid taking any action which might adversely affect shipping engaged in international trade; and to comply with the requirements to issue relevant navigational warnings as set out in SOLAS and the World Wide Navigational Warning Service.

(xiii) *Establishment of effective dates for the Baltic Sea Special Area*

The Marine Environment Protection Committee (MEPC), at its 69th session, agreed to establish the effective dates for the application of the Baltic Sea Special Area under MARPOL Annex IV (Prevention of pollution by sewage from ships).

In the special area, the discharge of sewage from passenger ships will generally be prohibited unless the ship has in operation an approved sewage treatment plant that meets the applicable additional effluent standards for nitrogen and phosphorus in accordance with the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.227(64)).

The dates are: for new passenger ships, on 1 June 2019; for existing passenger ships other than those specified below, on 1 June 2021; and for existing passenger ships *en route* directly to or from a port located outside the special area and to or from a port located east of longitude 28° 10' E within the special area that do not make any other port calls within the special area, on 1 June 2023.

A MEPC resolution adopting the effective dates encourages Member Governments, industry groups and other stakeholders to comply immediately on a voluntary basis with the Special Area requirements for the Baltic Sea Special Area.

(xiv) *Roadmap for reducing GHG emissions approved*

The MEPC approved a Roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships, which foresees an initial GHG reduction strategy to be adopted in 2018.

It contains a list of activities, including further IMO GHG studies and significant intersessional work, with relevant timelines and provides for alignment of those new activities with the ongoing work by the MEPC on the three-step approach to ship energy efficiency improvements. This alignment provides a way forward to the adoption of a revised strategy in 2023 to include short-, mid-, and long-term further measures, as required, including implementation schedules.

(xv) *Energy efficiency of international shipping*

The Committee considered the report of a correspondence group on the status of technological developments relevant to implementing Phase 2 (1 January 2020 to 31 December 2024) of the EEDI (Energy Efficiency Design Index) regulations. The energy-efficiency regulations require IMO to review the status of technological developments and, if proven necessary, amend the time periods, the EEDI reference line parameters for relevant ship types and reduction rates.

Following discussion in a working group, which reviewed the status of technological developments relevant to implementing phase 2 of EEDI requirements from 2020, the Committee agreed to retain the phase 2 requirements (other than ro-ro cargo ships and ro-ro passenger ships) and on the need for a thorough review of EEDI phase 3 (1 January 2025 and onwards) requirements, including discussion on its earlier implementation and the possibility of establishing a phase 4. Currently, Phase 3 requirements provide that new ships be built to be 30% more energy efficient compared to the baseline.

(xvi) *2020 global sulphur cap implementation date decided*

In a landmark decision for both the environment and human health, 1 January 2020 was confirmed as the implementation date for a significant reduction in the sulphur content of the fuel oil used by ships.

The decision to implement a global sulphur cap of 0.50% m/m (mass/mass) in 2020 represents a significant cut from the 3.5% m/m global limit currently in place and demonstrates a clear commitment by IMO to ensuring shipping meets its environmental obligations.

(xvii) *North Sea and Baltic Sea emission control areas for nitrogen oxides (NOx)*

The MEPC approved the designation of the North Sea and the Baltic Sea as emission control areas (ECA) for nitrogen oxides (NOx) under regulation 13 of MARPOL Annex VI. The draft amendments to formally designate the NOx ECAs will be put forward for adoption at the next session of the Committee (MEPC 71).

The draft amendments to MARPOL Annex VI would see both ECAs enter into effect on 1 January 2021. Designation as a NOx ECA would require marine diesel engines to comply with the Tier III NOx emission limit when installed on ships constructed on or after 1 January 2021 and operating in the North Sea and the Baltic Sea. Furthermore, provisions were approved to allow ships fitted with non-Tier III compliant marine diesel engines to be built, converted, repaired and/or maintained at shipyards located in the NOx Tier III ECAs. Both areas are already ECAs for SOx.

(xviii) *Particularly Sensitive Sea Area (PSSA) designated in Papua New Guinea*

The MEPC designated the region surrounding Jomard Entrance, part of the Louisiade Archipelago at the south eastern extent of Milne Bay Province, Papua New Guinea, as a Particularly Sensitive Sea Area (PSSA). The PSSA includes established routing systems (four two-way routes and a precautionary area) which were adopted in 2014 and entered into force on 1 June 2015.

(xix) *Implementation of the BWM Convention—Revised Guidelines for approval of ballast water management systems adopted*

The Committee welcomed the news that the conditions for entry into force of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), 2004, were met on 8 September 2016 and consequently the treaty will enter into force on 8 September 2017.

The MEPC adopted revised Guidelines for approval of ballast water management systems (G8), which update the Guidelines issued in 2008.

The revision to the guidelines updates the approval procedures for ballast water management systems (BWMS), including more robust test and performance specifications as well as more detailed requirements for type approval reporting and control and monitoring equipment, among others.

It was also agreed that the approval process should be made mandatory and the MEPC instructed the IMO Secretariat to prepare the Code for approval of ballast water management systems as well as draft amendments to the BWM Convention making the Code mandatory, for circulation with a view to adoption following entry into force of the Convention.

The MEPC also further discussed the agreed roadmap for implementation of the BWM Convention and agreed to instruct a correspondence group to develop a structured plan for data gathering and analysis of experience gained with the implementation of the BWM Convention.

With regards to the dates of implementation of the BWM Convention, the MEPC recalled that proposed draft amendments to regulation B-3 of the Convention relating to the time scale for implementation of its requirements had been previously approved at the last session of the Committee (MEPC 69) for circulation upon entry into force of the Convention, with a view to subsequent adoption. The draft amendments would provide for compliance with regulation D-2 (Ballast water performance standard) of the Convention by a ship's first renewal survey following entry into force.

The Committee granted final approval to one BWMS that makes use of active substances and basic approval to one system. The Committee noted that the total number of type-approved BWMS stands now at 69.

(c) Adoption of amendments to conventions and protocols

(i) *Survival craft safety*

The MSC, at its 96th session, adopted amendments to SOLAS regulations III/3 and III/20 to make mandatory the requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear, which were also adopted at the session.

This package of provisions, with an expected entry into force date of 1 January 2020, aims to prevent accidents with survival craft and addresses longstanding issues such as the need for a uniform, safe and documented standard related to the servicing of these appliances, as well as the authorization, qualification and certification requirements to ensure that a reliable service is provided.

The adoption of the amendment and requirements for maintenance, thorough examination, operational testing, overhaul and repair represents the culmination of some ten years work on the issue. The intention is to ensure that seafarers can be confident that they can fully rely on the IMO-mandated life-saving appliances and equipment at their disposal.

(ii) *Ships routing systems*

The MSC, at its 96th session, adopted a number of new and amended ships routing systems:

- New traffic separation schemes “Off Southwest Australia”;
- New traffic separation scheme “In the Corsica Channel”;
- Amendments to the existing traffic separation scheme “In the Approaches to Hook of Holland and at North Hinder” and associated measures, superseding the existing precautionary areas “In the approaches to Hook of Holland and at North Hinder”;
- Amendments to the existing traffic separation scheme “At West Hinder”;
- Amendments to the existing traffic separation scheme “In Bornholmshgat”;
- New two-way routes and precautionary areas “Approaches to the Schelde estuary”, superseding the existing precautionary area “In the vicinity of Thornton and Bligh Banks”;
- New routing measures “In Windfarm Borssele”; and
- Amendments to the existing area to be avoided “Off the coast of Ghana in the Atlantic Ocean”.

(iii) *SOLAS amendments*

Furthermore MSC, at its 97th session, adopted the following amendments:

- Amendments to SOLAS, including amendments to regulation II-1/3-12 on protection against noise, regulations II-2/1 and II-2/10 on firefighting and new regulation XI-1/2-1 on harmonization of survey periods of cargo ships not subject to the ESP Code. The amendments are expected to enter into force on 1 January 2020;
- Amendments to the 2008 International code on Intact Stability (IS Code), relating to ships engaged in anchor handling operations and to ships engaged in lifting and towing operations, including escort towing. The amendments are expected to enter into force on 1 January 2020;
- Amendments to the International Code for Fire Safety Systems (FSS Code), clarifying the distribution of crew in public spaces for the calculation of stairways width. The amendments are expected to enter into force on 1 January 2020;
- Amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), aligning the wheelhouse window fire-rating requirements in the IGC Code with those in SOLAS chapter II-2. The amendments are expected to enter into force on 1 January 2020;
- Amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code). The amendments are expected to enter into force on 1 July 2018; and

- Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and its related STCW Code, to include new mandatory minimum training requirements for masters and deck officers on ships operating in Polar Waters; and an extension of emergency training for personnel on passenger ships. The amendments are expected to enter into force on 1 July 2018.

