

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

2006

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

CONTENTS

	<i>Page</i>
5. United Nations Industrial Development Organization	74
(a) Cooperation Arrangement between the United Nations Industrial Development Organization and the Federal Agency for Management of Special Economic Zones, Ministry of Economic Development and Trade, Russian Federation, concluded on 1 February 2006	74
(b) Agreement between the United Nations Industrial Development Organization and the Kingdom of Belgium on the Establishment in Belgium of a Liaison Office of this Organization, concluded on 20 February 2006	75
(c) Agreement between the United Nations Industrial Development Organization and the Government of the Republic of South Africa on Establishing a Sub-Regional Office in South Africa, concluded on 19 April 2006	75
(d) Agreement between the United Nations Industrial Development Organization and the Government of the Arab Republic of Egypt regarding Arrangements for Convening the Seventeenth Meeting of the Conference of African Ministers of Industry, 19–21 June 2006, Cairo, Egypt, concluded on 10 May 2006	76
6. Organization for the Prohibition of Chemical Weapons Memorandum of Understanding (MoU) on Cooperation between the Commission of the African Union and the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons. Khartoum, 24 January 2006	78

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 and appointments of the United Nations	
(a) Membership	85
(b) Appointments	85
2. Peace and security	
(a) Peacekeeping missions and operations	85
(b) Political and peacebuilding missions	92
(c) Other peacekeeping matters	97
(d) Action of Member States authorized by the Council	99
(e) Sanctions imposed under Chapter VII of the Charter of the United Nations	101
(f) Terrorism	107
(g) Human rights and humanitarian law in the context of peace and security	110

	<i>Page</i>
3. Disarmament and related matters	
(a) Disarmament machinery	113
(b) Nuclear disarmament and non-proliferation issues	115
(c) Biological and chemical weapons issues	118
(d) Conventional weapons issues	119
(e) Regional disarmament activities of the United Nations	121
(f) Other issues	123
4. Legal aspects of peaceful uses of outer space	
(a) The Legal Subcommittee on the Peaceful Uses of Outer Space . . .	125
(b) General Assembly	127
5. Human Rights	
(a) Sessions of the United Nations human rights bodies and treaty bodies	128
(b) Racism, racial discrimination, xenophobia and related intolerance	133
(c) Right to development	134
(d) Right to self-determination	136
(e) Economic, social and cultural rights	137
(f) Civil and political rights	140
(g) Integration of human rights of women and the gender perspective	144
(h) Rights of the child	146
(i) Persons with disabilities	148
(j) Migrants	148
(k) Minorities	149
(l) Indigenous people	149
(m) Terrorism and human rights	150
(n) Promotion and protection of human rights	151
(o) Miscellaneous	153
6. Women	
(a) Commission on the Status of Women	155
(b) Economic and Social Council	157
(c) General Assembly	157
7. Humanitarian matters	
(a) Economic and Social Council	158
(b) General Assembly	158
8. Environment	
General Assembly	160
9. Law of the sea	
(a) Reports of the Secretary-General	161
(b) Consideration by the General Assembly	165
10. Economic, social, cultural and related questions	
Culture	165

CONTENTS

	<i>Page</i>
11. Crime prevention and criminal justice	
(a) International instruments	166
(b) Commission on Crime Prevention and Criminal Justice	166
(c) Economic and Social Council	167
(d) General Assembly	168
12. International drug control	
(a) Commission on Narcotic Drugs	169
(b) Economic and Social Council	170
(c) General Assembly	171
13. Refugees and displaced persons	
(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees	172
(b) Commission on Human Rights / Human Rights Council	173
(c) General Assembly	174
14. International Court of Justice	
(a) Organization of the Court	175
(b) Jurisdiction of the Court	176
(c) General Assembly	176
15. International Law Commission	
(a) Membership of the Commission	176
(b) Fifty-eighth session of the Commission	177
(c) Sixth Committee	179
(d) General Assembly	180
16. United Nations Commission on International Trade Law	
(a) United Nations Commission on International Trade Law	181
(b) Sixth Committee	183
(c) General Assembly	184
17. Legal questions dealt with by the Sixth Committee and other related subsidiary bodies of the General Assembly	184
(a) Comprehensive review of the whole question of peacekeeping op- erations in all their aspects	185
(b) Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts	186
(c) Consideration of effective measures to enhance the protection, se- curity and safety of diplomatic and consular missions and repre- sentatives	188
(d) Report of the Special Committee on the Charter of the United Na- tions and on the Strengthening of the Role of the Organization	189
(e) The rule of law at the national and international levels	192
(f) Measures to eliminate international terrorism	193
(g) Administration of justice at the United Nations	196

	<i>Page</i>
(h) Report of the Committee on Relations with the Host Country . . .	196
(i) Observer status in the General Assembly	199
18. Ad hoc international criminal tribunals	
(a) Organization of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)	199
(b) General Assembly	200
(c) Security Council	201
19. Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around Jerusalem — Establishment of a registrar of damage	201
B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. Universal Postal Union	202
2. International Labour Organization	
(a) Resolutions adopted by the International Labour Conference (Maritime) during its 94th session	202
(b) Recommendations and resolutions adopted by the International Labour Conference during its 95th session	203
3. International Civil Aviation Organization	
(a) Membership	204
(b) Conventions and agreements	204
(c) Major legal developments	204
4. Food and Agricultural Organization of the United Nations	
(a) Constitutional and general legal matters	206
(b) Legislative matters	206
5. United Nations Educational, Scientific and Cultural Organization	
(a) International regulations	210
(b) Human rights	211
(c) Copyright activities	211
6. International Maritime Organization	
(a) Membership	212
(b) Review of legal activities of IMO	212
(c) Amendments to treaties	219
7. World Health Organization	
(a) Constitutional Developments	227
(b) Other normative developments and activities	227
8. International Atomic Energy Agency	
(a) Membership	229
(b) Privileges and immunities	229

CONTENTS

	<i>Page</i>
(c) Legal Instruments	230
(d) IAEA legislative assistance activities	232
(e) Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, 1997	233
(f) Code of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources	234
(g) Code of Conduct on the Safety of Research Reactors	234
(h) Safeguards Agreements	235
9. United Nations Industrial Development Organization	
(a) Membership	236
(b) Agreements and other arrangements	236
10. World Intellectual Property Organization	
(a) Introduction	242
(b) Cooperation for development activities	242
(c) Norm-setting activities	243
(d) International registration activities	244
(e) Intellectual property and global issues	246
11. Organization for the Prohibition of Chemical Weapons	
(a) Membership	247
(b) Destruction of chemical weapons	248
(c) Legal status, privileges and immunities and international agreements	248
(d) Review of the Chemical Weapons Convention	249
(e) OPCW legislative assistance activities	249
12. World Trade Organization	
(a) Membership	250
(b) Dispute settlement	252
(c) Waivers under article IX of the WTO Agreement	252
13. Preparatory Commission for the Comprehensive Nuclear Test-Ban-Treaty	256
 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	
1. International Tropical Timber Agreement	257
2. Convention on the Rights of Persons with Disabilities	282
3. Optional Protocol to the Convention on the rights of persons with disabilities	305
4. International Convention for the Protection of All Persons from Enforced disappearance	309

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 and appointments of the United Nations

(a) Membership

In 2006, the Republic of Montenegro joined the United Nations as a Member State. As of 31 December 2006, the number of Member States was 192.

(b) Appointments

On 9 October 2006, the Security Council, having considered the question of the recommendation for the appointment of the Secretary-General of the United Nations, adopted resolution 1715 (2006) and recommended to the General Assembly that Mr. Ban Ki-moon be appointed Secretary-General of the United Nations for a term of office from 1 January 2007 to 31 December 2011. On 13 October 2006, the General Assembly, having considered the Security Council's recommendation, adopted resolution 61/3 and appointed Mr. BAN Ki-moon for the proposed term.

2. Peace and security

(a) Peacekeeping missions and operations

(i) *Peacekeeping missions and operations established in 2006*

a. Timor-Leste

On 25 August 2006, the Security Council adopted resolution 1704 (2006) and decided to establish the United Nations Integrated Mission in Timor-Leste (UNMIT) for an initial period of six months.

The Council decided that UNMIT would be headed by a Special Representative of the Secretary-General and that its mandate should include, *inter alia*, to support the Government of Timor-Leste and relevant institutions in bringing about a process of national reconciliation, and to support Timor-Leste in all aspects of the 2007 presidential and parliamentary electoral process, including through technical and logistical support, electoral

policy advice and verification. The mandate of UNMIT also included to ensure, through the presence of United Nations police, the restoration and maintenance of public security in Timor-Leste through the provision of support to the Timorese national police, as well as to support the Government of Timor-Leste to liaise on security tasks and to establish a continuous presence in three border districts and to conduct a comprehensive review of the future role and needs of the security sector. Furthermore, among the tasks assigned to UNMIT were the provision of assistance in building the capacity of State and Government institutions, including mechanisms for the monitoring, promotion and protection of human rights; the facilitation of the provision of relief and recovery assistance and access to Timorese people in need; and cooperation and coordination with United Nations agencies and partners in supporting the Government and relevant institutions in designing poverty reduction and economic growth policies and strategies. UNMIT was also assigned to assist the Office of the Prosecutor-General of Timor-Leste, through the provision of a team of experienced investigative personnel, to resume investigative functions of the former Serious Crimes Unit, with a view to completing investigations into outstanding cases of serious human rights violations committed in the country in 1999.

The Security Council further requested the Secretary-General and the Government of Timor-Leste to conclude a status-of-forces agreement within 30 days of the adoption of resolution 1704 (2006), taking into consideration General Assembly resolution 60/123 on the safety and security of humanitarian personnel and protection of United Nations personnel. The Security Council also decided that pending its conclusion, the agreement between Timor-Leste and the United Nations concerning the status of the United Nations Mission of Support in East Timor (UNMISSET), dated 20 May 2002,¹ should apply provisionally, *mutatis mutandis*, in respect of UNMIT.

(ii) *Changes in the mandate and/or extensions of time limits of ongoing peacekeeping missions or operations in 2006*

a. Cyprus

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established by Security Council resolution 186 (1964) of 4 March 1964. The Council, by resolution 1687 (2006) of 15 June 2006 and resolution 1728 (2006) of 15 December 2006, extended the mandate of UNFICYP until 15 December 2006 and 15 June 2007, respectively.

b. Syria and Israel

The United Nations Disengagement Observer Force (UNDOF) was established by Security Council resolution 350 (1974) of 31 May 1974. The Security Council, by resolution 1685 (2006) of 13 June 2006 and resolution 1729 (2006) of 15 December 2006, renewed the mandate of UNDOF until 31 December 2006 and 30 June 2007, respectively.

¹ United Nations, *Treaty Series*, vol. 2185, p. 367.

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. By resolutions 1655 (2006) of 31 January 2006, 1697 (2006) of 31 July 2006 and 1701 (2006) of 11 August 2006, the Security Council extended the mandate of UNIFIL until 31 July 2006, 31 August 2006 and 31 August 2007, respectively.

In resolution 1701 (2006),² the Security Council authorized an increase of UNIFIL troops and decided that the mandate should also include monitoring of the cessation of hostilities; accompaniment and support of the Lebanese armed forces and coordination of related activities; extension of its assistance to help ensure humanitarian access to civilian populations and voluntary and safe return of displaced persons; as well as the assistance to Lebanese armed forces to, *inter alia*, implement a permanent ceasefire and to the Government of Lebanon to secure its borders.

In the same resolution, the Council authorized UNIFIL to take all necessary action in areas of deployment of its forces to ensure that its area of operations was not utilized for hostile activities of any kind; to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council; to protect United Nations personnel, facilities, installations and equipment; to ensure the security and freedom of movement of United Nations personnel and humanitarian workers; and to protect civilians under imminent threat of physical violence.

Furthermore, the Security Council requested that the Secretary-General develop and present within thirty days, in liaison with relevant international actors and the concerned parties, proposals to implement the relevant provisions of the Taif Accords and resolutions 1559 (2004) and 1680 (2006), including disarmament, and for delineation of the international borders of Lebanon, especially in those areas where the border was disputed or uncertain, including by dealing with the Shebaa farms area.

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. The Security Council, by resolutions 1675 (2006) of 28 April 2006 and 1720 (2006) of 31 October 2006, extended the mandate of MINURSO until 31 October 2006 and 30 April 2007, respectively.

e. Georgia

The United Nations Observer Mission in Georgia (UNOMIG) was established by Security Council resolution 858 (1993) of 24 August 1993. The Security Council, by resolutions 1656 (2006) of 31 January 2006, 1666 (2006) of 31 March 2006 and 1716 (2006) of 13 October 2006, extended the mandate of UNOMIG until 31 March 2006, 15 October 2006 and 15 April 2007, respectively.

² See also subsection III (e) (iv), below, dealing with "Sanctions imposed under Chapter VII of the Charter of the United Nations".

f. 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. On 29 September 2006, the Security Council adopted resolution 1711 (2006) and decided to extend the mandate of MONUC until 15 February 2007. In addition, by resolutions 1693 (2006) of 30 June 2006 and resolution 1711 (2006), the Council also decided to extend the increase in the military and civilian police strength of MONUC authorized by resolutions 1621 (2005) and 1635 (2005) until 30 September 2006 and 15 February 2007, respectively.