(iv) *MARPOL amendments*

The MEPC, at its 69th session, adopted the following amendments:

- Amendments to MARPOL and the NOx Technical Code 2008, with expected entry into force on 1 September 2017;
- Amendments to MARPOL Annex II, appendix I, related to the revised GESAMP hazard evaluation procedure;
- Amendments to MARPOL Annex IV relating to the dates for implementation of the discharge requirements for passenger ships while in a special area, *i.e.* not before 1 June 2019 for new passenger ships and not before 1 June 2021 for existing passenger ships;
- Amendments to MARPOL Annex VI regarding record requirements for operational compliance with NOx Tier III emission control areas; and
- Amendments to the NOx Technical Code 2008 to facilitate the testing of gas-fuelled engines and dual fuel engines.

The MEPC, at its 70th session, adopted mandatory MARPOL Annex VI requirements for ships to record and report their fuel oil consumption.

Under these amendments, ships of 5,000 gross tonnage and above will be required to collect consumption data for each type of fuel oil they use, as well as other, additional, specified data including proxies for transport work. The aggregated data will be reported to the flag State after the end of each calendar year and the flag State, having determined that the data has been reported in accordance with the requirements, will issue a Statement of Compliance to the ship. Flag States will be required to subsequently transfer this data to an IMO Ship Fuel Oil Consumption Database. IMO will be required to produce an annual report to the MEPC, summarizing the data collected.

6. Universal Postal Union⁵⁵⁷

On 18 March 2016 the Universal Postal Union (UPU) signed a Cooperation Agreement with the International Rail Transport Committee (CIT) concerning the transportation of mail *via* rail.

On 4 October 2016 the UPU concluded a Grant Agreement with the Bill and Melinda Gates Foundation concerning technical assistance on postal financial inclusion.

On 25 November 2016 the UPU concluded a Cooperation Agreement with the *Organisation internationale de la Francophonie*, in which the two organizations agree to work jointly on topics relating to economic and social development as well as professional training.

⁵⁵⁷ For official documents and more information on the Universal Postal Union, see <https://www.upu.int>.

On 6 December 2016 the UPU signed a joint declaration with the United Nations Conference on Trade and Development (UNCTAD) in relation to UPU Congress resolution C 11/2012 concerning postal markets development, notably with regard to international postal trade facilitation for micro, small and medium enterprises.

7. World Meteorological Organization⁵⁵⁸

(a) Membership

In 2016, the membership of the World Meteorological Organization (WMO) remained unchanged at 185 member States and 6 territories.

(b) Agreements and other arrangements concluded in 2016

(i) *Agreements with States*

a. Finland

Memorandum of Understanding between WMO and Finnish Meteorological Institute (FMI) concerning cooperation in matters of mutual interest, signed on 10 and 15 June 2016.

b. Germany

Memorandum of Understanding between the WMO and *Deutscher Wetterdienst (DWD)* concerning cooperation in matters of mutual interest, signed on 30 May and 8 June 2016.

c. Italy

Agreement between the WMO and Italian National Institute for Environmental Protection and Research (ISPRA) regarding the arrangements for the fifteenth session of the WMO Commission for Hydrology (CHy-15), signed on 25 November 2016.

d. People's Republic of China

Agreement between the WMO and the Government of the People's Republic of China regarding the arrangements for the sixteenth session of the WMO Commission for Basic Systems (CBS-16), signed on 7 November 2016.

e. Republic of Kazakhstan

Cooperation Agreement between the WMO and National Hydrometeorological Service of Republic of Kazakhstan (KAZHYDROMET) concerning the provision of support and services to the Central Asia Region Flash Flood Guidance System (CARFFGS), signed on 15 April 2016.

⁵⁵⁸ For official documents and more information on the World Meteorological Organization, see <https://public.wmo.int/en>.

f. Republic of Korea

Memorandum of Understanding between WMO and Korea Meteorological Administration (KMA) concerning the Hosting of a Regional Training Center, signed on 15 June 2016.

g. Sweden

Memorandum of Understanding between WMO and Swedish Meteorological and Hydrological Institute (SMHI) concerning cooperation in matters of mutual interest, signed on 22 August 2016.

h. Turkey

Cooperation Agreement between the WMO and Turkish State Meteorological Service (TSMS) concerning the provision of support and services to the Black Sea and Middle East Flash Flood Guidance (BSMEFFG) System, signed on 13 April and 3 May 2016.

Cooperation Agreement between the WMO and Turkish State Meteorological Service (TSMS) concerning the provision of support and services to the South East Europe Flash Flood Guidance (SEEFFG) System, signed on 13 April and 3 May 2016.

i. United Arab Emirates

Agreement between WMO and the Government of the United Arab Emirates regarding the arrangements for the sixteenth session of WMO Regional Association II (Asia), signed on 26 September 2016.

j. United Kingdom of Great Britain and Northern Ireland

Memorandum of Understanding between WMO and United Kingdom Meteorological Office (MET OFFICE) concerning the establishment of Fellowship for Training of Experts, signed on 27 January and 12 February 2016.

Memorandum of Understanding between the WMO and United Kingdom Meteorological Office (MET OFFICE) concerning the establishment and the maintain television weather presentation studios in Africa, signed on 30 May and 14 June 2016.

Memorandum of Understanding between WMO and United Kingdom Meteorological Office (MET OFFICE) concerning cooperation in matters of mutual interest, signed on 24 August and 5 September 2016.

*(ii) Agreements with the United Nations, specialized agencies
and related organizations*

**United Nations Development Programme (UNDP) and
Norwegian Refugee Council (NRC)**

Letter of Understanding between WMO, UNDP and NRC concerning the hosting by UNDP of a deployed NRC Standby Experts, signed on 26, 27 June and 3 August 2016.

(iii) *Agreements with other intergovernmental organizations, non-governmental organizations and entities*

a. Asia-Oceania Meteorological Satellite Users Conference (AOMSUC)

Memorandum of Understanding between WMO and AOMSUC concerning cooperation in matters of mutual interest, signed on 16 June 2016.

b. Ewha Womans University (EWU)

Memorandum of Understanding between the WMO and EWU concerning cooperation in advertising, selection and sponsorship of expert in meteorology and climatology, signed on 13 and 27 April 2016.

c. Green Climate Fund (GCF)

Master Arrangement between the WMO and GCF concerning cooperation in matters of mutual interest, signed on 30 May and 1 June 2016.

d. Group on Earth Observations (GEO)

Standing Arrangement between WMO and GEO concerning cooperation in matters of mutual interest, signed on 2 November 2016.

e. Hohai University (Hohai), China

Memorandum of Understanding between the WMO and Hohai University regarding Fellowships Education Programme, signed on 20 and 28 October 2016.

f. IGAD Climate Prediction and Applications Centre (ICPAC) and Norwegian Refugee Council (NRC)

Memorandum of Understanding between WMO, ICPAC and NRC concerning the hosting of deployed Standby Experts, signed on 11, 14 and 28 April 2016.

g. International Association for Urban Climate (IAUC)

Memorandum of Understanding between WMO and IAUC concerning the establishment and maintain cooperation in matters of mutual interest, signed on 11 April and 13 May 2016.

h. International Energy Agency (IEA)

Memorandum of Understanding between WMO and IEA in the area of collaboration to support Countries in developing their Energy strategies using Present and Future Climate Information, signed on 17 March and 8 April 2016.

i. International Union for Conservation of Nature and Natural Resources (IUCN)

Memorandum of Understanding between the WMO and the International Union for Conservation of Nature and Natural Resources (IUCN) on behalf of Global Island Partnership

(GLISPA) concerning cooperation and collaboration in the activities of IUCN/GLISPA and WMO SIDS-MITS Programme (Small Island Developing States and Member Island Territories), signed on 21 and 25 March 2016.

j. Nanjing University of Information Science and Technology (NUIST)

Memorandum of Understanding between the WMO and NUIST concerning the establishment of cooperation on advertising, selection and sponsorship of expert, signed on 11 and 20 April 2016.

k. Regional Integrated Multi-hazard Early Warning System (RIMES)

Letter of Agreement between WMO and RIMES concerning cooperation in matters of mutual interest, signed on 12 February 2016.

l. Universitat Rovira i Virgili (URV), Spain

Memorandum of Understanding between the WMO and URV concerning cooperation in matters of mutual interest, signed on 27 October 2016.