The Security Council, acting under Chapter VII of the Charter of the United Nations, further authorized the Secretary-General, by resolutions 1669 (2006) of 10 April 2006 and 1711 (2006), to temporarily redeploy, until 1 July 2006 and 31 December 2006, respectively, an additional infantry battalion, a military hospital and additional military observers from the United Nations Operation in Burundi (ONUB) to MONUC. On 22 December 2006, the Security Council adopted resolution 1736 (2006) and, acting under Chapter VII of the Charter of the United Nations, it authorized from 1 January 2007 until 15 February 2007, an increase in the military strength of MONUC and the continued deployment to MONUC of the infantry battalion and the military hospital currently authorized under the ONUB mandate.

g. Ethiopia and Eritrea

The United Nations Mission in Ethiopia and Eritrea (UNMEE) was established by Security Council resolution 1312 of 31 July 2000. By resolutions 1661 (2006) of 14 March 2006, 1670 (2006) of 13 April 2006, 1678 (2006) of 15 May 2006, 1681 (2006) of 31 May 2006 and 1710 (2006) of 29 September 2006, the Security Council extended the mandate of UNMEE until 15 April 2006, 15 May 2006, 31 May 2006, 30 September 2006 and 31 January 2007, respectively.

In resolution 1681 (2006), the Security Council authorized the reconfiguration of the military component of UNMEE and approved the deployment of troops and military observers within the Mission.

In resolutions 1681 (2006) and 1710 (2006), the Security Council demanded that the parties provide UNMEE with the access, assistance, support and protection required for the performance of its duties, including its mandated task to assist the Eritrea-Ethiopia Boundary Commission in the implementation of the Delimitation Decision, in accordance with resolutions 1430 (2002) and 1466 (2003), and it demanded that any restrictions be lifted immediately.

h. Liberia

The United Nations Mission in Liberia (UNMIL) was established by Security Council resolution 1509 (2003) of 19 September 2003. The Security Council adopted resolution 1667 (2006) on 31 March 2006 and resolution 1712 (2006) on 29 September 2006, by which it extended the mandate of UNMIL until 30 September 2006 and 31 March 2007, respectively.

In resolution 1667 (2006), acting under Chapter VII of the Charter of the United Nations, the Security Council extended until 30 September 2006 the provisions of paragraph 6 of resolution 1626 (2005), which authorized a temporary increase in the military personnel of UNMIL in order to ensure that the support provided to the Special Court for Sierra Leone did not reduce the capabilities of UNMIL in Liberia during its political transition period.

The Security Council adopted resolution 1694 (2006) on 13 July 2006 and, acting under Chapter VII of the Charter of the United Nations, decided to increase the size of the civilian police component of UNMIL, while decreasing the size of its military component. The Council also noted the Secretary-General's recommendations regarding changes to the configuration of UNMIL in view of the completion by the mission of a number of tasks, and in the context of a review of the appropriate mandates for and composition of the mission.

In resolution 1712 (2006), the Security Council, acting under Chapter VII of the Charter of the United Nations, reaffirmed its intention to authorize the Secretary-General to redeploy troops between UNMIL and the United Nations Operation in Côte d'Ivoire (UNOCI) on a temporary basis in accordance with the provisions of resolution 1609 (2005), as may be needed. The Council further endorsed the Secretary-General's recommendations for a phased, gradual consolidation, drawdown and withdrawal of troop contingent of UNMIL. Lastly, the Security Council requested that the Secretary-General monitor progress on the stabilization of Liberia and continue to keep the Security Council informed, with particular reference to the broad benchmarks laid out in the Secretary-General's report of 12 September 2006,³ in particular regarding the restructuring of the security sector, the reintegration of former combatants, the facilitation of political and ethnic reconciliation, the consolidation of State authority throughout the country, judicial reform, restoration of effective Government control over the country's natural and mineral resources, and establishment of a stable and secure environment necessary to foster economic growth.

i. Côte d'Ivoire

The United Nations Operation in Côte d'Ivoire (UNOCI) was established by Security Council resolution 1528 (2004) of 27 February 2004. By resolutions 1652 (2006) of 24 January 2006 and 1726 (2006) of 15 December 2006, the Security Council extended the mandate of UNOCI and the French forces supporting it until 15 December 2006 and 10 January 2007, respectively.

In resolution 1652 (2006), acting under Chapter VII of the Charter of the United Nations, the Security Council decided to extend until 15 December 2006 the provisions of paragraph 3 of resolution 1609 (2005), which, *inter alia*, authorized an increase in the military and civilian police components of UNOCI. On 6 February 2006, the Security Council adopted resolution 1657 (2006) by which it authorized the Secretary-General to redeploy, until 31 March 2006, an infantry company from UNMIL to UNOCI in order to provide extra security coverage for United Nations personnel and property and to perform other tasks mandated to UNOCI, without prejudice to any future decision by the Security

³ S/2006/743.

Council concerning the renewal of the mandate and level of the troops of UNMIL and a further extension of the redeployment mentioned above. Furthermore, on 2 June 2006, the Security Council adopted resolution 1682 (2006) and, acting under Chapter VII of the Charter of the United Nations, authorized yet another increase in the military and civilian components of UNOCI, until 15 December 2006.

On 1 November 2006, the Security Council adopted resolution 1721 (2006) and, acting under Chapter VII of the Charter of the United Nations, requested UNOCI, consistent with its mandate in resolution 1609 (2005), to protect United Nations personnel and to provide security to the High Representative for the Elections, within its capabilities and its areas of deployment.⁴

j. Haiti

The United Nations Stabilization Mission in Haiti (MINUSTAH) was established by Security Council resolution 1542 (2004) of 30 April 2004. By resolutions 1658 (2006) of 14 February 2006 and 1702 (2006) of 15 August 2006, the Security Council extended the mandate of MINUSTAH until 15 August 2006 and 15 February 2007, respectively.

In resolution 1702 (2006), the Security Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, authorized MINUSTAH to deploy correction officers seconded from Member States in support of the Government of Haiti to address the shortcomings of the prison system. It also decided that MINUSTAH, consistent with its existing mandate under resolution 1542 (2004) to provide assistance with the restructuring and maintenance of the rule of law, public safety and public order, provide assistance and advice to the Haitian authorities in the monitoring, restructuring, reforming and strengthening of the justice sector, through a variety of measures.

k. The Sudan

The United Nations Mission in the Sudan (UNMIS) was established by Security Council resolution 1590 (2005) of 24 March 2005. By resolutions 1663 (2006) of 24 March 2006, 1709 (2006) of 22 September 2006 and 1714 (2006) of 6 October 2006, the Security Council extended the mandate of UNMIS until 24 September 2006, 8 October 2006 and 30 April 2007, respectively.

On 31 August 2006, the Security Council adopted resolution 1706 (2006) and decided to expand the mandate of UNMIS in Darfur to support implementation of the Darfur Peace Agreement of 5 May 2006 and the N'djamena Agreement on Humanitarian Cease-fire on the Conflict in Darfur (the Agreements). The expanded mandate included, *inter alia*, monitoring the implementation of the Agreements; monitoring the movement of armed groups and the redeployment of forces in accordance with the Agreements; investigating violations of the Agreements and reporting violations to the Cease-fire Commission; maintaining a presence in key areas, such as buffer zones and internally displaced persons camps; monitoring transborder activities of armed groups along the Sudanese borders; assisting in the development and implementation of a comprehensive and sustainable programme for disarmament, demobilization and reintegration of former combatants

⁴ For additional information on resolution 1721 (2006), see subsection 2 (g) (v) of the present chapter on "Human rights and humanitarian law in the context of peace and security".

and women and children associated with combatants in accordance with the Agreements and resolutions 1556 (2004) and 1564 (2004); cooperating with and providing support and technical assistance to the Chairperson of the Darfur-Darfur Dialogue and Consultation; and assisting the parties to the Agreements in restructuring the police service, promoting the rule of law and protecting human rights.

The Security Council decided further that the mandate of UNMIS in Darfur should also include to facilitate and coordinate with relevant United Nations agencies the voluntary return of refugees and internally displaced persons, and humanitarian assistance by helping to establish the necessary security conditions in Darfur; to contribute towards international efforts to protect, promote and monitor human rights in Darfur; to assist the parties to the Agreements, in cooperation with other international partners in the mine action sector, by providing humanitarian demining assistance, technical advice and coordination, as well as mine awareness programmes targeted at all sectors of society; and to assist in addressing regional security issues to improve the security situation in the neighbouring regions along the borders between the Sudan and Chad and between the Sudan and the Central African Republic.

The Security Council also decided, acting under Chapter VII of the Charter of the United Nations, to authorize UNMIS to use all necessary means:

- to protect United Nations personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations personnel, humanitarian workers, assessment and evaluation commission personnel, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups and to protect civilians under threat of physical violence,
- in order to support early and effective implementation of the Darfur Peace Agreement, to prevent attacks and threats against civilians,
- to seize or collect arms or related material whose presence in Darfur is in violation of the Agreements and of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004).⁵

In the same resolution, the Security Council requested that the Secretary-General arrange the rapid deployment of additional capabilities for UNMIS and decided that military and civilian components of UNMIS be increased. The Security Council also authorized the Secretary-General to implement longer-term support to the African Union Mission in the Sudan, as outlined in the report of the Secretary-General of 28 July 2006,⁶ including the provision of air assets, ground mobility packages, training, engineering and logistics, mobile communications capacity and broad public information assistance.

The Security Council also requested that the Secretary-General and the Governments of Chad and the Central African Republic conclude status-of-forces agreements as soon as possible, taking into consideration General Assembly resolution 58/82 of 9 December 2003

⁵ In paragraphs 7 and 8 of resolution 1556 (2004), the Security Council decided that all States should take the necessary measures to prevent the sale or supply, to all non-governmental entities and individuals operating in the states of North Darfur, South Darfur and West Darfur, of arms and related materiel of all types, as well as any provision of technical training or assistance related to the provision, manufacture, maintenance or use of such items.

⁶ S/2006/591.

on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,⁷ and decided that pending the conclusion of such an agreement with either country, the model status-of-forces agreement dated 9 October 1990⁸ should apply provisionally with respect to UNMIS forces operating in that country.

(iii) *Other ongoing peacekeeping missions or operations in 2006*

During 2006, there were a number of other ongoing peacekeeping missions or operations, including the United Nations Truce Supervision Organization (UNTSO) in Israel, established by Security Council resolution 50 (1948) of 29 May 1948; the United Nations Military Observer Group in India and Pakistan (UNMOGIP), established by Security Council resolution 91 (1951) of 30 March 1951; and the United Nations Interim Mission in Kosovo (UNMIK), established by Security Council resolution 1244 (1999) of 12 June 1999.

(iv) *Peacekeeping missions or operations concluded in 2006*

a. **Burundi**

The United Nations Operation in Burundi (ONUB) was established by the Security Council in its resolution 1545 (2004) of 21 May 2004. The Council, by resolution 1692 (2006) adopted on 30 June 2006 and, acting under Chapter VII of the Charter of the United Nations, extended the mandate of ONUB for a final period of six months until 31 December 2006, at which date it successfully completed its mandate and was succeeded by the United Nations Integrated Office in Burundi (BINUB).⁹

In resolution 1692 (2006), the Security Council authorized the temporary redeployment of an infantry battalion, military hospital and additional military observes from ONUB to MONUC, in accordance with resolution 1669 (2006).

(b) **Political and peacebuilding missions**

(i) *Political and peacebuilding missions established in 2006*

a. **Sierra Leone**

On 1 January 2006, the United Nations Integrated Office in Sierra Leone (UNIOSIL) began operating for an initial period of twelve months.¹⁰ The task assigned to the Office included assisting the Government of Sierra Leone in building the capacity of State institutions to address further the root causes of the conflict, providing basic services and accelerate progress towards the Millennium Development Goals through poverty reduction and sustainable economic growth, including through the creation of an enabling framework for private investment and systematic efforts to address HIV/AIDS. The mandate also

⁷ United Nations, *Treaty Series*, vol. 2051, p. 363.

⁸ A/45/594.

⁹ Security Council resolution 1719 (2006) of 25 October 2006. See also the subsection on Burundi below, under section 2 (b) (i) of this chapter "Political and peacebuilding missions".

¹⁰ Established by Security Council resolution 1620 (2005) of 31 August 2005.

included developing a national action plan for human rights and establishing a national human rights commission; building the capacity of the National Electoral Commission to conduct a free, fair and credible electoral process in 2007; enhancing good governance, transparency and accountability of public institutions, including through anti-corruption measures and improved fiscal management; strengthening the rule of law, including by developing the independence and capacity of the justice system and the capacity of the police and corrections system; strengthening the Sierra Leonean security sector; and promoting a culture of peace, dialogue, and participation in critical national issues through a strategic approach to public information and communication. Finally, UNIOSIL was also requested to coordinate with United Nations missions and offices and regional organizations in West Africa in dealing with cross-border challenges, such as the illicit movement of small arms, human trafficking and smuggling, and illegal trade in natural resources, as well as with the Special Court for Sierra Leone.