8. International Fund for Agricultural Development⁵⁵⁹

(a) Re-establishment of a Committee to review the emoluments of the President Resolution 191/XXXIX

At its thirty-ninth session (17 to 18 February 2016), the Governing Council, by Resolution 191/XXXIX, taking into account the proposal of document GC 39/L.6/Rev.1 and the Executive Board's recommendation, decided: (i) to re-establish an emoluments committee to review the overall emoluments and other conditions of employment of the President of the International Fund for Agricultural Development (IFAD), including the conclusions of a study on availability and pricing in Rome of suitable housing for the President. The committee would submit to the fortieth session of the Governing Council, through the Executive Board, a report thereon together with a draft resolution on the subject for adoption by the Governing Council; (ii) the committee should consist of nine Governors (four from List A, two from List B and three from List C) or their representatives to be nominated by the Chairperson pursuant to rule 15.2 of the Rules of Procedure of the Governing Council; and (iii) the committee should be provided with specialist staff to offer such support and advice as the committee might require.

(b) Proposal for settlement of outstanding contributions of the Republic of Iraq

At its 117th session (13 to 14 April 2016), the Executive Board considered and approved a Proposal for settlement of outstanding contributions of the Republic of Iraq, in accordance with paragraph 13 to 18 of document EB 2016/117/R.26.

⁵⁵⁹ For official documents and more information on the International Fund for Agricultural Development, see <https://www.ifad.org>.

**(c) IFAD's variable interest rate methodology:
Impact of negative interest rates**

At its 118th session (21 to 22 September 2016), the Executive Board, having considered document EB 2016/118/R.28, approved the decision to modify the methodology for setting IFAD's variable interest rates applicable for loans approved on variable terms detailed in EB 2009/98/R.14 and EB 2011/102/R.11. The modification would allow, as of 1 January 2017, the introduction of a zero floor to the LIBOR/EURIBOR components of IFAD's reference rate and would apply to existing and newly approved loans on the above-mentioned terms.

**(d) Access the *Kreditanstalt Für Wiederaufbau (KfW)* borrowing facility
for the Tenth Replenishment of IFAD's Resources**

At its 118th session, the Executive Board considered and approved the recommendation as contained in document EB 2016/118/R.29 to access the final tranche (EUR 100 million) of funds under the current *KfW* Framework Agreement (EUR 400 million) and use the funds to deliver the IFAD10 target programme of loans and grants of US\$ 3.2 billion. The Executive Board further approved that IFAD enter into individual loan agreements as foreseen therein.

**(e) Supplementary fund contribution from the Rockefeller Foundation
and from the Bill & Melinda Gates Foundation**

At its 118th session, the Executive Board authorised the President to negotiate and finalise supplementary funds agreements with the Rockefeller Foundation in support of value chain development activities within the ongoing value Chain Development Programme in Nigeria, as contained in document EB 2016/118/R.36 and with the Bill & Melinda Gates Foundation, as contained in document EB 2016/118/R.40, in support of rural finance activities in Nigeria.

**(f) Amendments to the instrument establishing the Trust Fund for
the IFAD Adaptation for Smallholder Agriculture Programme**

At its 105th session (3 to 4 April 2012), the Executive Board approved the resolution on the establishment of a trust fund (the Trust Fund) for the IFAD Adaptation for Smallholder Agriculture Programme (ASAP), as contained in the annex to document EB 2012/105/R.45. The resources of the Trust Fund have been administered by IFAD and have been used exclusively for the purpose of financing, in the form of grants, components of the IFAD-financed core portfolio of projects and programmes to increase the resilience of small farmers to climate change. Considering that phase I of the ASAP will be concluded in September 2017, a proposal was made at the 119th session of the Executive Board to initiate a second phase of the ASAP (ASAP2) to mobilise new supplementary funding from interested donors. Having considered the proposal, the Executive Board approved the amendments to the instrument establishing the Trust Fund as set out in the Annex of document EB 2016/119/R.20.

(g) Borrowing agreement with the *Agence Française de Développement (AFD)* to support the IFADIO programme of loans and grants

At its 119th session, the Executive Board considered and approved the proposal to enter into a borrowing agreement with the *Agence Française de Développement (AFD)* to support IFAD10 programme of loans and grants, as contained in document EB 2016/119/R.38. This will be the first sovereign loan to be implemented under the IFAD Sovereign Borrowing Framework approved by the Executive Board at its 114th session, as contained in document EB 2015/114/R.17.

(h) Principles of Conduct for Representatives of the Executive Board of IFAD

At its 119th session, the Executive Board approved an amendment to rule 7 of the Rules of Procedure of the Executive Board and the addition of an annex to said rules, to adopt the Principles of Conduct for Representatives on the Executive Board of IFAD, as presented in document EB 2016/119.R44.

(i) Journal of Law and Rural Development

The first issue of the IFAD Journal of Law and Rural Development, which focused on issues related to land tenure, was prepared during the course of 2016 and published in February 2017. The Journal will be published annually.

(j) Accreditation from the Green Climate Fund

On 14 October 2016, the Board of the Green Climate Fund (GCF) approved, through Decision B. 14/11, the accreditation of IFAD. Negotiation with the GCF regarding the Accreditation Master Agreement are on-going.

9. United Nations Industrial Development Organization⁵⁶⁰

(a) Constitutional matters

In 2016, Kiribati deposited with the Secretary-General of the United Nations an instrument of accession to the Constitution of the United Nations Industrial Development Organization (UNIDO). The Constitution entered into force for Kiribati on 9 February 2016 in accordance with its article 25 (2) (c). Pursuant to paragraph 1 of Annex I to the Constitution, if a State not listed in any of those lists becomes a Member of UNIDO, as is the case of Kiribati, the General Conference (GC), in this case the GC 17 (scheduled to take place from 27 November to 1 December 2017), shall decide, after appropriate consultations, in which of those lists Kiribati is to be included.

On 21 December 2016, the Government of the Slovak Republic deposited with the Secretary-General of the United Nations an instrument of denunciation of the UNIDO Constitution. In accordance with article 6(2) of the Constitution, the denunciation will

⁵⁶⁰ For official documents and more information on the United Nations Industrial Development Organization, see <https://www.unido.org>.

take effect on the last day of the fiscal year following that during which such instrument was deposited, i.e., on 31 December 2017.

(b) Agreements and other arrangements concluded in 2016

Information on agreements and other arrangements concluded in 2016 is available in Appendix F to UNIDO's 2016 Annual Report.⁵⁶¹

10. Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization⁵⁶²

(a) Membership

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) is composed of States Signatories to the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT). By the end of 2016, the CTBT had 183 States signatories.

During 2016, Myanmar deposited its instrument of ratification of the CTBT with the United Nations Secretary-General as depositary. In order for the Treaty to enter into force, ratification by the following eight States is needed: China, Democratic People's Republic of Korea, Egypt, India, Islamic Republic of Iran, Israel, Pakistan, and United States of America.

(b) Legal status, privileges and immunities and international agreements

In addition to the Headquarters Agreement, legal status, privileges and immunities are granted to the Commission through "Facility Agreements" concluded with each of the 89 States which are hosting one or more of the 337 monitoring facilities comprising the International Monitoring System (IMS) foreseen to be established under the CTBT. In 2016, a facility agreement was concluded with Armenia. As of 2016, a total of 49 facility agreements have been concluded out of which 40 have entered into force.

Pursuant to the decision of the Commission in 2006 to exceptionally allow IMS data to be shared with tsunami warning centres approved as such by the Intergovernmental Oceanographic Commission of UNESCO,⁵⁶³ fifteen such agreements have now been concluded: Australia, France, Greece, Indonesia, Japan, Malaysia, Myanmar, the Philippines, Portugal, Republic of Korea, the Russian Federation, Thailand, Turkey and two with the United States of America, based on the model approved by the Commission.

To provide for the necessary privileges and immunities and arrangements for the conduct of workshops or training courses outside of Austria, nine Exchanges of Letters were concluded with host States.

⁵⁶¹ Available at <https://www.unido.org/resources/publications/flagship-publications/annual-report/annual-report-2016>.

⁵⁶² For official documents and more information on the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, see <https://www.ctbto.org>.

⁵⁶³ *United Nations Juridical Yearbook 2006* (United Nations Publication, Sales No. E.09.V1), p. 256.

(c) Legislative Assistance Activities

Pursuant to paragraph 18 of the annex to the 1996 resolution establishing the Preparatory Commission, the Provisional Technical Secretariat of the Preparatory Commission continued to provide advice and assistance upon request to States in three areas: (a) legal and technical information about the CTBT in order to facilitate signature or ratification of the Treaty; (b) legal and administrative measures necessary for the implementation of the Treaty; and (c) national measures necessary to enable activities of the Preparatory Commission during the preparatory phase, in particular those related to the provisional operation of the IMS.

The Secretariat continued to provide comments and assistance in 2016 on legal assistance requests from States parties or from within the Secretariat. It also maintains a Legislation Database on its website (www.ctbto.org) to facilitate the exchange of information on national implementing legislation as well as other documentary assistance tools, including the Legislation Questionnaire.

11. International Atomic Energy Agency⁵⁶⁴

(a) Membership

In 2016, Turkmenistan became a member State of the International Atomic Energy Agency (IAEA). By the end of the year, there were 168 member States.

(b) Multilateral treaties under IAEA auspices

(i) *Convention on the Physical Protection of Nuclear Material*⁵⁶⁵

In 2016, Zambia became a party to the Convention and Myanmar deposited an instrument of accession thereto. By the end of the year, there were 154 parties and one contracting State.

(ii) *Amendment to the Convention on the Physical Protection of Nuclear Material*⁵⁶⁶

In 2016, Azerbaijan, Cameroon, Côte d'Ivoire, Kuwait, Marshall Islands, Montenegro, New Zealand, Nicaragua, Pakistan, Paraguay, Serbia, and Uruguay adhered to the amendment and, consequently, the amendment entered into force on 8 May 2016. After its entry into force, El Salvador, Kyrgyzstan and Swaziland became parties to the amendment and Myanmar deposited an instrument of ratification thereof. By the end of the year, there were 106 parties and one contracting State.

⁵⁶⁴ For official documents and more information on the International Atomic Energy Agency, see <https://www.iaea.org>.

⁵⁶⁵ United Nations, *Treaty Series*, vol. 1456, p. 101.

⁵⁶⁶ IAEA *International Law Series*, No. 2, 2006.

(iii) *Convention on Early Notification of a Nuclear Accident*⁵⁶⁷

In 2016, Ghana became a party to the Convention. By the end of the year, there were 120 parties.

(iv) *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency*⁵⁶⁸

In 2016, Ghana became a party to the Convention and Niger deposited an instrument of acceptance thereof. By the end of the year, there were 113 parties and one contracting State.

(v) *Convention on Nuclear Safety*⁵⁶⁹

In 2016, Myanmar and Niger deposited an instrument of accession to the Convention. By the end of the year, there were 78 parties and two contracting States.

(vi) *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*⁵⁷⁰

In 2016, Jordan, Lesotho and Peru became parties to the Convention and Niger deposited an instrument of accession thereto. By the end of the year, there were 73 parties and one contracting State.

(vii) *Vienna Convention on Civil Liability for Nuclear Damage*⁵⁷¹

In 2016, the status of the Convention remained unchanged with 40 parties.

(viii) *Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage*⁵⁷²

In 2016, Niger became a party to the Protocol. By the end of the year, there were 13 parties.

(ix) *Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention*⁵⁷³

In 2016, the status of the Convention remained unchanged with 28 parties.

⁵⁶⁷ United Nations, *Treaty Series*, vol. 1439, p. 275

⁵⁶⁸ *Ibid.*, vol. 1457, p. 133.

⁵⁶⁹ *Ibid.*, vol. 1963, p. 293.

⁵⁷⁰ *Ibid.*, vol. 2153, p. 303.

⁵⁷¹ *Ibid.*, vol. 1063, p. 265.

⁵⁷² *Ibid.*, vol. 2241, p. 270.

⁵⁷³ *Ibid.*, vol. 1672, p. 293.

(x) *Convention on Supplementary Compensation for Nuclear Damage*⁵⁷⁴

In 2016, Ghana and India became parties to the Convention. By the end of the year, there were 9 parties.

(xi) *Optional Protocol Concerning the Compulsory Settlement of Disputes*⁵⁷⁵

In 2016, the status of the Protocol remained unchanged with 2 parties.

(xii) *Fifth Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (RCA)*⁵⁷⁶

In 2016, the status of the Agreement remained unchanged with 17 parties.

(xiii) *African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA)—(Fifth Extension)*⁵⁷⁷

In 2016, Burundi, Côte d'Ivoire, Kenya, Madagascar, Mauritania, Namibia, Nigeria, Seychelles, Swaziland, Uganda and Zimbabwe became parties to the Fifth Extension of the Agreement. By the end of the year, there were 27 parties.

(xiv) *First Agreement to Extend the Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)*⁵⁷⁸

In 2016, El Salvador and Guatemala became parties to the Agreement. By the end of the year, there were 19 parties.

(xv) *Co-operative Agreement for Arab States in Asia for Research, Development and Training Related to Nuclear Science and Technology (ARASIA)—(Second Extension)*⁵⁷⁹

In 2016, Kuwait became a party to the Agreement. By the end of the year, there were 9 parties.

⁵⁷⁴ United Nations, *Treaty Series*, registration no. 52722.

⁵⁷⁵ *Ibid.*, vol. 2086, p. 94.

⁵⁷⁶ IAEA, document INFCIRC/167/Add.23.

⁵⁷⁷ IAEA, document INFCIRC/377 and INFCIRC/377/Add.20 (fifth extension).

⁵⁷⁸ IAEA, document INFCIRC/582 and INFCIRC/582/Add.4 (extension of the agreement).

⁵⁷⁹ IAEA, document INFCIRC/613 and INFCIRC/613/Add.3 (second extension).

(xvi) *Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*⁵⁸⁰

In 2016, the status of the Agreement remained unchanged with 7 parties.

(xvii) *Agreement on the Privileges and Immunities of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*⁵⁸¹

In 2016, the status of the Agreement remained unchanged with 6 parties.

(c) Safeguards Agreements

During 2016, a Safeguards Agreement pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) between the IAEA and the Republic of Liberia, and a Protocol Additional thereto, were approved by the IAEA Board of Governors.

In 2016, Protocols Additional to the Safeguards Agreements pursuant to the NPT between the IAEA and Cameroon,⁵⁸² and the Republic of Côte d'Ivoire⁵⁸³ entered into force. On 16 January 2016, the Islamic Republic of Iran began to provisionally apply the Additional Protocol to its Safeguards Agreement,⁵⁸⁴ pending its entry into force.

(d) Revised supplementary agreements concerning the provision of technical assistance by the IAEA (RSA)

In 2016, Antigua and Barbuda, Central African Republic, Djibouti, Dominica, Marshall Islands, Togo and Vanuatu signed an RSA Agreement with the IAEA. By the end of the year, there were 132 States parties to an RSA Agreement.

(e) IAEA legislative assistance activities

In 2016, the Agency continued to provide legislative assistance to its member States. Country specific bilateral legislative assistance was provided to 19 member States through written comments and advice on drafting national nuclear legislation. The Agency also reviewed the legislative framework of newcomer countries as part of Integrated Nuclear Infrastructure Review missions. Short-term scientific visits to Agency Headquarters were organized for a number of individuals, allowing fellows to gain further practical experience in nuclear law.

The Agency organized the sixth session of the Nuclear Law Institute in Baden, Austria, from 10 to 21 October 2016. The comprehensive two-week course, which uses modern teaching methods based on interaction and practice, is designed to meet the increasing

⁵⁸⁰ IAEA, document INFCIRC/702.

⁵⁸¹ *Ibid.*

⁵⁸² IAEA, document INFCIRC/641/Add.1.

⁵⁸³ IAEA, document INFCIRC/309/Add.1.

⁵⁸⁴ IAEA, document INFCIRC/214/Add.1.

demand by IAEA member States for legislative assistance and to enable participants to acquire a solid understanding of all aspects of nuclear law, as well as to draft, amend or review their national nuclear legislation. Fifty-eight participants from IAEA member States attended the training.

Two sub-regional workshops on nuclear law were conducted for Member States of the Asia and the Pacific Region in Singapore (13 to 17 June 2016) and in Amman, Jordan (12 to 15 December 2016). Seventy participants from 27 member States attended these workshops. Five national workshops on nuclear law were also organized in 2016. The workshops addressed all aspects of nuclear law and created a forum for an exchange of views on topics relating to the international legal instruments adopted under the auspices of the IAEA for the safe, secure and peaceful use of nuclear energy and ionizing radiation.

(f) Conventions

(i) *Convention on Nuclear Safety (CNS)*

Several meetings were held for the preparation of the Seventh Review Meeting of the Contracting Parties to the CNS (March to April 2017), including a Turnover Meeting held in Vienna on 1 March 2016. This meeting allowed the officers of the CNS Sixth Review Meeting to share with the officers elected for the CNS Seventh Review Meeting their experience and feedback on the preparation and conduct of the previous review meetings.