On 22 December 2006, the Security Council extended the mandate of UNIOSIL until 31 December 2007.¹¹ Additionally, the Council endorsed the increase in the number of personnel of UNIOSIL, particularly police and military officers, as recommended in paragraph 70 of the report of the Secretary-General of 28 November 2006,¹² for a period from 1 January 2007 to 31 October 2007, in order to enhance the support provided by UNIOSIL for the elections and its ability to carry out its functions elsewhere in Sierra Leone.

b. Burundi

On 25 October 2006, the Security Council adopted resolution 1719 (2006) by which it decided to establish the United Nations Integrated Office in Burundi (Bureau Intégré des Nations Unies au Burundi (BINUB)) as of 1 January 2007, for an initial period of 12 months.¹³

(ii) Changes in the mandate and/or extensions of the time limits of ongoing political and peacebuilding missions in 2006

a. Somalia

The United Nations Political Office in Somalia (UNPOS) was established by the Secretary-General on 15 April 1995.¹⁴ On 20 April 2006, in a letter addressed to the President of the Security Council, the Secretary-General informed of his intention to extend the mandate of his Special Representative for Somalia until 8 May 2007, and the Council took note of the Secretary-General's intention.¹⁵

¹¹ Security Council resolution 1734 (2006).

¹² S/2006/922.

¹³ For additional information on resolution 1719 (2006), see the subsection on Burundi below, under section 2 (g) (iv) of this chapter "Human rights and humanitarian law in the context of peace and security".

¹⁴ See the exchange of letters between the Secretary-General and the President of the Security Council dated 18 and 21 April 1995 (S/1995/322 and S/1995/323).

¹⁵ See the exchange of letters between the Secretary-General and the President of the Security Council, dated 20 and 25 April 2006 (S/2006/261 and S/2006/262).

b. Great Lakes region

The Office of the Special Representative of the Secretary-General for the Great Lakes region was established by the Secretary-General on 19 December 1997.¹⁶ On 15 March 2006 and 4 October 2006, in letters addressed to the President of the Security Council, the Secretary-General informed the Council of his intention to extend the mandate of his Special Representative until 30 September 2006 and 31 December 2006, respectively. The Council took note of the Secretary-General's intention.¹⁷

c. Guinea-Bissau

The United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) was established in March 1999 by the Secretary-General, with the support of the Security Council.¹⁸ On 8 December 2006, in a letter addressed to the President of the Security Council, the Secretary-General recommended that the mandate of UNOGBIS be extended until 31 December 2007. The Secretary-General also informed the Council that he intended to revise the mandate of UNOGBIS to include, *inter alia*, support for national reconciliation and dialogue; assistance to security sector reforms; promotion of respect for the rule of law and human rights; mainstreaming of a gender perspective into peacebuilding; promotion of the peaceful settlement of disputes; helping with the mobilization of international assistance reconstruction efforts; facilitation of efforts to curb proliferation of small arms and light weapons; and enhancement of cooperation with the African Union, the Economic Community of West African States, the Community of Portuguese-speaking Countries, the European Union and other international partners. The Council took note of the Secretary-General's recommendation.¹⁹

d. Central African Republic

The United Nations Peacebuilding Office in the Central African Republic (BONUCA) was established by the Secretary-General on 15 February 2000.²⁰ In a Presidential Statement dated 22 November 2006,²¹ the Security Council decided to renew the mandate of BONUCA for a period of one year, until 31 December 2007, and invited the Secretary-General to submit to it the new modalities of the mission of BONUCA for the new period no later than 30 November 2006. In a letter addressed to the President of the Security Council dated 30 November 2006, the Secretary-General informed the Council that the

¹⁶ See the exchange of letters between the Secretary-General and the President of the Security Council dated 12 and 19 December 1997 (S/1997/994 and S/1997/995).

¹⁷ See the exchange of letters between the Secretary-General and the President of the Security Council dated 15 and 29 March 2006 (S/2006/192 and S/2006/193) and 4 and 13 October 2006 (S/2006/811 and S/2006/812).

¹⁸ See the exchange of letters between the Secretary-General and the President of the Security Council dated 26 February 1999 and 3 March 1999 (S/1999/232 and S/1999/233).

¹⁹ See the exchange of letters between the Secretary-General and the President of the Security Council dated 8 and 13 December 2006 (S/2006/974 and S/2006/975).

²⁰ Ninth report of the Secretary-General on the United Nations Mission in the Central African Republic dated 14 January 2000 (S/2000/24) and the Statement by the President of the Security Council dated 10 February 2000 (S/PRST/2000/5).

²¹ S/PRST/2006/47.

activities of BONUCA would include, *inter alia*, support for national reconciliation and dialogue; assistance to efforts to strengthen democratic institutions; facilitation of the mobilization of resources for national reconstruction, economic recovery, poverty alleviation and good governance; mainstreaming a gender perspective into peacebuilding; and reinforcement of cooperation between the United Nations and member States of the Central African Economic and Monetary Community and other regional entities with a view to facilitating and strengthening initiatives aimed at addressing transborder insecurity in the subregion.²²

e. Tajikistan

The United Nations Tajikistan Office of Peacebuilding (UNTOP) was established by the Secretary-General on 1 June 2000.²³ On 26 May 2006, in a letter addressed to the President of the Security Council, the Secretary-General informed the Council of his intention to continue the activities of UNTOP for a further period of one year, until 1 June 2007. The Council took note of the Secretary-General's intention.²⁴

f. Afghanistan

The United Nations Mission in Afghanistan (UNAMA) was established by Security Council resolution 1401 (2002) of 28 March 2002. On 23 March 2006, the Security Council, in resolution 1662 (2006), decided to extend the mandate of UNAMA for an additional period of 12 months.²⁵

g. Iraq

The United Nations Assistance Mission for Iraq (UNAMI) was established by Security Council resolution 1500 (2003) of 14 August 2003. On 1 August 2006, in a letter addressed to the President of the Security Council, the Secretary-General recommended that the mandate of UNAMI be extended further for 12 months.²⁶ On 10 August 2006, the Security Council, in resolution 1700 (2006), decided to extend the mandate of UNAMI as recommended.

On 28 November 2006, the Security Council adopted resolution 1723 (2006) and, acting under Chapter VII of the Charter of the United Nations, noted that the presence of the multinational force in Iraq was at the request of the Government of Iraq, reaffirmed

²² See the letter from the Secretary-General to the President of the Security Council dated 30 November 2006 (S/2006/934).

²³ See the exchange of letters between the Secretary-General and the President of the Security Council dated 26 May 2000 and 1 June 2000 (S/2000/518 and S/2000/519).

²⁴ See the exchange of letters between the Secretary-General and the President of the Security Council dated 26 and 31 May 2006 (S/2006/355 and S/2006/356).

²⁵ See also the report of the Secretary-General on the Situation in Afghanistan and its implications for international peace and security—Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan (S/2006/145), in which the Secretary-General recommended that the mandate of UNAMA be extended for 12 months.

²⁶ See also the letter from the Secretary-General addressed to the President of the Security Council dated 1 August 2006 (S/2006/601).

the authorization for the multinational force as set forth in resolution 1546 (2004) and decided to extend the mandate of the multinational force until 31 December 2007, taking into consideration the letters²⁷ of the Iraqi Prime Minister and the United States Secretary of State dated 11 November 2006 and 17 November 2006, respectively. The Council further decided that the mandate for the multinational force should be reviewed at the request of the Government of Iraq or no later than 15 June 2007, and declared that it would terminate this mandate earlier if requested by the Government of Iraq.

In the same resolution, the Security Council decided to extend until 31 December 2007 the arrangements established in paragraph 20 of resolution 1483 (2003) for the deposit of proceeds from export sales of petroleum, petroleum products, and natural gas into the Development Fund for Iraq and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board. It further decided that the deposit of proceeds and the role of the International Advisory and Monitoring Board should be reviewed at the request of the Government of Iraq or no later than 15 June 2007.

(iii) *Other ongoing political and peacebuilding missions in 2006*

The following political and peacebuilding missions were also operating in 2006: the Office of the United Nations Special Coordinator for the Middle East (UNSCO), since October 1999;²⁸ the United Nations Office for West Africa (UNOWA), since January 2002;²⁹ and the Office of the Personal Representative of the Secretary-General for Lebanon since November 2005.³⁰

(iv) *Political and peacebuilding missions concluded in 2006*

Timor-Leste

The United Nations Office in Timor-Leste (UNOTIL) was established by the Security Council in its resolution 1599 (2005) of 28 April 2005. By resolutions 1677 (2006) of 12 May 2006, 1690 (2006) of 20 June 2006 and 1703 (2006) of 18 August 2006,³¹ the Security Council extended the mandate of UNOTIL until 20 June 2006, 20 August 2006, and 25 August 2006, respectively, at which date it successfully completed its mandate.

²⁷ Annexed to Security Council resolution 1723 (2006).

²⁸ See the exchange of letters between the Secretary-General and the President of the Security Council dated 10 and 16 September 1999 (S/1999/983 and S/1999/984).

²⁹ See the exchange of letters between the Secretary-General and the President of the Security Council dated 26 and 29 November 2001 (S/2001/1128 and S/2001/1129).

³⁰ See the exchange of letters between the Secretary-General and the President of the Security Council dated 14 and 17 November 2005 (S/2005/725 and S/2005/726) by which the Secretary-General decided to expand to the whole country the mandate of the Office of the Personal Representative of the Secretary-General for Southern Lebanon, that had been established by an earlier exchange of letters (S/2005/216 and S/2005/217).

³¹ See also the exchange of letters between the Secretary-General and the Prime Minister of Timor-Leste dated 4 and 9 August 2006 (S/2006/620, annex, and S/2006/651, annex).

(c) **Other peacekeeping matters**

(i) *Comprehensive review of the whole question of peacekeeping operations in all their aspects*

At its sixtieth session, the General Assembly adopted on 6 June 2006 its resolution 60/263 entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects.” In the said resolution, the Assembly welcomed the report of the Special Committee of Peacekeeping Operations,³² endorsed the Committee’s proposals, recommendations and conclusions, and urged Member States, the Secretariat and relevant organs of the United Nations to take all necessary steps to implement the proposals, recommendations and conclusions of the Special Committee. The General Assembly also decided that the Special Committee, in accordance with its mandate, should continue its efforts for a comprehensive review of the whole question of peacekeeping operations in all their aspects and should review the implementation of its previous proposals and consider any new proposals so as to enhance the capacity of the United Nations to fulfil its responsibilities in this field.

(ii) *Question of sexual exploitation and abuse in peacekeeping operations*

a. **General Assembly**

On 8 September 2006, the General Assembly adopted, on the recommendation of the Fourth Committee, resolution 60/289 and affirmed the need for a comprehensive strategy of assistance to victims of sexual exploitation and abuse by United Nations staff or related personnel. The General Assembly also welcomed the report of the Special Committee on Peacekeeping Operations during its 2006 resumed session,³³ endorsed the proposals, recommendations and conclusions of the Special Committee contained in the report, and urged Member States, the Secretariat and the relevant organs of the United Nations to take all necessary steps to implement these proposals, recommendations and conclusions.

b. **Security Council**

In a Presidential Statement³⁴ delivered in connection with its consideration of the item “Women, peace and security” on 26 October 2006, the Security Council reiterated its condemnation, in the strongest terms, of all acts of sexual misconduct by all categories of personnel in United Nations Peacekeeping Missions and urged the Secretary-General and troop-contributing countries to ensure the full implementation of the recommendations of the Special Committee on Peacekeeping operations.

In resolutions 1675 (2006) and 1720 (2006) relating to MINURSO and resolution 1704 (2006) on UNMIT, the Security Council requested the Secretary-General to continue to take the necessary measures to achieve actual compliance in MINURSO and UNMIT, respectively, with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent,

³² *Official Records of the General Assembly, Sixtieth Session, Supplement No. 19 (A/60/19).*

³³ *Ibid., Supplement No. 19 (A/60/19/Add.1).*

³⁴ S/PRST/2006/42.

identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, requested the Secretary-General to take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse.³⁵ It also urged troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel.

In several other resolutions, the Security Council also welcomed the efforts undertaken by the different United Nations mandated peacekeeping operations to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct. In these resolutions, the Council also urged troop-contributing countries to take preventive and disciplinary actions to ensure full accountability.³⁶

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

A Group of Legal Experts was established pursuant to General Assembly resolution 59/300 of 22 June 2005 for the purpose of advising on means to ensure the accountability of United Nations staff and experts on mission in respect of criminal acts committed by them while serving in peacekeeping operations. In August 2006, 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 was transmitted to the General Assembly.³⁷ The recommendations by the Group of Legal Experts related to, *inter alia*, the identification of criminal conduct; the accountability of persons other than the primary offender; the exercise of jurisdiction over serious crimes committed by United Nations peacekeeping personnel; the need for a thorough and professional investigation process; and the advantages and disadvantages of adopting an international convention with respect to this matter. Additionally, and as a result of their findings and recommendations, the Group of Legal Experts presented a text of a draft convention on the criminal accountability of United Nations officials and experts on mission.

On 4 December 2006, the General Assembly adopted, on the recommendation of the Sixth Committee, resolution 61/29 and, noting the report of the Group of Legal Experts, decided to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the report of the Group of Legal Experts, in particular its legal aspects.³⁸

³⁵ ST/SGB/2003/13.

³⁶ Security Council resolutions 1655 (2006), 1666 (2006), 1685 (2006), 1687 (2006), 1712 (2006), 1716 (2006), 1728 (2006) and 1729 (2006).

³⁷ A/60/980.

³⁸ See also chapter III 17 (a) relating to the legal questions dealt with by the Sixth Committee and other related subsidiary bodies of the General Assembly.