(ii) *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention)*

As requested by the contracting parties to the Joint Convention at their Fifth Review Meeting, a topical meeting on the challenges and responsibilities of multinational radioactive waste disposal facilities took place from 5 to 7 September 2016, at the IAEA headquarters, in Vienna and was attended by 29 contracting parties and the OECD/NEA, as an observer. The topical meeting included sessions on, *inter alia*, the current status of the initiatives for multinational radioactive waste disposal, the safety aspects of construction, operation and surveillance of disposal facilities, the roles and responsibilities in the context of multinational disposal, as well as a session addressing the liability and financial issues of such facilities.

A meeting to discuss feedback from contracting parties to improve the review process for the Joint Convention was held in October 2016 and its outcome will be discussed at the Third Extraordinary Meeting of the Contracting Parties to the Joint Convention (May 2017).

(iii) *Convention on Early Notification of a Nuclear Accident (Early Notification Convention) and Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Assistance Convention)*

The Eighth Meeting of the Representatives of the Competent Authorities identified under the Early Notification and the Assistance Conventions took place at the IAEA headquarters, from 6 to 10 June 2016. The objective of the meeting was to facilitate exchange

of information and experience in the area of emergency preparedness and response and cooperation among the Competent Authorities. It consisted of eight technical sessions relating to, *inter alia*, safety standards in EPR, information exchange and international assistance in an emergency, improvements in EPR after the Fukushima Daiichi accident and assessment and prognosis in an emergency. It also included a number of side events.

(iv) *The Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment*

The Amendment to the Convention on the Physical Protection of Nuclear Material, which was adopted on 8 July 2005, entered into force on 8 May 2016. Pursuant to article 20.2 of the CPPNM any amendment to the Convention “shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State party on the day on which that State party deposits its instrument of ratification, acceptance or approval of the amendment.” Following ratification by Uruguay and Nicaragua, on 8 April 2016, the conditions for the entry into force of the 2005 Amendment were met. At the end of 2016, 48 States parties to the CPPNM still had to ratify the Amendment, and the IAEA Secretariat continued to direct its efforts towards “universalization” of the Amendment.

The second meeting of the representatives of the States parties to the CPPNM and the CPPNM amendment was organized from 30 November to 2 December 2016 to discuss the new obligations under the CPPNM amendment, focusing on issues relating to information sharing. The participants shared their national experience in adhering to and implementing the CPPNM amendment. The need to promote universal adherence to the CPPNM and its amendment was highlighted during the meeting which was attended by 119 participants.

(v) *Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology*

The text of the Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology, 2017 (the 2017 RCA) was adopted at Ulaanbaatar on 18 May 2016.

Upon its entry into force, the 2017 RCA will replace the Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology, 1987 (the 1987 RCA), as extended in 1992, 1997, 2007, and 2012, and, pursuant to article XIII.2 thereof, “shall be of unlimited duration”.

Pursuant to article XIII. 1 thereof, the 2017 RCA “shall enter into force upon receipt by the Director General of the Agency of the second notification of acceptance in accordance with Article XII. In the event such notification is received by the Director General of the Agency prior to the expiration of the extended 1987 RCA, this Agreement shall enter into force on the date of expiration of the said Agreement. With respect to Governments accepting this Agreement thereafter, it shall enter into force on the date of receipt by the Director General of the Agency of the notification of such acceptance.”

(g) Civil liability for nuclear damage

The International Expert Group on Nuclear Liability (INLEX) continues to serve as the Agency's main forum for questions related to nuclear liability. At its 16th regular meeting, which took place in May 2016, the Group reiterated its recommendation that, although there was no need for a specific international liability regime covering radioactive sources, licenses for at least Categories 1 and 2 sources should include a requirement that the licensee take out insurance, or other financial security, to cover its potential third-party liability. The Group also discussed, *inter alia*, liability issues relating to long-term storage and disposal facilities, and identified in this context a number of issues that will need further discussion. In addition, the Group discussed the scope of application of the nuclear liability conventions deposited with the IAEA with respect to fusion installations and SMRs.

12. Organization for the Prohibition of Chemical Weapons⁵⁸⁵

(a) Membership

In 2016, the number of States parties to the Chemical Weapons Convention ("the Convention" or "CWC") remained unchanged, namely 192.

(b) Legal status, privileges and immunities and international agreements

During 2016, the Organization for the Prohibition of Chemical Weapons (OPCW) continued to negotiate privileges and immunities agreements with Member States in accordance with paragraph 50 of article VIII of the Convention. As a result, the privileges and immunities agreement with Hungary, concluded by the Executive Council in 2015, entered into force on 25 May 2016.

During 2016, the OPCW also concluded a number of international agreements, including, *inter alia*, facility agreements, voluntary contribution agreements, exchange of letters, agreements regarding the conduct of workshops, exercises, seminars and trainings, and memoranda of understanding, that entail substantial undertakings at the policy level or that are intended to facilitate the day-to-day work of the Technical Secretariat in support of the objectives of the Convention.

(c) Legislative assistance activities

Throughout 2016, the Technical Secretariat of the OPCW continued to render assistance upon request, to States parties that have yet to adopt legislative and other measures to implement their obligations under the Convention, as well as to States parties wishing to update their legal framework. The OPCW continued to provide tailor-made assistance on national implementation of the Convention, pursuant to: (a) subparagraph 38(e) of article VIII of the Convention; (b) the decision on national implementation measures of article VII obligations adopted by the Conference of the States Parties (the Conference) at its Fourteenth Session (C-14/DEC.12, dated 4 December 2009); and (c) paragraph 9.103(c)

⁵⁸⁵ For official documents and more information on the Organisation for the Prohibition of Chemical Weapons, see <https://www.opcw.org>.

of the Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (RC 3/3* , dated 19 April 2013).

In its implementation support efforts, the Technical Secretariat of the OPCW also acted in accordance with the Conference's decisions regarding the implementation of article VII obligations (C-8/DEC.16, dated 24 October 2003; C-10/DEC.16, dated 11 November 2005; C-11/DEC.4, dated 6 December 2006; C-12/DEC.9, dated 9 November 2007; C-13/DEC.7, dated 5 December 2008 and C-14/DEC.12, dated 4 December 2009). These decisions focused on, amongst other things, the obligations of States parties to designate or establish a National Authority to serve as national focal point for effective liaison with the OPCW and other States parties, as required by paragraph 4 of article VII of the Convention, and the steps necessary to enact national implementing legislation, including penal legislation and administrative measures to implement the Convention, as required by paragraph I of article VII of the Convention.

In the course of 2016, the number of National Authorities remained at 189, meaning only three States parties have not yet fulfilled the requirement under article VII(4) of the CWC to designate or establish a National Authority. Additionally, with regard to the adoption of the necessary legislative and/or administrative measures, 156 States parties (81 per cent) have submitted the text of their implementing legislation. Of these, as at 31 July 2016, 118 States parties (61 per cent) have informed the Secretariat of having adopted such legislative or administrative measures legislation covering all initial measures.

The Technical Secretariat continued to maintain formal and informal working contacts with States parties with which it had built a relationship through technical assistance programmes and consultations. A number of draft laws as well as existing legislation were reviewed by the Technical Secretariat upon request by States parties in the process of developing or updating their legal framework.

In addition to the bilateral assistance provided to States parties, the Technical Secretariat participated in and organised events to promote national legislative and/or administrative implementation of the Convention, such as global and regional annual meetings for National Authorities and legal workshops. Three sessions of the Internship Programme for Legal Drafters and National Authorities' Representatives were organized during the course of the year, in which 14 experts from 7 States parties participated and prepared the initial texts of their draft implementing legislation along with action plans for their adoption. In 2016, the Secretariat also piloted a number of new initiatives. The Stakeholders Forum, which is aimed at assisting States parties in achieving progress in the process of adoption of implementing legislation and facilitate the sharing of good practices and experiences, was organized in Dar-es-Salaam, Tanzania in November 2016 and was participated in by 11 States parties in Africa along with representatives of international and regional organizations. A sub-regional legal workshop was organized in Luanda, Angola in December 2016 which was aimed at providing tailor-made assistance to Portuguese-speaking States parties in developing the initial draft of their national implementing legislation. Finally, a side event entitled "Forum for States Parties on the Adoption of National Implementing Legislation" was organized during the 21st session of the Conference of the States parties in December 2016 and provided a platform for discussion of the importance and urgency of adopting CWC implementing legislation, the challenges being faced by States parties in this regard, and the forms of assistance that can be offered by the Technical Secretariat.

13. World Trade Organization⁵⁸⁶

(a) Membership

(i) General

Two new members formally joined the World Trade Organization (WTO) in 2016: Liberia (14 July 2016) and Afghanistan (29 July 2016). As of 31 December 2016, the WTO Membership counted 164 members.