(d) Action of Member States authorized by the Council

(i) Action of Member States authorized in 2006

a. Bosnia and Herzegovina

On 21 November 2006, the Security Council adopted resolution 1722 (2006) and, acting under Chapter VII of the Charter of the United Nations, authorized the Member States acting through or in cooperation with the European Union to establish for a further period of 12 months, a multinational stabilization force (EUFOR) as the legal successor of the Stabilization Force in Bosnia and Herzegovina (SFOR) under unified command and control. EUFOR would fulfil its missions in relation to the implementation of the Peace Agreement in cooperation with the North Atlantic Treaty Organization (NATO) Headquarters presence, in accordance with the arrangements agreed between NATO and the European Union, as communicated to the Security Council in their letters on 19 November 2004.³⁹

The Council further authorized Member States to continue to maintain a NATO Headquarters, Sarajevo, as a legal successor to SFOR under unified command and control, and to take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A and 2 of the Peace Agreement and with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic. Furthermore, the Council authorized them to take all necessary measures, at the request of either EUFOR or NATO Headquarters, in defense of the EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions. The Council also recognized the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack.

b. Somalia

On 6 December 2006, the Security Council adopted resolution 1725 (2006) and, acting under Chapter VII of the Charter of the United Nations, authorized the Intergovernmental Authority on Development (IGAD) and Member States of the African Union to establish a protection and training Mission in Somalia, to be reviewed after an initial period of six months by the Security Council with a briefing by IGAD. The mandate given to the Mission included monitoring progress by the Transitional Federal Institutions and the Union of Islamic Courts in implementing agreements reached in their dialogue; ensuring free movement and safe passage of all those involved with the dialogue process; maintaining and monitoring security in Baidoa; protecting members of the Transitional Federal Institutions and Government as well as their key infrastructure; and training the Transitional Federal Institutions' security forces to enable them to provide their own security and to help facilitate the re-establishment of national security forces of Somalia. The Security Council also endorsed the specification in the IGAD Deployment Plan that bordering States of Somalia would not deploy troops to Somalia.

In the same resolution, the Security Council decided that the measures imposed by resolution 733 (1992) and further elaborated in resolution 1425 (2002), which deal with the implementation of an arms embargo and the prohibition of the supply of technical advice and other assistance relating to military activities, should not apply to supplies of weapons

³⁹ S/2004/915 and S/2004/916.

and military equipment and technical training and assistance intended solely for the support of or use by the Mission.

c. Democratic Republic of the Congo

On 25 April 2006, the Security Council adopted resolution 1671 (2006) and, acting under Chapter VII of the Charter of the United Nations, authorized for a period ending four months after the date of the first round of presidential and parliamentary elections, the temporary deployment of a European force in the Democratic Republic of the Congo, "Eufor R.D.Congo".⁴⁰ The Council also decided that the authorization for the deployment should not exceed the term of the mandate of MONUC and would be subject, beyond 30 September 2006, to the extension of the mandate of MONUC. The Council decided that Eufor R.D.Congo was authorized to take all necessary measures to carry out, *inter alia*, the following tasks, in accordance with the agreement to be reached between the European Union and the United Nations: to support MONUC to stabilize a situation, in case it faces serious difficulties in fulfilling its mandate; to contribute to the protection of civilians under imminent threat of physical violence; to ensure security and freedom of movement of the personnel as well as the protection of the installations of Eufor R.D.Congo; and to execute operations of limited character in order to extract individuals in danger.

In the same resolution, the Security Council decided that the measures imposed by paragraph 20 of resolution 1493 (2003) and paragraph 1 of resolution 1596 (2005), which deal with the prevention of the supply, sale or transfer of arms and the provision of any assistance related to military activities, should not apply to supplies of arms and related material or technical training and assistance intended solely for the support of or the use by Eufor R.D.Congo. The Security Council also urged the Government of the Democratic Republic of the Congo and the European Union to conclude a status-of-forces agreement before the deployment of advance elements of Eufor R.D.Congo, and decided that until such agreement was concluded, the terms of the status-of-forces agreement for MONUC dated 4 May 2000⁴¹ should apply *mutatis mutandis* between the European Union and the Government of the Democratic Republic of the Congo in respect of Eufor R.D.Congo, including possible third-country contributors. The Security Council also authorized MONUC, within the limit of its capacities, to provide all necessary logistical support for Eufor R.D.Congo, on a cost reimbursement basis.

(ii) *Changes in authorization and/or extension of time limits in 2006*

Afghanistan

On 12 September 2006, the Security Council adopted resolution 1707 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided to extend, for a period of 12 months beyond 13 October 2006, the authorization of the International

⁴⁰ See also the letter dated 30 March 2006 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council (S/2006/203).

⁴¹ United Nations, *Treaty Series*, vol. 2106, p. 357.

Security Assistance Force (ISAF), as defined in resolutions 1386 (2001) and 1510 (2003).⁴² The Council also authorized the Member States participating in ISAF to take all necessary measures to fulfil its mandate.

**(e) Sanctions imposed under Chapter VII of the Charter
of the United Nations**

(i) *Liberia*

On 13 June 2006, the Security Council adopted resolution 1683 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided that the measures imposed by resolution 1521 (2003) dealing with the prevention of the supply, sale or transfer of arms and the provision of any assistance, advice or training related to military activities, should not apply to the weapons and ammunition already provided to members of the Special Security Service for training purposes pursuant to advance approval⁴³ by the Committee established by resolution 1521 (2003)⁴⁴ and that those weapons and ammunition could remain in the custody of SSS for unencumbered operational use. Additionally, the Council decided that the measures aforementioned should not apply to limited supplies of weapons and ammunition, as approved in advance on a case-by-case basis by the Committee, which were intended for members of the Government of Liberia police and security forces who had been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003. It was specified that the Government of Liberia should mark those weapons and ammunition, maintain a registry of them, and formally notify the Committee that these steps have been taken.

The Security Council, by resolution 1689 (2006) adopted on 20 June 2006, acting under Chapter VII of the Charter of the United Nations, decided not to renew the obligation of Member States to prevent the import of all round log and timber products originating in Liberia into their territories as put forth in resolution 1521 (2003) and to review this decision after a period of 90 days.

The Security Council, however, decided to renew for an additional period of six months, the obligation imposed by resolution 1521 (2003), that all States take the necessary measures to prevent the import of all rough diamonds from Liberia to their territory. This measure should be reviewed by the Council after four months, to allow the Government of Liberia sufficient time to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that was transparent and internationally verifiable, with a view to joining the Kimberley Process.

Still in the same resolution, the Security Council requested that the Secretary-General renew the mandate of the Panel of Experts re-established according to resolution 1647 (2005) for an additional period of six months, and further requested that the Panel of

⁴² Security Council resolutions 1386 (2001) and 1510 (2003) deal with the assistance to the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas, as well as the support to the Afghan Transitional Authority and its successors with respect to security matters.

⁴³ See paragraph 2 (e) of Security Council resolution 1521 (2003).

⁴⁴ See paragraph 21 of Security Council resolution 1521 (2003).

Experts report to the Council through the Committee its observations and recommendations no later than 15 December 2006.

On 20 December 2006, the Security Council adopted resolution 1731 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided, on the basis of its assessment of progress made towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003), to further renew the measures on arms, travel and diamonds. In addition, the Council also decided to extend the mandate of the Panel of Experts to include conducting a follow-up assessment mission to Liberia and neighbouring States to investigate and report on the implementation, and any violations, of the ban on arms and related military training;⁴⁵ including any information relevant to the designation by the Committee of individuals who constitute a threat to the peace process in Liberia;⁴⁶ assessing the impact and effectiveness of the measures involving the freezing of funds, financial assets and economic resources, particularly with respect to the assets of former President Charles Taylor;⁴⁷ assessing the implementation of forestry legislation enacted by the Liberian authorities in 2006 and the progress and humanitarian and socio-economic impact of the arms embargo, travel ban and ban on the importation of diamonds;⁴⁸ cooperating with other relevant groups of experts, in particular that established on Côte d'Ivoire by resolution 1708 (2006), and with the Kimberley Process Certification Scheme; and identifying and making recommendations regarding areas where the capacity of States in the region could be strengthened to facilitate the implementation of the travel ban and the freezing of funds, financial assets and economic resources.⁴⁹

(ii) Côte d'Ivoire

On 14 September 2006, the Security Council adopted resolution 1708 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of the Group of Experts established pursuant resolution 1643 (2005) until 15 December 2006.

On 15 December 2006, the Security Council adopted resolution 1727 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided to renew until 31 October 2007 certain provisions of resolution 1572 (2004), which provides, *inter alia*, that all States should prevent the direct or indirect supply, sale or transfer of arms as well as the provision of any assistance, advice or training related to military activities to Côte d'Ivoire, as well as the entry into their territories of all persons designated by the Committee established by resolution 1572 (2004) as constituting a threat to the peace or being responsible for serious violations of human rights or humanitarian law, and any other person who publicly incites hatred and violence or who is determined by the Committee

⁴⁵ See Security Council resolution 1521 (2003) and paragraphs 1 and 2 of Security Council resolution 1731 (2006).

⁴⁶ See paragraph 4 (a) of Security Council resolution 1521 (2003) and paragraph 1 of Security Council resolution 1532 (2004).

⁴⁷ See paragraph 1 of Security Council resolution 1532 (2004).

⁴⁸ See paragraphs 2, 4 and 6 of Security Council resolution 1521 (2003) and paragraph 1 of Security Council resolution 1647 (2005).

⁴⁹ See paragraph 4 of Security Council resolution 1521 (2003) and paragraph 1 of Security Council resolution 1532 (2004).

to be in violation of the measures imposed on the sale of arms and military equipment. The measures renewed by resolution 1727 (2006) also included the obligation of States to freeze funds and other financial assets that were on their territories, owned or controlled directly or indirectly by the persons or entities designated pursuant to resolution 1572 (2004), and to ensure that such resources were prevented from being made available by their nationals or by any persons within their territories, to or for the benefit of such designated persons or entities.⁵⁰ Furthermore, the Security Council also decided to renew certain measures of resolution 1643 (2005) relating to the prevention of import of all rough diamonds from Côte d'Ivoire.⁵¹

In the same resolution, the Security Council decided to further extend the mandate of the Group of Experts for six months.

(iii) *The Sudan*

The Security Council, by resolutions 1665 (2006) of 29 March 2006 and 1713 (2006) of 29 September 2006, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of the Panel of Experts, appointed pursuant to resolution 1591 (2005), for a further period until 29 September 2006 and 29 September 2007, respectively.

On 25 April 2006, the Security Council adopted resolution 1672 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided that all States should implement the measures specified in resolution 1591 (2005), which include preventing entry into or transit through their territories of all persons designated by the Committee established by resolution 1591 (2005) as subject to such measures; freezing all funds and economic resources on their territories that were owned or controlled by the persons designated by the Committee; and ensuring that no funds or economic resources were made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities, with respect to certain individuals.

(iv) *Lebanon*

On 11 August 2006, the Security Council adopted resolution 1701 (2006)⁵² and decided that all States should take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft, the sale or supply to any entity or individual in Lebanon of arms and related materiel of all types, whether or not originating in their territories; and the provision of any technical training or assistance related to the provision, manufacture, maintenance or use of the aforementioned items, with the exception of arms, related material, training or assistance authorized by the Government of Lebanon or by UNIFIL.

In the same resolution, the Security Council called for Israel and Lebanon to support, *inter alia*, a permanent ceasefire and a long-term solution based on: full respect for the Blue Line by both parties; security arrangements to prevent the resumption of hostilities,

⁵⁰ See paragraphs 7 to 12 of Security Council resolution 1572 (2004).

⁵¹ See paragraph 6 of Security Council resolution 1643 (2005).

⁵² See also subsection III (a) (ii) c, above, on "Peacekeeping missions and operations".

including the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL; full implementation of the relevant provisions of the Taif Accords, and of resolutions 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon; no foreign forces in Lebanon without the consent of its Government; no sale or supply of arms and related materiel to Lebanon except as authorized by its Government; and the provision to the United Nations of all remaining maps of landmines in Lebanon in Israel's possession.

(v) *Somalia*

The Security Council, by resolutions 1676 (2006) of 10 May 2006 and 1724 (2006) of 29 November 2006, acting under Chapter VII of the Charter of the United Nations, stressed the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), concerning the implementation of an arms embargo and the prohibition of the supply of technical advice and other assistance relating to military activities. In the said resolutions, the Council also requested the Secretary-General to re-establish for periods of six months, in consultation with the Committee established pursuant to resolution 751 (1992), the Monitoring Group referred to in resolution 1558 (2004).⁵³ The mandate of the Monitoring Group included, *inter alia*, the investigation of all activities which generated revenues used to commit arms embargo violations; the investigation of any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations; and the refining and updating of information on the draft list of those individuals and entities who violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council.

(vi) *Democratic Republic of the Congo*

On 31 January 2006, the Security Council adopted resolution 1654 (2006) and, acting under Chapter VII of the Charter of the United Nations, requested the Secretary-General, in consultation with the Committee established in accordance with resolution 1533 (2004),⁵⁴ to re-establish the Group of Experts referred to in resolutions 1533 (2004) and 1596 (2005),⁵⁵ for a period expiring on 31 July 2006. The Council also requested the Group of Experts to continue to fulfil its mandate as defined in resolutions 1533 (2004), 1596 (2005) and 1649 (2005), with respect to the prevention of the flow of arms and related materiel.

On 31 July 2006, the Security Council adopted resolution 1698 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided, in light of the failure by the parties to comply with the demands of the Council, to renew until 31 July 2007 the provisions of resolution 1493 (2003) dealing with the prevention of the supply, sale or transfer of arms or any related materiel and the provision of any assistance, advice or train-

⁵³ See paragraph 3 of Security Council resolution 1558 (2004).

⁵⁴ See paragraph 8 of Security Council resolution 1533 (2004).

⁵⁵ See paragraph 10 of Security Council resolution 1533 (2004) and paragraph 21 of Security Council resolution 1596 (2005).

ing related to military activities, as amended and expanded by resolutions 1596 (2005) and 1649 (2005) to pertain to a larger group of persons.

The Council also requested the Secretary-General to take the necessary administrative measures with a view to extending once more the mandate of the Group of Experts for a period expiring on 31 July 2007, drawing on the expertise of the members of the Group of Experts and appointing new members as necessary in consultation with the Committee.

Recalling its strong condemnation for the continued use and recruitment of children in the hostilities in the Democratic Republic of the Congo, the Security Council further decided that, for a period expiring on 31 July 2007, the provisions of resolution 1596 (2005) dealing with the prevention of travel and the freezing of funds, other financial assets and economic resources of certain individuals, should extend to the following individuals operating in the Democratic Republic of the Congo and designated by the Committee: (i) political and military leaders recruiting or using children in armed conflict in violation of applicable international law; and (ii) individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. The Council also decided that the tasks of the Committee set out in resolution 1596 (2005) dealing with the investigation and designation of persons, entities and related assets subject to the imposed measures, should also extend to the aforementioned individuals.

(vii) *Measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them*

On 22 December 2006, the Security Council adopted resolution 1735 (2006) and, acting under Chapter VII of the Charter of the United Nations, decided that all States should take the measures previously imposed in resolutions 1267 (1999),⁵⁶ 1333 (2000)⁵⁷ and 1390 (2002)⁵⁸ with respect to Al-Qaida, Usama bin Laden, the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (Consolidated List).

Furthermore, the Council decided that, when proposing names for the Consolidated List, States should act in accordance with resolutions 1526 (2004) and 1617 (2005) and provide a statement of case that should include as much detail as possible on the basis for the listing, and the nature of the information and supporting information or documents that can be provided. States should also include details of any connection between the proposed designee and any currently listed individual or entity.

⁵⁶ In paragraph 4 of Security Council resolution 1267 (1999), the Council obligated all States to deny permission for any aircraft owned, leased or operated by or on behalf of the Taliban from taking off or landing in their territory. The Council also froze those funds derived or generated from property owned or controlled by the Taliban.

⁵⁷ In paragraph 8 of Security Council resolution 1333 (2000), the Council imposed financial sanctions on Usama bin Laden and individuals and entities associated with him as designated by the Committee.

⁵⁸ In paragraph 2 of Security Council resolution 1390 (2002), the Council imposed financial sanctions, a travel ban and an arms embargo on Usama bin Laden, members of the Al-Qaida organization and the Taliban, and other individuals or groups associated with them.

The Security Council also decided that the Secretariat should, after publication but within two weeks after a name is added to the Consolidated List, notify the Permanent Mission of the country or countries where the individual or entity was believed to be located and, in the case of individuals, the country of which the person was a national. The notification should be accompanied by a copy of the publicly releasable portion of the statement of case and a description of the effects of designation, as set forth in the relevant resolutions, the Committee's procedures for considering delisting requests, and the provisions of resolution 1452 (2002).

The Council also decided that the Committee should continue to develop, adopt and apply guidelines regarding the de-listing of individuals and entities on the Consolidated List. The Committee, in determining whether to remove names from the Consolidated List, may consider, among other things, whether the individual or entity was placed on the Consolidated List due to a mistake of identity; whether the individual or entity still met the criteria set out in relevant resolutions, in particular resolution 1617 (2005); and whether it has been affirmatively shown that the individual or entity had severed all association, as defined in resolution 1617 (2005),⁵⁹ with Al-Qaida, Usama bin Laden, the Taliban, and their supporters, including all individuals and entities on the Consolidated List.

With respect to exemptions to the imposed measures, the Security Council decided to extend the period for consideration by the Committee of notifications submitted pursuant to resolution 1452 (2002) from 48 hours to 3 working days.

(viii) *General issues related to sanctions*

On 8 August 2006, the Security Council adopted resolution 1699 (2006) and requested the Secretary-General to take the necessary steps to increase cooperation between the United Nations and Interpol in order to provide the sanctions committees established by the Security Council with better tools, to fulfil their mandates more effectively and to give Member States better optional tools to implement those measures adopted by the Security Council and monitored by the committees, as well as similar measures that might be adopted by the Security Council in the future. The Council also encouraged Member States to use the tools offered by Interpol, particularly the I-24/7 global police communications system, to reinforce the implementation of such measures that might be adopted by the Security Council in the future.

On 19 December 2006, by resolution 1730 (2006), the Security Council adopted the de-listing procedure contained in the document annexed to the resolution, which, *inter alia*, established a focal point to receive de-listing requests with regard to sanctions, and directed the sanctions committees established by the Security Council to revise their guidelines accordingly.

On 21 December 2006, the Security Council adopted resolution 1732 (2006) and decided that the Informal Working Group on General Issues of Sanctions had fulfilled its mandate, which included the development of general recommendations on how to improve the effectiveness of United Nations sanctions.⁶⁰ The Security Council took note

⁵⁹ See paragraph 2 of Security Council resolution 1617 (2005).

⁶⁰ See the note dated 29 December 2005 by the President of the Security Council (S/2005/841).

with interest of the best practices and methods contained in the Working Group's report⁶¹ and requested its subsidiary bodies to take note as well.

(f) Terrorism

(i) *The United Nations Global Counter-Terrorism Strategy*⁶²

At its sixtieth session, on 8 September 2006, the General Assembly adopted the United Nations Global Counter-Terrorism Strategy and a Plan of Action annexed thereto.⁶³ In this regard, the General Assembly decided, without prejudice to the continuation of the discussion in its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy: (a) launching of the Strategy at a high-level segment of its sixty-first session; (b) examination of progress in the implementation of the Strategy in two years, and consideration in updating it to respond to changes; (c) invitation to the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy; (d) encouraging Member States, the United Nations and other appropriate international, regional and subregional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise; and (e) further encouraging non-governmental organizations and civil society to engage on how to enhance efforts to implement the Strategy.

The Plan of Action consists of four parts and over fifty concrete measures to address the conditions conducive to the spread of terrorism and to strengthen the capacity of States and the United Nations to prevent and combat terrorism, while ensuring the protection of human rights and upholding the rule of law:

- I. Measures to address the conditions conducive to the spread of terrorism;
- II. Measures to prevent and combat terrorism;
- III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard; and
- IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

While the primary responsibility for the implementation of the Strategy lies with the Member States, the United Nations is given a role in coordinating with other international, regional and subregional organizations in facilitating coherence in the implementation of the Strategy at the national, regional and global levels and in providing assistance.

⁶¹ See the note dated 22 December 2006 by the President of the Security Council (S/2006/997).

⁶² For more information on the Strategy, see <http://www.un.org/terrorism/strategy>.

⁶³ General Assembly resolution 60/288.

(ii) *Security Council Committees*a. **Lebanon**⁶⁴

On 7 April 2005, the Security Council adopted resolution 1595 (2005) and decided to establish an international independent investigation Commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of the 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and others, including to help to identify its perpetrators, sponsors, organizers and accomplices. On 15 June 2006, the Security Council adopted resolution 1686 (2006) and decided to extend the mandate of the Commission until 15 June 2007.

b. **Al-Qaida and Taliban Sanctions Committee**⁶⁵

On 22 December 2006, the Security Council adopted resolution 1735 (2006) and decided to extend the mandate of the New York-based Monitoring Team, appointed pursuant to resolution 1617 (2005), for a period of 18 months, under the direction of the Al-Qaida and Taliban Sanctions Committee (1267 Committee), with responsibilities, *inter alia*, to: collate, assess, monitor, report and make recommendations regarding the implementation of the sanctions measures; pursue case studies; submit a comprehensive programme of work to the 1267 Committee for its approval and review; and submit three comprehensive and independent reports on the implementation by States of the measures referred to in this resolution. Furthermore, the Monitoring Team should engage in analysing reports submitted pursuant to resolution 1455 (2003), the checklists submitted pursuant to resolution 1617 (2005), and other information submitted by Member States to the 1267 Committee as instructed by the 1267 Committee; and work closely and share information with the Counter-Terrorism Committee⁶⁶ Executive Directorate (CTED) and the 1540 Committee's Group of Experts⁶⁷ in order to identify areas of convergence and to help facilitate concrete coordination among the three Committees.

Finally, the Security Council decided that the Monitoring Team should develop a plan to assist the 1267 Committee with addressing non-compliance with the measures referred to in this resolution; present the 1267 Committee with recommendations which could be used by Member States to assist them with the implementation of the said measures and in preparing proposed additions to the list created by resolution 1267 (1999) of individuals subject to the related sanctions measures (Consolidated List); and encourage Member States to submit names and additional identifying information for inclusion on

⁶⁴ See also subsection (iv) on Lebanon under section 3 (e) above on "Sanctions imposed under Chapter VII of the Charter of the United Nations".

⁶⁵ See also subsection (vii) on "Measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them" under section 3 (e) above on "Sanctions imposed under Chapter VII of the Charter of the United Nations".

⁶⁶ The Counter-Terrorism Committee was established by Security Council resolution 1373 (2001) of 28 September 2001 to monitor implementation of that resolution.

⁶⁷ The 1540 Committee (non-proliferation of weapons of mass destruction) was established by Security Council resolution 1540 (2004) of 28 April 2004 to report to the Council on the implementation of that resolution by Member States.

the Consolidated List. Furthermore, the Monitoring Team should study and report to the 1267 Committee on the changing nature of the threat of Al-Qaida and the Taliban and the best measures to confront it; consult with Member States' intelligence and security services in order to facilitate the sharing of information and to strengthen enforcement of the measures; consult with relevant representatives of the private sector to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure; and assist other subsidiary bodies of the Security Council and their expert panels.

c. Counter-Terrorism Committee

In a Presidential Statement dated 20 December 2006,⁶⁸ the Security Council recognized the importance of cross-United Nations cooperation on counter-terrorism issues, and confirmed that it stood ready to play its part in the implementation of the United Nations Global Counter-Terrorism Strategy.⁶⁹ The Council also called upon the relevant United Nations departments, programmes and specialized agencies to consider, within their existing mandates, how to pursue counter-terrorism objectives. The Security Council welcomed the renewed focus of the Counter-Terrorism Committee on enhancing the implementation of resolution 1373 (2001) through a proactive fulfilment of its mandate to promote and monitor States implementation, and called on the Counter-Terrorism Committee to report on the status of implementation of resolution 1373 (2001) and, in particular, encouraged it to report to the Council on any outstanding issues, when necessary and on a regular basis, in order to receive strategic guidance from the Council. Lastly, the Council noted with appreciation the enhanced cooperation among its three Committees (1267 Committee, Counter-Terrorism Committee and 1540 Committee) dealing with counter-terrorism and their expert teams.

d. 1540 Committee (non-proliferation of weapons of mass destruction)

On 27 April 2006, the Security Council extended the mandate of the 1540 Committee for a further two years and emphasized the importance of States meeting their reporting obligations on the implementation of Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction.⁷⁰ In 2006, the 1540 Committee received 133 reports by Member States with 59 reports still outstanding. In addition, the Committee established a legislative database that provides information on the national implementation of laws pursuant to resolution 1540 (2004).

(iii) *Establishment of a special tribunal for Lebanon*

In its resolution 1664 (2006) adopted on 29 March 2006, the Security Council, expressing its willingness to continue to assist Lebanon in the search for the truth and in holding accountable all those involved in the terrorist attack that killed former Lebanese Prime Minister Rafiq Hariri and others, endorsed the report of the Secretary-General prepared

⁶⁸ S/PRST/2006/56.

⁶⁹ General Assembly resolution 60/288.

⁷⁰ Security Council resolution 1673 (2006).

pursuant to paragraph 6 of Council resolution 1644 (2005),⁷¹ in which he put forward the general principles of a tribunal of an international character. The Council also requested the Secretary-General to negotiate an agreement with the Government of Lebanon with a view to establishing such a tribunal, based on the highest international standards of criminal justice, and taking into account the recommendations of his report and the views that had been expressed by members of the Security Council.

On 15 November 2006, as requested by the Security Council in its resolution 1664 (2006), the Secretary-General submitted a report on the establishment of a special tribunal for Lebanon,⁷² in which he analyzed the agreement between the United Nations and the Government of Lebanon,⁷³ as well as the main features of the statute of the special tribunal,⁷⁴ including the legal nature and specificities of the tribunal, its temporal, personal and subject matter jurisdiction, its organizational structure and composition, the conduct of the trial process, the location of the seat, the funding mechanism and cooperation with third States.

(g) Human rights and humanitarian law in the context of peace and security

(i) Protection of civilians during armed conflict

a. General Assembly

On 19 December 2006, the General Assembly, on the recommendation of the Third Committee, adopted resolution 61/155 entitled “Missing persons”, in which, *inter alia*, it called upon States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict and account for persons reported missing as a result of such a situation. The Assembly also reaffirmed that each party to an armed conflict, as soon as circumstances permit, should search for the persons reported missing by an adverse party and called upon the parties to take all necessary measures to determine the identity and fate of persons reported missing and, to the greatest possible extent, provide their family members with all relevant information they have on their fate. Moreover, the Assembly recognized in this regard the need for the collection, protection and management of data on missing persons according to international and national legal norms and standards, and urged States to cooperate with each other and with other concerned actors working in this area, as well as to pay the utmost attention to cases of children reported missing. Finally, it invited States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons.

b. Security Council

The Security Council adopted resolution 1674 (2006) on 28 April 2006 and recalled that the deliberate targeting of civilians and other protected persons in situations of armed

⁷¹ S/2006/176.