Applications for WTO membership are examined in individual Accession Working Parties, which are established by the Ministerial Conference/General Council. The legal framework of WTO accessions is set out in article XII of the Marrakesh Agreement Establishing the World Trade Organization. As a result of bilateral and multilateral negotiations with WTO members, acceding States/separate customs territories undertake trade liberalizing commitments on market access; specific commitments on WTO rules; and agree to comply with the WTO Agreement.

(ii) On-going accessions in 2016

In 2016, the following States/separate customs territories were in the process of acceding to the WTO (in alphabetical order):

- | | |
|------------------------------|----------------------------|
| 1. Algeria | 12. Lebanese Republic |
| 2. Andorra | 13. Libya |
| 3. Azerbaijan | 14. Sao Tomé and Príncipe* |
| 4. Belarus | 15. Serbia |
| 5. Bhutan* | 16. Somalia* |
| 6. Bosnia and Herzegovina | 17. Sudan* |
| 7. Comoros, Union of the* | 18. Syrian Arab Republic |
| 8. Equatorial Guinea* | 19. The Bahamas |
| 9. Ethiopia* | 20. Timor-Leste* |
| 10. Islamic Republic of Iran | 21. Uzbekistan |
| 11. Iraq | |

* Least developed countries (LDCs) (8)

In the year under review, progress in various accession processes was registered as follows:

- Two new Working Parties, on the accessions of Somalia and Timor-Leste, were established by the WTO General Council on 7 December 2016;

⁵⁸⁶ For official documents and more information on the World Trade Organization, see <https://www.wto.org>.

- Draft Reports, or Elements thereof, were prepared, revised and circulated by the Secretariat for three Working Parties: Belarus (first edition), Bosnia and Herzegovina (one revision) and, Azerbaijan (one revision).

(b) Dispute settlement

The General Council convenes as the Dispute Settlement Body (DSB) to deal with disputes arising under the Marrakesh Agreement Establishing the World Trade Organization; the multilateral trade agreements covering trade in goods, trade in services, and trade-related aspects of intellectual property rights; and, under a specific decision, the plurilateral trade agreement on government procurement. The DSB has the sole authority to establish dispute settlement panels, adopt panel and Appellate Body reports, maintain surveillance over the implementation of recommendations and rulings contained in such reports, and authorize suspension of concessions in the event of non-compliance with those recommendations and rulings.⁵⁸⁷

(i) Requests for consultations received and panels established

During 2016, the DSB received 17 requests for consultations (the first formal step in dispute settlement proceedings) pursuant to article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU). The DSB established eight new panels to adjudicate eight new cases. The DSB established panels in the following disputes:

- Ukraine—Anti-Dumping Measures on Ammonium Nitrate from Russia (DS493), complaint by Russia;
- European Union—Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia—(Second complaint) (DS494), complaint by Russia;
- Russia—Measures affecting the importation of railway equipment and parts thereof (DS499), complaint by Ukraine;
- Colombia—Measures Concerning Imported Spirits (DS502), complaint by the European Union;
- Korea—Anti-Dumping Duties on Pneumatic Valves from Japan (DS504), complaint by Japan;
- United States—Countervailing Measures on Supercalendered Paper from Canada (DS505), complaint by Canada;
- China—Export Duties on Certain Raw Materials (DS508), complaint by the United States.
- China—Duties and other Measures concerning the Exportation of Certain Raw Materials (DS509), complaint by the European Union.

⁵⁸⁷ Further information on WTO dispute settlement in 2014 can be found in the WTO Annual Report 2015.

(ii) *Appellate Body and Panel reports adopted by the DSB*

In 2016, the DSB adopted the following six panel reports covering six disputes and five Appellate Body reports covering five disputes:

- Argentina—Measures Relating to Trade in Goods and Services (DS453) (Panel and Appellate Body reports);
- India—Certain Measures Relating to Solar Cells and Solar Modules (DS456) (Panel and Appellate Body reports);
- Colombia—Measures Relating to the Importation of Textiles, Apparel and Footwear (DS461) (Panel and Appellate Body reports);
- United States—Anti-dumping and Countervailing Measures on large residential washers from Korea (DS464) (Panel and Appellate Body reports);
- European Union—Anti-Dumping Measures on Biodiesel from Argentina (DS473) (Panel and Appellate Body reports);
- Russia—Tariff Treatment of Certain Agricultural and Manufacturing Products (DS485) (Panel report).

(c) **Acceptances of the protocols**(i) *Acceptance of the Protocol Amending the TRIPS Agreement*

The amended TRIPS Agreement incorporating a flexibility on patents and public health shall take effect upon acceptance by two thirds of the Members for those Members that have accepted the Protocol Amending the TRIPS Agreement; thereafter, the Protocol shall take effect for each other Member upon acceptance by that Member. During 2016, Belize, Benin, Dominica, Lesotho, Mali, Nepal, Papua New Guinea, Peru, Qatar, Saint Lucia, Samoa, Seychelles, South Africa, Tajikistan, Tanzania, Thailand, and Ukraine accepted the Protocol.

(ii) *Acceptance of the Protocol Amending the Government Procurement Agreement*

The Protocol Amending the Government Procurement Agreement, which streamlines and modernizes the 1994 WTO Agreement on Government Procurement, entered into force on 6 April 2014. During 2016 the Republic of Moldova and Ukraine deposited instruments of acceptance of the Protocol amended agreement, which then entered into force for these Members on the 30th day following the deposit of the relevant instrument. In addition, the Protocol entered into force for the Republic of Korea in January 2016, following the deposit of its instrument of acceptance in December 2015.

(iii) *Acceptance of the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization*

On 27 November 2014, WTO Members adopted a Protocol of Amendment to insert the Trade Facilitation Agreement into the WTO Agreement Establishing the World Trade

Organization and opened it for acceptance by Members. The Protocol shall take effect upon acceptance by two thirds of the Members for those Members that have accepted the Protocol; thereafter, the Protocol shall take effect for each other Member upon acceptance by that Member. During 2016, 40 instruments of acceptance were deposited for this Protocol, bringing the total number of acceptance to 75.

14. International Criminal Court⁵⁸⁸

(a) Situations under preliminary examinations

Before the International Criminal Court (ICC) Office of the Prosecutor (“OTP”) opens an investigation into a certain situation, a preliminary examination is carried out in order to determine whether a situation meets the legal criteria established by the Rome Statute of the International Criminal Court (Rome Statute) and there is a reasonable basis to proceed with an investigation.⁵⁸⁹ Pre-Trial Chamber II has interpreted “reasonable basis” as a “sensible or reasonable justification for a belief that a crime falling within the jurisdiction of the Court has been or is being committed”.⁵⁹⁰

(i) *New situations*

a. The situation in Burundi

The Court has received a number of communications and reports documenting various alleged crimes in Burundi. The OTP issued two statements⁵⁹¹ expressing concern for the escalation of violence in Burundi which could lead to the commission of core crimes falling under the jurisdiction of the ICC.⁵⁹² On 25 April 2016, after reviewing all the communications sent by different actors, the OTP opened a preliminary examination regarding the situation in Burundi since April 2015.⁵⁹³ On 27 October 2016, Burundi submitted an official notification of withdrawal from the Rome Statute to the United Nations Secretary-General.⁵⁹⁴ Burundi’s withdrawal will not affect the jurisdiction of the Court to conduct criminal investigations and proceedings commenced prior to the date on which

⁵⁸⁸ For official documents and more information on the International Criminal Court, see <https://www.icc-cpi.int>.

⁵⁸⁹ United Nations, *Treaty Series*, vol. 2187, p. 3.

⁵⁹⁰ Pre-Trial Chamber II, “Decision Pursuant to article 15 of the Rome Statute on the Authorization of an Investigation into the situation in the Republic of Kenya”, dated 31 March 2010 and registered 1 April 2010, ICC-01/09-19-Corr, para. 35.

⁵⁹¹ OTP, Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, regarding the pre-election violence in Burundi, available at: <https://www.icc-cpi.int/Pages/item.aspx?name=OTP-STAT-150508>, 8 May 2015. See also Statement of the Prosecutor of the ICC, Fatou Bensouda, regarding the worsening security situation in Burundi, available at: <https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-06-11-2015>, 6 November 2015.

⁵⁹² See article 5 of the Rome Statute.

⁵⁹³ OTP, Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the opening of a preliminary examination of the situation in Burundi, available at: <https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-25-04-2016>, 25 April 2015.

⁵⁹⁴ United Nations, C.N.805.2016.TREATIES-XVIII.10, 28 October 2016, available at: <https://treaties.un.org/doc/Publication/CN/2016/CN.805.2016-Eng.pdf>.

the withdrawal becomes effective on 27 October 2017. During the reporting period, the OTP continued to examine the information and verify the seriousness of documents received with regards to the alleged crimes committed.

b. The situation in Gabon

Pursuant to article 14 of the Rome Statute, the Gabonese government submitted a referral to the ICC on 20 September 2016 to investigate alleged crimes committed on its territory since May 2016.⁵⁹⁵ On 29 September 2016, the Prosecutor announced the opening of a preliminary examination into the situation in Gabon and informed the public of the referral.⁵⁹⁶ Crimes were allegedly committed in the context and aftermath of the presidential elections held on 27 August 2016. The tensions arose after the national electoral commission announced Ali Bongo Ondimba's victory of the elections, narrowly defeating the main opposition candidate Jean Ping.

(ii) Ongoing situations

a. The situation in Afghanistan

On 10 February 2003, Afghanistan deposited its accession instrument accepting the Court's jurisdiction over crimes defined in the Rome Statute that may be committed in its territory or by its nationals. The OTP opened a preliminary examination of the situation in Afghanistan in 2007. After nine years approximately, the OTP announced it was about to conclude its assessment of factors pursuant to article 53, paragraph 1 (a)–(c), of the Rome Statute and to decide whether to request an authorisation from the Pre-Trial Chamber to commence an investigation into the situation in Afghanistan.

b. The situation in Colombia

Since 2004, a preliminary examination has been ongoing into the situation in Colombia. The allegations varied between crimes against humanity and war crimes that may have been committed in the context of a non-international armed conflict between and among government forces, armed rebel groups and armed paramilitary groups. The OTP continued to observe the situation and to examine any development or change to the text of the Peace Agreement signed on 26 September 2016 after intense negotiations.⁵⁹⁷

(iii) Other situations

During the reporting period, the OTP continued to conduct preliminary examinations in the following situations:

⁵⁹⁵ Referral of the Gabonese Government to the ICC, 20 September 2016, available at: <https://www.icc-cpi.int/iccdocs/otp/Referral-Gabon.pdf>.

⁵⁹⁶ OTP, Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the referral from the Gabonese Republic, 29 September 2016 available at: <https://www.icc-cpi.int/Pages/item.aspx?name=160929-otp-stat-gabon>.

⁵⁹⁷ OTP, Statement of the ICC Prosecutor, Fatou Bensouda, on the conclusion of the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia—People's Army, 1 September 2016, <https://www.icc-cpi.int/Pages/item.aspx?name=160901-otp-stat-colombia>.

a. The situation in Guinea

The OTP continued to assess the investigation of the situation in Guinea and encouraged the Guinean national authorities to hold their commitment to bring justice to victims of the events of 28 September 2009 before the end of 2017. Also, the OTP engaged with different national and international actors and partners to facilitate the organization of the trial phase.

b. The situation in Iraq/United Kingdom

The United Kingdom (UK) has been a State party to the Rome Statute since 4 October 2001, so the ICC has jurisdiction over crimes defined in the Rome Statute committed either on its territory or by its nationals. In May 2014, the OTP re-opened the previously closed preliminary examination in light of further information on the crimes allegedly committed by UK nationals in Iraq between 2003 and 2008. The OTP is currently concluding the assessment of the findings by examining the seriousness of the information submitted and by deciding whether there is a reasonable basis upon which to proceed with an investigation.

c. The situation in Nigeria

Nigeria deposited its instrument of ratification of the Rome Statute on 27 September 2001. The OTP identified eight potential cases involving the commission of crimes against humanity and war crimes under articles 7 and 8 of the Rome Statute. The OTP continues to examine and receive information concerning crimes that may have been committed in order to reach a final decision on whether to proceed with the investigation or not. In that context, the OTP also continues its consultations with national authorities and intergovernmental and non-governmental organisations to assist in ending impunity *via* prosecuting the perpetrators of the crimes and bringing justice to the victims of the crimes through appropriate remedial measures.

d. The situation in Palestine

The government of Palestine submitted a declaration under article 12, paragraph 3, of the Rome Statute accepting the jurisdiction of the ICC over alleged crimes committed in the occupied territories of Palestine, including East Jerusalem, since 13 June 2014. Palestine acceded to the Rome Statute through submission of its instrument of accession to the United Nations Secretary-General on 2 January 2015. The OTP's preliminary examination is in the subject matter jurisdiction phase. In March 2016, the OTP conducted a working level mission to Amman in order to discuss some preliminary examination matters with the representatives of Palestinian government and some Palestinian NGOs. The OTP has confirmed the ongoing status of the preliminary examination into the situation in Palestine in the context of the OTP's visit to the Israeli and Palestinian territories on 5 October 2016.⁵⁹⁸

⁵⁹⁸ OTP, Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, ahead of the Office's visit to Israel and Palestine, 5 October 2016, <https://www.icc-cpi.int/Pages/item.aspx?name=I61005-OTP-stat-Palestine>.

e. The situation in Ukraine

The Ukrainian government has accepted jurisdiction of the Court over Rome Statute crimes allegedly committed on its territory or by its nationals from 21 November 2013 onwards. During the reporting period, the OTP continued its assessment of the information submitted and its examination of factual and legal matters in collaboration with national authorities, civil society and other stakeholders in the situation in Ukraine. Because of the open-ended declaration made by the Ukrainian government, the OTP continued to consider any new allegations of crimes falling under the jurisdiction of the ICC. In addition, the OTP gathered information about the national proceedings at this stage of the preliminary examination.

f. The situation of Registered Vessels of Comoros, Greece, and Cambodia

Following the preliminary examination, the OTP decided in 2013 not to proceed with the investigation due to the insufficient gravity of crimes. As a response to an application filed by representatives of Comoros, Pre-Trial Chamber I requested the OTP to review its decision pursuant to article 53, paragraph 3, of the Rome Statute. The OTP appealed the Chamber's request, but the Appeals Chamber dismissed the Prosecutor's appeal on 6 November 2015. Consequently, the OTP is required to review its decision as soon as possible pursuant to rule 108, paragraph 2, of the Rules of Procedure and Evidence of the ICC. This reconsideration was still ongoing at the end of the reporting period.

(b) Situations and Cases before the Court

(i) The situation in Georgia

Georgia ratified the Rome Statute on 5 September 2003. In the context of an international armed conflict (Georgia, South Ossetia and Russia) between 1 July and 10 October 2008, the OTP announced on 14 August 2008 that a preliminary examination of the situation in Georgia would be conducted. On 27 January 2016, the Pre-Trial Chamber granted the OTP's request for authorisation to open an investigation into the situation in Georgia.

(ii) The situation in Central African Republic II

The Central African Republic referred the second situation in its territory to the ICC on 1 August 2012 pursuant to article 14 of the Rome Statute. The investigation was opened on 24 September 2014 and the OTP's investigations are currently ongoing.

(iii) The situation in Mali

The Government of Mali has referred the situation which has been ongoing on its territory since January 2012 onwards to the ICC. On 6 January 2013, the OTP opened an investigation into the situation, and, on 18 September 2015, Pre-Trial Chamber I issued an arrest warrant for Mr. Ahmed Al Faqi Al Mahdi. After a brief confirmation stage, the trial phase commenced on 22 August 2016 and finished on 27 September 2016 by a verdict rendered by Trial Chamber VIII in which Mr. Ahmed Al Faqi Al Mahdi was found guilty after his plea

to that effect. He has been convicted as a co-perpetrator of the war crime of intentionally directing attacks against historical monuments and buildings dedicated to religion including nine mausoleums and mosques in Timbuktu and sentenced to nine years' imprisonment. The case was in the reparation/compensation stage at the end of the reporting period.

(iv) *The situation in Côte d'Ivoire*

The ICC may exercise jurisdiction over crimes defined in the Rome Statute committed on Côte d'Ivoire's territory or by its nationals since 19 September 2002 onwards. The OTP has identified three cases in the situation so far. The Gbagbo case and the Blé Goudé case were joined on 11 March 2015. Therefore, the situation currently includes two cases:

- *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, ICC-02/11-01/15 (trial phase);
- *The Prosecutor v. Simone Gbagbo*, ICC-02/11-01/12 (execution of the warrant of arrest pending).

(v) *The situation in Libya*

The United Nations Security Council unanimously referred the situation in Libya, which has been ongoing since 15 February 2011 to the ICC, in resolution 1970 (2011). A warrant of arrest for Mr. Saif Al-Islam Gaddafi was issued on 27 June 2011. He is presently not in the Court's custody. Arrest warrants were also issued against Mr. Muammar Gaddafi (whose case was terminated on 22 November 2011, following his death), and Mr. Abdullah Al-Senussi (The Appeals Chamber confirmed this case to be inadmissible on 24 July 2014). Therefore, the situation currently includes one case:

- *The Prosecutor v. Saif Al-Islam Gaddafi*, ICC-02/04-01/15 (execution of arrest warrant pending).