⁷² S/2006/893.

⁷³ *Ibid.*, annex I.

⁷⁴ *Ibid.*, attachment.

conflict was a flagrant violation of international humanitarian law. It further reaffirmed its condemnation of all acts of violence or abuses committed against civilians in such situations in violation of applicable international obligations, with respect in particular to torture, gender-based and sexual violence, violence against children, recruitment and use of child soldiers, trafficking in humans, forced displacement and intentional denial of humanitarian assistance.

In the same resolution, the Security Council also called upon all parties concerned to ensure that all peace processes, peace agreements, post-conflict recovery and reconstruction planning have regard for the special needs of women and children and include specific measures for the protection of civilians, including the cessation of attacks on civilians. The Council also reaffirmed its practice of ensuring that the mandates of United Nations peacekeeping, political and peacebuilding missions include provisions regarding the protection of civilians.

The Council also condemned all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, as well as all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in United Nations operations. Lastly, it condemned all attacks deliberately targeting United Nations and associated personnel involved in humanitarian missions, as well as other humanitarian personnel.

Furthermore, the Council, in resolution 1738 (2006) adopted on 23 December 2006, condemned intentional attacks against journalists, media professionals and associated personnel in situations of armed conflict, and called upon all parties to put an end to such practices. The Council reaffirmed its condemnation of all incitements to violence against civilians in situations of armed conflict and the need to bring to justice, in accordance with applicable international law, individuals who engage in such practices. It also indicated its willingness, when authorizing missions, to consider steps to respond to media broadcasts inciting genocide, crimes against humanity and serious violations of international humanitarian law. Finally, the Security Council recalled its demand that all parties to an armed conflict comply fully with the obligations applicable to them under international law relating to the protection of civilians in armed conflict, including journalists, media professionals and associated personnel.

(ii) *Women and peace and security*

Security Council

In a Presidential Statement dated 8 November 2006,⁷⁵ the Security Council reaffirmed its commitment to the full and effective implementation of resolution 1325 (2000) and recalled the previous Presidential Statements on this matter.⁷⁶

The Council further encouraged Member States in post-conflict situations to ensure that gender perspectives are mainstreamed in its institutional reform, and in particular that the reforms of the security sector, justice institutions and restoration of the rule of

⁷⁵ S/PRST/2006/42.

⁷⁶ See Presidential Statements of 31 October 2001 (S/PRST/2001/31), 31 October 2002 (S/PRST/2002/32), 28 October 2004 (S/PRST/2004/40) and 27 October 2005 (S/PRST/2005/52).

law provide for the protection of women's rights and safety. The Council also requested the Secretary-General to ensure that United Nations assistance in this context appropriately addresses the needs and priorities of women in the post-conflict process and that disarmament, demobilization and reintegration programmes take specific account of the situation of women ex-combatants and women associated with combatants, as well as their children, and provide them full access to these programmes. It also welcomed the role that the Peacebuilding Commission could play in mainstreaming gender perspectives into the peace consolidation process.

Lastly, the Security Council requested the Secretary-General to include in his reports to the Security Council progress in gender mainstreaming throughout United Nations peacekeeping missions, as well as on other aspects relating specifically to women and girls. It also emphasized the need for the inclusion of gender components in peacekeeping operations and further encouraged Member States and the Secretary-General to increase the participation of women in all areas and all levels of peacekeeping operations, civilian, police and military.

(iii) *Great Lakes region*

Security Council

In its resolution 1653 (2006), adopted on 27 January 2006, the Security Council, *inter alia*, reiterated its condemnation of the genocide in Rwanda of 1994 and the armed conflicts which have plagued the Great Lakes region of Africa during the past decade and expressed its profound concern regarding the violations of human rights and international humanitarian law resulting in wide-scale loss of life, human suffering and destruction of property.

The Security Council encouraged and supported the countries of the Great Lakes region, individually and collectively, to strengthen and institutionalize respect for human rights and humanitarian law, including respect for women's rights and protection of children affected by armed conflict, good governance, rule of law, democratic practices as well as development cooperation, and urged all States concerned to take action to bring to justice perpetrators of grave violations of human rights and international humanitarian law and to take appropriate measures of international cooperation and judicial assistance in this regard.

The Council also strongly condemned the activities of militias and armed groups operating in the Great Lakes region, which continued to attack civilians and United Nations and humanitarian personnel, commit human rights abuses against local populations and threaten the stability of individual States and the region as a whole. It reiterated its demand that all such armed groups lay down their arms and engage voluntarily and without any delay or preconditions in their disarmament and in their repatriation and resettlement.

Lastly, the Security Council requested the Secretary-General to make recommendations to the Council on how to support efforts by States in the region to put an end to the activities of illegal armed groups, and to recommend how United Nations agencies and missions could help, including through further support for the efforts of the Governments concerned to ensure protection of, and humanitarian assistance to, civilians in need.

(iv) *Burundi***Security Council**

By its resolution 1719 (2006) adopted on 25 October 2006, the Security Council, requested that the United Nations Integrated Office in Burundi focus on and support the Government of Burundi in, *inter alia*, the promotion and protection of human rights and measures to end impunity, including by building national institutional capacity in that area, particularly with regard to the rights of women, children and other vulnerable groups; assisting with the design and implementation of a national human rights action plan, including the establishment of an independent national human rights commission; and supporting efforts to combat impunity, particularly through the establishment of transitional justice mechanisms, including a truth and reconciliation commission and a special tribunal. The Council also expressed its deep concern at reports of continuing human rights violations and urged the Government to investigate all such reports, take the necessary steps to prevent further violations and ensure that those responsible for such violations were brought to justice.

(v) *Côte d'Ivoire***Security Council**

The Security Council adopted resolution 1721 (2006) on 1 November 2006, by which it, *inter alia*, expressed its serious concern at the persistence of the crisis and the deterioration of the situation in Côte d'Ivoire, including its grave humanitarian consequences causing large-scale civilian suffering and displacement, and reiterated its firm condemnation of all violations of human rights and international humanitarian law in the country. The Council also reiterated its serious concern at all violations of human rights and international humanitarian law in Côte d'Ivoire, and urged the Ivorian authorities to investigate these violations without delay in order to put an end to impunity. The Council also underlined that it was fully prepared to impose targeted measures against persons to be designated by the Committee of the Security Council established pursuant resolution 1572 (2004), who are determined to be blocking the implementation of the peace process, responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire since 19 September 2002, publicly inciting hatred and violence or in violation of the arms embargo, as provided in resolutions 1572 (2004) and 1643 (2005).

3. Disarmament and related matters⁷⁷**(a) Disarmament machinery****(i) *Disarmament Commission***

The United Nations Disarmament Commission (UNDC), a subsidiary organ of the General Assembly with a general mandate on disarmament questions, is composed of all

⁷⁷ For more detailed information refer to *The United Nations Disarmament Yearbook*, vol. 31, 2006 (United Nations publication, Sales No. E.07.IX.1).

Member States of the United Nations.⁷⁸ To permit in-depth consideration, UNDC focuses on a limited number of agenda items at each session. In 1998, the General Assembly decided that the agenda of UNDC, as of 2000, would normally consist of two substantive items.

After two years without an agreement on a substantive agenda for its deliberations, UNDC reached consensus on the programme of work for its 2006 session and adopted two agenda items: (i) recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons; and (ii) practical confidence-building measures in the field of conventional weapons.⁷⁹ During its session, held from 10 to 28 April 2006 in New York, UNDC agreed upon recommendations for improving the effectiveness of its methods of work.⁸⁰

(ii) *Conference on Disarmament*⁸¹

In the absence of a consensus on the programme of work at the beginning of the Conference's consultations in January 2006, the President of the Conference on Disarmament submitted a joint presidential proposal of the six rotating Presidents to introduce structured discussions on substantial issues into the traditional general debates, including a timetable of such debates, whereby each President would focus on two agenda items. Therefore, substantive plenary debates were held on the twelve topics contained in the joint presidential proposal.⁸² However, some disagreements over the drafting of the Conference's report to the General Assembly remained, particularly with regard to the reflection of "new issues",⁸³ and for the first time, the Conference adopted only the procedural parts of the report.⁸⁴

(iii) *General Assembly*

On 6 December 2006, the General Assembly, on the recommendation of the First Committee, adopted eight resolutions⁸⁵ concerning the institutional make-up of the efforts of the United Nations in the field of disarmament, particularly concerning the Disar-

⁷⁸ General Assembly resolution S-10/2 of 30 June 1978.

⁷⁹ Report of the Disarmament Commission 2005, *Official Records of the General Assembly, Sixtieth Session, Supplement No. 42 (A/60/42)*.

⁸⁰ Report of the Disarmament Commission 2006, *Official Records of the General Assembly, Sixty-first Session, Supplement No. 42 (A/61/42)*.

⁸¹ The Conference on Disarmament was established in 1979, as a result of the First Special Session on Disarmament of the General Assembly in 1978, as the single multilateral disarmament negotiating forum of the international community.

⁸² Report of the Conference on Disarmament, 23 January-31 March, 15 May-30 June, 31 July-15 September 2006, *Official Records of the General Assembly, Supplement No. 27 (A/61/27)*, para. 14.

⁸³ Several "new issues" were introduced by some Member States, such as threats to the critical civil infrastructure or man-portable air defence systems (MANPADS) addressed under the agenda item "Transparency in armaments"; see Conference on Disarmament, Agenda for the 2006 session, CD/1764.

⁸⁴ Report of the Conference on Disarmament, 23 January-31 March, 15 May-30 June, 31 July-15 September 2006, *Official Records of the General Assembly, Supplement No. 27 (A/61/27)*.

⁸⁵ General Assembly resolutions 61/60, 61/67, 61/90, 61/92, 61/93, 61/94, 61/98 and 61/99.

mament Commission, the Conference on Disarmament and the United Nations regional centres,⁸⁶ of which four are highlighted below.

In resolution 61/60, “Convening of the fourth special session of the General Assembly devoted to disarmament”, the Assembly established an open-ended working group to consider the objectives and agenda for the fourth special session of the General Assembly devoted to disarmament.

In resolution 61/67, “Declaration of a fourth disarmament decade”, the General Assembly recalled its previous resolutions on arms control, disarmament and non-proliferation and directed the Disarmament Commission during its 2009 session to prepare elements of a draft declaration proclaiming the 2010s as the fourth disarmament decade, to be submitted to the General Assembly during its sixty-fourth session.

In resolution 61/98 entitled “Report of the Disarmament Commission”, the General Assembly took note of the developments at the Commission meetings and adopted the procedural recommendations made in its report.

In resolution 61/99 on the “Report of the Conference on Disarmament”, the General Assembly took note of the developments at the Conference and requested all States to cooperate with the current and successive Presidents of the Conference to achieve an early commencement of substantive work in 2007.

(b) Nuclear disarmament and non-proliferation issues

The Conference on Disarmament paid particular attention to the issue of nuclear disarmament, during formal as well as informal plenary debates, including discussions relating to the negotiation of a treaty to prohibit the production of fissile material for nuclear weapons and other explosive devices. Nevertheless, since the Conference had not been able to reach consensus on its programme of work, no progress was made on the substantive work.

Regarding the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),⁸⁷ the States Parties to the Treaty decided to hold the first session of the Preparatory Committee for the for the 2010 NPT Review Conference in Vienna from 30 April to 11 May 2007.⁸⁸

The year 2006 marked the tenth anniversary of the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which has reached near universal adherence with 176 signatories and 137 ratifications, although it has not yet entered into force.⁸⁹ On 20 October 2006, the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization reported to the General Assembly under the agenda item “Cooperation between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization” on its activities

⁸⁶ For more detail on the United Nations regional efforts see chapter 4 (e) below.

⁸⁷ United Nations, *Treaty Series*, vol. 729, p.161.

⁸⁸ See also General Assembly resolution 61/70.

⁸⁹ For the text of the CTBT, see A/50/1027. Of the 44 States whose ratification is necessary for the entry into force of the CTBT, 41 States had signed it and 34 had ratified it at the end of 2006.

undertaken in 2005, particularly with regard to the preparatory work for the envisioned monitoring and verification regime of the Treaty.⁹⁰

Regarding the verification activities of the International Atomic Energy Agency (IAEA), comprehensive safeguards agreements entered into force for six additional States in 2006, bringing the total number of States with IAEA safeguard agreements to 162.⁹¹ Additional protocols to the safeguards agreements entered into force for seven States.

Iran (Islamic Republic of), however, informed IAEA with a letter dated 6 February 2006 that it would no longer apply the additional protocol to the safeguards agreement between Iran and IAEA and, henceforth, the verification work of the Agency would be based solely on its comprehensive safeguards agreement with Iran. On 4 February 2006, the IAEA Board of Governors adopted a resolution on the implementation of the comprehensive safeguards agreement in Iran which, *inter alia*, called on Iran to re-establish full suspension of all enrichment and reprocessing activities, to promptly ratify and implement the additional protocol and to resolve all outstanding issues and requested the Director General to report thereon to the Security Council.⁹² On 31 July and 23 December 2006, the Security Council adopted resolutions 1696 (2006) and 1737 (2006) demanding Iran to fulfil the demands of IAEA. In a subsequent report, the Director General reported to the Security Council that Iran had failed to comply with the afore-mentioned demands.⁹³

Since 2002, IAEA has not been allowed to undertake any verification activities in the Democratic People's Republic of Korea and, consequently, could not issue any report on the nuclear test that the State concerned declared to have carried out on 9 October 2006.