(vi) *The situation in the Republic of Kenya*

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request for authorisation to open an investigation *proprio motu* in the situation in Kenya in relation to crimes within the jurisdiction of the Court committed between 1 June 2005 and 26 November 2009. Other cases that fall under the situation in Kenya:

- *The Prosecutor v. Walter Osapiri Barasa*, ICC-01/09-01/13 (execution of arrest warrant pending);
- *The Prosecutor v. Paul Gicheru and Philip Kipkoech Bett*, ICC-01/09-01/15 (execution of arrest warrant pending).

(vii) *The situation in Darfur, Sudan*

This situation was referred to the ICC by the United Nations Security Council by resolution 1593 on 31 March 2005. Consequently, the ICC has jurisdiction over crimes listed in the Rome Statute committed on the territory of Darfur, Sudan or by its nationals from 1 July 2002 onwards. The situation includes the following cases:

- *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman*, ICC-02/05-01/07 (execution of arrest warrant pending);
- *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09 (execution of arrest warrants pending);⁵⁹⁹
- *The Prosecutor v. Abdallah Banda Abakaer Nourain*, ICC-02/05-03/09 (execution of arrest warrant pending);
- *The Prosecutor v. Abdel Raheem Muhammad Hussein*, ICC-02/05-01/12 (execution of arrest warrant pending).

(viii) *The situation in the Central African Republic*

The Central African Republic ratified the Rome Statute on 3 October 2001 and referred the first situation in its territory to the ICC in December 2004. The situation includes the following cases:

- *The Prosecutor v. Jean-Pierre Bemba Gombo*, Case No. ICC-01/05-01/08;
- *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, Case No. ICC-01/05-01/13.

(ix) *The situation in Uganda*

In June 2002, Uganda ratified the Rome Statute and in January 2004, it referred the situation which has been ongoing in its territory since 1 July 2002, to the ICC. The ICC, therefore, may exercise its jurisdiction over crimes listed in the Rome Statute committed on the territory of Uganda or by its nationals from 1 July 2002 onwards. The situation includes the following cases:

- *The Prosecutor v. Dominic Ongwen*, ICC-02/04-01/15;
- *The Prosecutor v. Joseph Kony and Vincent Otti*, ICC-02/04-01/05 (execution of arrest warrant pending).

(x) *The situation in the Democratic Republic of the Congo*

In April 2002, the Democratic Republic of the Congo (“DRC”) ratified the Rome Statute, and in April 2004 it referred the situation which has been ongoing on its territory since 1 July 2002 to the ICC. The ICC, therefore, may exercise its jurisdiction over crimes listed in the Rome Statute committed on the territory of the DRC or by its nationals from 1 July 2002 onwards. In 2016, the situation included the following cases:

- *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06 (reparation/compensation phase);
- *The Prosecutor v. Bosco Ntaganda*, ICC-01/04-02/06 (trial phase);
- *The Prosecutor v. Germain Katanga*, ICC-01/04-01/07 (reparation/compensation phase);

⁵⁹⁹ The first arrest warrant was issued on 4 March 2009 on counts of war crimes and crimes against humanity; the second arrest warrant was issued on 12 July 2010 on counts of genocide.

- *The Prosecutor v. Sylvestre Mudacumura*, ICC-01/04-01/12 (execution of arrest warrant pending).

(c) Victims' participation in the proceedings: recent developments

One of the fundamental mandates of the ICC is the participation of victims in the judicial proceedings as well as their possibility to receive reparations in case of a conviction of an accused.

The Victims Participation and Reparations Section (VPRS) in the Registry acts as the main liaison body between victims and the ICC; a small team of lawyers and data processing specialists act as the entry point for victims' applications and liaison with the Chamber.

In 2016 alone, it received a total of 4845 applications for participation in the proceedings and/or for reparations. The largest number of applications for participation in the proceedings and for reparations received related to ongoing investigations in the situation in the Republic of Côte d'Ivoire (2268 application forms) and to the trial phase of the case against Mr. Dominic Ongwen in the situation in Uganda (2102 application forms). In lesser quantities, applications were received in the situations in Mali (142) and Georgia (94). Two hundred thirty-nine applications were received in relation to the reparations proceedings in the case against Mr. Thomas Lubanga Dyilo, also in the DRC.

In 2016, a total of 2091 new victims were authorised to participate in the trial phases of two ongoing cases. In addition, the VPRS continued to collect application forms from victims regarding both participation in the proceedings and reparations in a number of cases. The VPRS also provided observations to Chambers in ongoing reparations proceedings. It compiled and organised data relevant to reparations from thousands of applications received. The VPRS also identified experts to assist Chambers in the reparation process in different cases.

The VPRS, despite being part of the ICC Headquarters in The Hague, also actively supported victims' participation and reparations related activities in a number of situations before the ICC. Relevant activities include liaising with a range of internal and external actors aimed at building support networks for the VPRS mandate, identifying pools of relevant experts in the field, supporting victims' legal representatives and providing relevant observations to the Chambers related to judicial developments. The VPRS's field activities in reaching out to affected victims' communities focused on providing accurate information on victim participation and reparations before the ICC, conducting consultations with victims and key civil society actors, as well as preparing and, as appropriate, delivering key messages in the field in response to judicial developments.

In relation to potential new investigation proceedings, the VPRS continued the mapping of victims' communities in relevant situations. It also engaged in further developing networks of reliable local partners and contact points for potential future victim participation and/or reparations proceedings before the ICC.

Finally, a lessons-learned exercise was started in order to feed into the best practices catalogue to increase the efficiency of future processes regarding victim participation and reparations.

**(d) Developments concerning the relationship between
the ICC and the United Nations**

In 2016, the Assembly of States Parties (ASP) to the Rome Statute issued the following resolutions regarding the Court's relationship with the United Nations:

In resolution ICC-ASP/15/Res.3⁶⁰⁰ (on cooperation), the ASP:

Emphasized the importance of timely and effective cooperation and assistance from States Parties and other States under an obligation or encouraged to cooperate fully with the Court pursuant to Part 9 of the Rome Statute or a United Nations Security Council resolution, as the failure to provide such cooperation in the context of judicial proceedings affects the efficiency of the Court and stressed that the non-execution of cooperation requests has a negative impact on the ability of the Court to execute its mandate, in particular when it concerns the arrest and surrender of individuals subject to arrest warrants (para. 1); and

Urged States Parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council refers situations to the Court, ensuring diplomatic and financial support; cooperation by all United Nations Member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions (para. 23).

In resolution ICC-ASP/15/Res.5⁶⁰¹ (Strengthening the ICC and the Assembly of States Parties), the ASP:

Recognized the need for enhancing the institutional dialogue with the United Nations, including on Security Council referrals (para. 26);

Also recognized that ratification or accession to the Rome Statute by members of the United Nations Security Council enhances joint efforts to combat impunity for the most serious crimes of concern to the international community as a whole (para. 27);

Further recognized the Security Council's call regarding the importance of State cooperation with the Court and encouraged further strengthening of the Security Council's relationship with the Court (para. 28);

Recalled the report of the Court on the status of ongoing cooperation with the United Nations, including in the field (para. 29);

Encouraged all United Nations Offices, funds and programmes to strengthen their cooperation with the Court, and to collaborate effectively with the Office of Legal Affairs as Focal Point for cooperation between the United Nations system and the Court (para. 30);

⁶⁰⁰ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifteenth session, The Hague, 14–24 November 2016* (ICC-ASP/15/3), vol. I, part III, ICC-ASP/15/Res.3.

⁶⁰¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifteenth session, The Hague, 14–24 November 2016* (ICC-ASP/15/5), vol. I, part III, ICC-ASP/15/Res.5.

Welcomed the presentation of the annual report of the Court to the General Assembly of the United Nations and in particular its focus on the relationship between the Court and the United Nations and also welcomed the adoption of resolution A/RES/70/264 (para. 33);

Noted with concern that, to date, expenses incurred by the Court due to referrals by the Security Council continue to be borne exclusively by States Parties, and also noted that the approved budget allocated so far within the Court in relation to the referrals made by the Security Council amount to approximately €55 million (para. 34);

Stressed that, if the United Nations is unable to provide funds for the Court to cover the expenses incurred due to referrals by the Security Council, this will, among other factors, continue to exacerbate resource pressure on the Court (para. 35);

Encouraged the Court to further engage with the relevant Sanctions Committees of the United Nations Security Council with a view to improving their cooperation and achieving better coordination on matters pertaining to areas of mutual concern (para. 37); and

Noted that all cooperation received by the Court from the United Nations is provided strictly on a reimbursable basis (para. 38).