In the area of ballistic missile proliferation, the signatory States to The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)⁹⁴ held their fifth Regular Conference in Vienna from 22 to 23 June 2006. The Conference considered, *inter alia*, the strengthening of confidence-building measures, including pre-launch notification of ballistic missiles, space launch vehicle launches, annual declaration of ballistic missiles, and space launch vehicle policies. In addition, the Conference also discussed outreach activities to support the universal acceptance of the HCOC.

By the end of the year, HCOC had 125 subscribing States.

(i) *General Assembly*

On 6 December 2006, the General Assembly, on the recommendation of the First Committee, adopted 18 resolutions and 2 decisions⁹⁵ concerning nuclear weapons and non-proliferation concerns, of which five are highlighted below.

⁹⁰ See the note of the Secretary-General on the report of the Executive Secretary of the CTBTO Preparatory Commission for 2005 (A/61/184).

⁹¹ At the end of 2006, 30 non-nuclear-weapon States parties to the NPT had yet to bring IAEA safeguards agreements into force as required under article III of the Treaty.

⁹² GOV/2006/14.

⁹³ GOV/2006/53.

⁹⁴ For the text of The Hague Code of Conduct, see A/57/724, enclosure.

⁹⁵ See General Assembly resolutions 61/56, 61/57, 61/59, 61/62, 61/65, 61/67, 61/69, 61/70, 61/73, 61/74, 61/78, 61/83, 61/85, 61/87, 61/88, 61/97, 61/103, 61/104 and decisions 61/514 and 61/515.

In resolution 61/57 entitled “Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, the Assembly called upon States to strive for a common approach to include in an international, legally-binding instrument, taking advantage of those approaches discussed in the Conference on Disarmament.

In resolution 61/65, “Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments”, the Assembly condemned the announced nuclear-weapon test by DPRK on 9 October 2006 and all nuclear-weapons tests by States not yet party to NPT, stressing the central role of the said Treaty, and urged DPRK to rescind its announced withdrawal from the Treaty.

The General Assembly, in resolution 61/83 entitled “Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*”, called on all States to immediately fulfil the obligations under the Advisory Opinion⁹⁶ by starting multilateral negotiations for a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

Finally, in resolution 61/97 on the “Convention on the Prohibition of the Use of Nuclear Weapons”, the Assembly reiterated its requests to the Conference on Disarmament to commence negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances.

In its resolution 61/104 on the “Comprehensive Nuclear-Test-Ban Treaty”, the General Assembly urged all States to maintain their moratoriums on nuclear-weapon test explosions while stressing that those measures did not have the same permanent legally-binding effect as the entry into force of the Treaty which should be the priority for all States.

The General Assembly also welcomed the various regional efforts to promote nuclear-weapon-free zones, such as the nuclear-weapon free zones of Central Asia and the Southern hemisphere and adjacent areas.⁹⁷

Furthermore, on 31 October and 4 December 2006, respectively, the General Assembly also adopted two resolutions without reference to a Main Committee, namely resolution 61/8 on the report of the International Atomic Energy Agency and resolution 61/47 concerning the cooperation between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

(ii) *Security Council*

The Security Council adopted several resolutions concerning the launching by the DPRK of ballistic missiles and its announcement regarding the undertaking of a nuclear-weapons test,⁹⁸ as well as on the nuclear programme of Iran (Islamic Republic of).⁹⁹

⁹⁶ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 226.

⁹⁷ See General Assembly resolutions 61/56, 61/69, 61/87, 61/88 and 61/103.

⁹⁸ Security Council resolutions 1695 (2006) and 1718 (2006).

⁹⁹ Security Council resolutions 1696 (2006) and 1737 (2006).

(c) Biological and chemical weapons issues

In 2006, the sixth Review Conference of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC)¹⁰⁰ was held in Geneva, Switzerland, from 20 November to 8 December. The Conference succeeded in comprehensively reviewing the Convention and adopted a Final Document¹⁰¹ by consensus consisting of three parts: Organization and work of the Conference; Final Declaration; and Decisions and Recommendations listing concrete measures to strengthen the implementation of the Convention. The Final Declaration, *inter alia*, established an International Support Unit to assist State parties in implementing the Convention. In addition, the Review Conference reaffirmed that BWC was applicable to all relevant scientific and technological developments and that it effectively prohibited the use of biological weapons.

Also in 2006, the eleventh session of the Conference of State Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)¹⁰² was held in The Hague, Netherlands, from 5 to 8 December, approving six extension requests by State parties of the date for the destruction of their declared chemical weapons stockpiles.¹⁰³

The United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which was established by Security Council resolution 1284 (1999) to verify Iraq's compliance with its obligation to be rid of its weapons of mass destruction and to operate a system of ongoing monitoring and verification to ascertain that Iraq does not reacquire the same weapons prohibited by the Security Council, has been inactive in the field since March 2003. Nevertheless, UNMOVIC continued to carry out those of its activities which could be implemented outside of Iraq.¹⁰⁴

General Assembly

On 6 December 2006, the General Assembly, on the recommendation of the First Committee, adopted three resolutions concerning biological and chemical weapons. In resolution 61/61 "Measures to uphold the authority of the 1925 Geneva Protocol", the Assembly called upon those States that maintained reservations to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 1925,¹⁰⁵ to withdraw them. In resolution 61/68 concerning the implementation of CWC, the Assembly urged all States parties to CWC to meet their obligations under the Convention and to support the Organization for the Prohibition of

¹⁰⁰ United Nations, *Treaty Series*, vol. 1015, p. 163.

¹⁰¹ For the final document of the Conference, see BWC/CONF.VI/6.

¹⁰² United Nations, *Treaty Series*, vol. 1974, p. 45.

¹⁰³ For the report of the Conference of States Parties, see C-11/5.

¹⁰⁴ For the quarterly reports on the activities of UNMOVIC, see S/2006/133, S/2006/342, S/2006/701 and S/2006/912, respectively.

¹⁰⁵ League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138.

Chemical Weapons (OPCW).¹⁰⁶ In resolution 61/102 on the BWC, the Assembly welcomed the convening of the Sixth Review Conference.

(d) Conventional weapons issues

Regarding 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 (CCW),¹⁰⁷ the Group of Governmental Experts to the CCW held its thirteenth, fourteenth and fifteenth sessions in March, June and August/September 2006, respectively, in Geneva, Switzerland. During these sessions, the Group of Governmental Experts undertook preparatory work for the third Review Conference of the CCW, which was held in Geneva, Switzerland, from 7 to 17 November 2006. It made several recommendations for the third Review Conference on both procedural and substantive issues.¹⁰⁸ The Group also agreed to recommend that a compliance mechanism be created for the Convention and its Protocols; that a sponsorship programme be established under the Convention;¹⁰⁹ and that a Plan of Action to promote the universality of the Convention and its Protocols be adopted.¹¹⁰

In 2006, the third Review Conference of the CCW was held in Geneva, Switzerland, from 7 to 17 November.¹¹¹ Its Main Committee I deliberated on the scope and operation of the Convention and its Protocols as well as on questions of compliance and universal acceptance of the Convention. Main Committee II focused on explosive remnants of war, particularly cluster munitions, and mines other than anti-personnel mines, based on the report by the Group of Governmental Experts. The Conference welcomed the entry into force on 12 November 2006 of Protocol V on Explosive Remnants of War¹¹² and adopted a Final Report outlining the preparatory and conference schedule for 2007.¹¹³ In addition, the Conference adopted a Final Declaration¹¹⁴ relating to four areas: (i) Declaration on the Occasion of the Entry into Force of the Protocol on Explosive Remnants of War (Protocol V); (ii) Decision on a Compliance Mechanism Applicable to the CCW; (iii) Plan of Action to Promote Universality of CCW; and (iv) Decision on the Establishment of a Sponsorship Programme within the Framework of the CCW.

¹⁰⁶ Regarding the cooperation between the United Nations and OPCW, see General Assembly resolution 61/224 of 20 December 2006.

¹⁰⁷ United Nations, *Treaty Series*, vol. 1341, p. 137.

¹⁰⁸ For the reports of the Group of Governmental Experts, see CCW/GGE/XIII/7, CCW/GGE/XIV/5 and CCW/CONF.III/7-CCW/GGE/XV/6 and Adds 1 to 8, respectively.

¹⁰⁹ CCW/GGE/XIII/6.

¹¹⁰ CCW/GGE/XIII/5.

¹¹¹ Prior to the Review Conference, on 6 November 2006, the eighth Annual Conference of the State Parties to the CCW Amended Protocol II also met in Geneva. For the report, see CCW/AP.II.CONF.8/2.

¹¹² For the text of the Protocol, see CCW/MSP/2003/2.

¹¹³ For the report of the Review Conference and the final document, see CCW/CONF.III/11 (Parts I, II and III).

¹¹⁴ *Ibid.*, Part II.

Regarding the topic small arms and light weapons, the Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects¹¹⁵ took place in New York from 26 June to 7 July 2006. Discussions proved particularly contentious on the following issues, including civilian possession of small arms and light weapons, the issue of ammunition and the transfer of small arms and light weapons to non-State actors. The Conference was not able to reach consensus on a final outcome document, nor did it agree on convening another Review Conference. The participating States still reaffirmed their full support for the Programme of Action and adopted the procedural report of the Conference.¹¹⁶

The first session of the Group of Governmental Experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, which had been established by the Secretary-General in accordance with General Assembly resolution 60/81 of 8 December 2005, was held in Geneva, Switzerland, from 27 November to 1 December 2006. A final report on the Group's work is expected to be submitted to the General Assembly at its sixty-second session.

The third session of the Conference of the Parties to the Convention against Transnational Organized Crime was held in Vienna, Austria, from 9 to 18 October 2006,¹¹⁷ reviewing, *inter alia*, the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.¹¹⁸

The seventh Meeting of States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction (Mine Ban Convention)¹¹⁹ took place in Geneva, Switzerland, from 18 to 22 September 2006. Based on the Geneva Progress Report,¹²⁰ the Conference focused on assessing progress made in the implementation of the Nairobi Action Plan (NAP 2005–2009) and on the fulfilment of the mine-clearance obligations under article 5, paragraph 3, of the Convention. The Meeting adopted a Final Report containing a series of decisions and recommendations, particularly with regard to article 5 obligations and deadlines.¹²¹

(i) *General Assembly*

On 6 December 2006, the General Assembly adopted, on the recommendation of the First Committee, nine resolutions concerning the issues of conventional weapons,¹²² arms

¹¹⁵ For the text of the Programme of Action, see A/CONF.192/15.

¹¹⁶ A/CONF.192/2006/RC/9.

¹¹⁷ For the report of the Conference, see CTOC/COP/2006/14.

¹¹⁸ For the text of the Protocol, see A/55/383/Add.2.

¹¹⁹ United Nations, *Treaty Series*, vol. 2056, p. 211.

¹²⁰ APLC/MSP.7/2006/L.2.

¹²¹ APLC/MSP.7/2006/5.

¹²² General Assembly resolution 61/100.

trade,¹²³ small arms and light weapons,¹²⁴ practical disarmament measures,¹²⁵ transparency¹²⁶ and mines,¹²⁷ of which three are highlighted below.

In resolution 61/66 entitled “The illicit trade in small arms and light weapons in all its aspects”, the Assembly called on States to implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons¹²⁸ and recalled that the Governmental Group of Experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons was to submit a report to the Assembly at its sixty-second session.

The General Assembly, in its resolution 61/77 on “Transparency in armaments”, widened the scope of the United Nations Register on Conventional Arms following the recommendations made in the report of the Secretary-General on its continuing operation and further development.¹²⁹

In resolution 61/89, “Towards an arms trade treaty; establishing common international standards for the import, export, and transfer of conventional arms”, the Assembly cleared the first formal step towards an arms trade treaty by requesting the Secretary-General to seek the views of Member States on the feasibility, scope and draft parameters for a comprehensive, legally-binding instrument establishing common standards for the import, export and transfer of conventional arms and report to the Assembly at its sixty-second session.

(ii) Security Council

The Security Council considered the report of the Secretary-General on small arms¹³⁰ during an open debate held on 20 March 2006. During the debate, some members of the Council proposed to adopt a resolution on the threat posed by the illicit trade in small arms, yet as others held the view that it would infringe on the competencies of the General Assembly, no agreement was reached.¹³¹

(e) Regional disarmament activities of the United Nations

(i) Africa

In accordance with General Assembly resolution 60/86, a Consultative Mechanism was established in 2006 for the reorganization of the United Nations Regional Centre for

¹²³ General Assembly resolution 61/89.

¹²⁴ General Assembly resolutions 61/71 61/66.

¹²⁵ General Assembly resolutions 61/72 and 61/76.

¹²⁶ General Assembly resolution 61/79.

¹²⁷ General Assembly resolution 61/84.

¹²⁸ A/60/88.

¹²⁹ A/61/261.

¹³⁰ S/2006/109.

¹³¹ S/PV.5390.

Peace and Disarmament in Africa (UNREC). The Consultative Mechanism held three meetings, on 5 May, 5 June and 12 June in New York, but did not agree on any outcome. In resolution 61/93 of 6 December 2006, adopted on the recommendation of the First Committee, the General Assembly thus requested the Consultative Mechanism to continue its work, including reviewing the mandate and programmes of UNREC in the light of developments in the field of peace and security in Africa since its establishment, with a view to identifying concrete measures to revitalize the Centre.

During 2006, UNREC continued to implement the Small Arms Transparency and Control Regime in Africa, which included, *inter alia*, the maintenance of the Small Arms and Light Weapons Register in Africa. In addition, UNREC also assisted in organizing the 24th Ministerial Meeting of the United Nations Standing Advisory Committee for Security Questions in Central Africa, held from 26 to 29 September in Kigali, Rwanda.

(ii) *Latin America and the Caribbean*

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) continued its efforts to promote regional disarmament in 2006. Among other things, UN-LiREC assisted States in promoting the development of the Chemical Weapons—Regional Assistance and Protection Network. In the area of small arms and light weapons, the Centre also assisted in organizing the Regional Preparatory Meeting of the Programme of Action Review Conference,¹³² held from 2 to 4 May 2006, during which 28 Latin American and Caribbean States signed the Antigua Declaration in La Antigua, Guatemala.¹³³

(iii) *Asia and the Pacific*

During the year under review, the United Nations Regional Centre for Peace and Development in Asia and the Pacific organized various conferences and seminars, including the eighteenth United Nations Conference on Disarmament Issues in Yokohama, Japan, from 21 to 23 August 2006, and the fifth Joint Conference between the United Nations and the Republic of Korea in Jeju, Republic of Korea, from 13 to 15 December 2006, which focused on non-proliferation issues of weapons of mass destruction, and a seminar in Bangkok, Thailand, from 17 to 19 May 2006, for South and Southeast Asian countries to prepare for the Programme of Action Review Conference.

Negotiations with Nepal continued during the year on the issue of the relocation of the Centre to Nepal and a Host Country Agreement and a Memorandum of Understanding were sent to the Nepalese authorities in November 2006.

¹³² For the Programme of Action Review Conference, see subsection (d), above, dealing with conventional weapons issues.

¹³³ A/60/876, annex.

(iv) General Assembly

The General Assembly adopted, on the recommendation of the First Committee, fourteen resolutions on 6 December 2006 concerning regional disarmament issues,¹³⁴ of which one is highlighted below.

In its resolution 61/80 entitled “Regional disarmament”, the General Assembly stressed the importance of regional cooperation in disarmament, and called on all States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels.

(v) Security Council

On 20 September 2006, the Security Council held a ministerial-level meeting on maintaining international peace and security through cooperation between the United Nations and regional organizations. The Council considered, *inter alia*, the report of the Secretary-General¹³⁵ on progress achieved since the adoption of Security Council resolution 1631 (2005) and issued a presidential statement on this matter.¹³⁶ With regard to disarmament issues, the Council urged regional and subregional organizations to assist States in implementing existing agreements and enhancing efforts to eradicate the illicit trade in small arms and light weapons, including via more effective regional mechanisms.

(f) Other issues

(i) Terrorism and disarmament¹³⁷

a. General Assembly

On 6 December 2006, the General Assembly adopted, on the recommendation of the First Committee, resolution 61/86, “Measures to prevent terrorists from acquiring weapons of mass destruction”, in which it took note of the report of the Secretary-General on this matter¹³⁸ and called upon Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and urged them to strengthen national measures in this area. It further requested the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and to seek the views of Member States on additional measures for tackling the global threat posed by the acquisition by terrorists of such weapons.

¹³⁴ See General Assembly resolutions 61/53, 61/56, 61/69, 61/80, 61/81, 61/82, 61/87, 61/88, 61/90, 61/92, 61/93, 61/94, 61/96 and 61/101.

¹³⁵ See the report of the Secretary-General “A regional-global security partnership: challenges and opportunities”, 28 July 2006 (A/61/204).

¹³⁶ S/PRST/2006/39.

¹³⁷ See also the section on the work of the Security Council Committee established by resolution 1540 (2004) (non-proliferation of weapons of mass destruction), under section 2 (f) (ii), above, dealing with the issue of terrorism.

¹³⁸ A/61/171 and Add.1.

(ii) *Outer space*

During the 2006 Conference on Disarmament, the question of the prevention of an arms race in outer space, particularly the scope and desirability of a future legal instrument, was debated in formal and informal plenary meetings, both under this item and under related sub-items.¹³⁹

General Assembly

On 6 December 2006, the General Assembly adopted, on the recommendation of the First Committee, two resolutions on disarmament and outer space. In resolution 61/58 entitled “Prevention of an arms race in outer space”, the General Assembly invited the Conference on Disarmament to complete the examination and updating of the mandate contained in its decision of 13 February 1992,¹⁴⁰ and to re-establish an Ad Hoc Committee on the prevention of an arms race in outer space as soon as possible during 2007. In its resolution 61/75, “Transparency and confidence-building measures in outer space activities”, the General Assembly invited all Member States to submit proposals on international outer space transparency and confidence-building measures.

(iii) *Human rights, human security and disarmament***Subcommission on the Promotion and Protection of Human Rights**

During its fifty-eighth session in 2006, the Subcommission on the Promotion and Protection of Human Rights endorsed, in its resolution 2006/22, the draft principles on the prevention of human rights violations committed with small arms and light weapons prepared by the Special Rapporteur on this topic.¹⁴¹ It transmitted to the Human Rights Council the draft principles to be considered for adoption, comprising regulations over the use of small arms and light weapons by Governments and State officials, and measures to prevent human rights abuses by private actors using small arms and light weapons.

(iv) *Role of science and technology in the context of international security and disarmament***General Assembly**

On 6 December 2006, the General Assembly adopted, on the recommendation of the First Committee, resolution 61/55 entitled “Role of science and technology in the context of international security and disarmament”, in which it, *inter alia*, urged Member States to undertake multilateral negotiations in order to establish universally acceptable, non-discriminatory guidelines for the international transfer of dual-use goods and technologies and high technology with military applications.

¹³⁹ CD/PV.1024–CD/PV.1027.

¹⁴⁰ Conference on Disarmament decision CD/1125.

¹⁴¹ For the text of the draft principles, see resolution 2006/22, annex, reproduced in the report of the Subcommission (A/HRC/2/2—A/HRC/Sub.1/58/36).

(v) *Multilateralism and disarmament***General Assembly**

On 6 December 2006, the General Assembly adopted, on the recommendation of the First Committee, resolution 61/62, “Promotion of multilateralism in the area of disarmament and non-proliferation”, in which the Assembly took note of the report of the Secretary-General containing replies of Member States on this question.¹⁴² It further reaffirmed multilateralism as the core principle in disarmament and non-proliferation and called again on Member States to fulfil their commitments to multilateral cooperation with a view to achieving their common disarmament and non-proliferation objectives.

(vi) *Environmental norms and disarmament agreements***General Assembly**

Also on 6 December 2006, the General Assembly adopted, on the recommendation of the First Committee, resolution 61/63, “Observance of the environmental norms in the drafting and implementation of agreements on disarmament and arms control”, in which it called upon States to adopt unilateral, bilateral, regional and multilateral measures so as to contribute to ensuring the application of scientific and technological progress within the framework of international security, disarmament and other related spheres.

4. Legal aspects of peaceful uses of outer space**(a) The Legal Subcommittee on the Peaceful Uses of Outer Space**

The Legal Subcommittee on the Peaceful Uses of Outer Space held its forty-fifth session in Vienna from 3 to 13 April 2006.¹⁴³

During the session, in the context of its consideration of the item on the status and application of the five United Nations treaties on outer space,¹⁴⁴ the Subcommittee took note of their status and reconvened its Working Group under this item. The Subcommittee endorsed the report of the Working Group¹⁴⁵ and the recommendations contained therein, including that Member States provide information on any measures adopted at the national level as a result of receiving a letter from the Secretary-General encouraging participation in the outer space treaties and that the mandate of the Working Group be

¹⁴² A/61/114.

¹⁴³ For the report of the Legal Subcommittee, see A/AC.105/871.

¹⁴⁴ The treaties include: Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, 1967 (United Nations, *Treaty Series*, vol. 610, p. 205); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, 1968 (United Nations, *Treaty Series*, vol. 672, p. 119); Convention on International Liability for Damage Caused by Space Objects, 1972 (United Nations, *Treaty Series*, vol. 961, p. 187); Convention on Registration of Objects Launched into Outer Space, 1975 (United Nations, *Treaty Series*, vol. 1023, p. 15) and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, 1979 (United Nations, *Treaty Series*, vol. 1363, p. 3).

¹⁴⁵ A/AC.105/871, annex I.

extended for one additional year. The Subcommittee also agreed that it would review the need to extend the mandate of the Working Group beyond that period at its forty-sixth session in 2007.

Under the agenda item concerning information on the activities of international organizations relating to space law, the Subcommittee noted, *inter alia*, that there was a need for higher education institutions to include in their curricula subjects related to space law and commended the work of the Office for Outer Space Affairs in compiling a directory of education opportunities in space law¹⁴⁶ and in preparing the electronic publication "Space law update".¹⁴⁷

In connection with the item relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit,¹⁴⁸ the Legal Subcommittee had before it, among other things, replies from States to a questionnaire prepared by the Secretariat on possible legal issues with regard to aerospace objects¹⁴⁹ and a note by the Secretariat entitled "National legislation and practice relating to definition and delimitation of outer space".¹⁵⁰ The Subcommittee reconvened the Working Group on this item to consider only matters relating to the definition and delimitation of outer space, in accordance with the agreement reached at its thirty-ninth session and, subsequently, endorsed the Working Group's report.¹⁵¹

Referring to the agenda item "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", the Legal Subcommittee noted with satisfaction the progress made by the Scientific and Technical Subcommittee at its forty-third session to establish the objectives, scope and attributes of an international, technically based framework of goals and recommendations for the safety of nuclear power source applications in outer space and its cooperation with the International Atomic Energy Agency, and agreed that it was necessary to continue examining the issue.

Regarding the agenda item entitled "Examination and review of the developments concerning the preliminary draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment", the Legal Subcommittee noted that the Convention on International Interests in Mobile Equipment and the Aircraft Protocol¹⁵² had entered into force on 2 November 2005 and that, in accordance with article 16 of the Convention, the International Registry on aircraft equipment had been established and had begun operating on 1 March 2006, with the International Civil Aviation Organization (ICAO) assuming the role of Supervisory Authority. The Legal Subcommittee also noted

¹⁴⁶ A/AC.105/C.2/2006/CRP.3.

¹⁴⁷ <http://www.unoosa.org>

¹⁴⁸ The full title reads "Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union."

¹⁴⁹ A/AC.105/635 and Add.1-13, Add.7/Corr.1 and Add.11/Corr.1.

¹⁵⁰ A/AC.105/865 and Add.1.

¹⁵¹ A/AC.105/871, annex II.

¹⁵² The Convention was adopted after a five-year negotiating process under the auspices of Unidroit in Cape Town, 2001. For the texts of the Convention and the Protocol, see United Nations, *Treaty Series*, vol. 2307, p. 285 and *ibid.*, vol. 2367, No. I-41143, respectively.

that the International Institute for the Unification of Private Law (Unidroit) remained fully committed to the timely completion of work on the draft space assets protocol.

For the deliberations on the agenda item entitled “Practice of States and international organizations in registering space objects” the Legal Subcommittee had before it three notes by the Secretariat on: (i) the harmonization of practices, non-registration of space objects, transfer of ownership and registration/non-registration of “foreign” space objects;¹⁵³ (ii) the practice of States and international organizations in registering space objects: benefits of becoming a party to the Convention on Registration of Objects Launched into Outer Space;¹⁵⁴ and (iii) on States and intergovernmental organizations that operate or have operated space objects in Earth orbit or beyond.¹⁵⁵ The Subcommittee agreed that it was important to urge greater adherence to the Convention on Registration of Objects Launched into Outer Space. It reconvened its Working Group under this item and, subsequently, endorsed its report.¹⁵⁶

The Committee on the Peaceful Uses of Outer Space held its forty-ninth session in Vienna from 7 to 16 June 2006. The Committee took note of the Legal Subcommittee’s report and a number of views were expressed concerning the work of the Subcommittee.¹⁵⁷

(b) General Assembly

In 2006, the General Assembly adopted four resolutions relating to the topic of legal uses of outer space.

In resolution 61/58, “Prevention of an arms race in outer space”, adopted on 6 December on the recommendation of the First Committee, the General Assembly, *inter alia*, reaffirmed its recognition that the legal regime applicable to outer space did not in and of itself guarantee the prevention of an arms race in outer space, that the regime played a significant role in the prevention of an arms race in that environment, that there was a need to consolidate and reinforce that regime and enhance its effectiveness and that it was important to comply strictly with existing agreements, both bilateral and multilateral. The Assembly also invited the Conference on Disarmament to complete the examination and updating of the mandate contained in its decision of 13 February 1992,¹⁵⁸ and to re-establish an Ad Hoc Committee on the prevention of an arms race in outer space as soon as possible during 2007.

On the same date, the General Assembly also adopted, on the recommendation of the First Committee, resolution 61/75 on “Transparency and confidence-building measures in outer space activities”, in which it, *inter alia*, invited all Member States to submit proposals on international outer space transparency and confidence-building measures.

¹⁵³ A/AC.105/867.

¹⁵⁴ A/AC.105/C.2/L.262.

¹⁵⁵ A/AC.105/C.2/2006/CRP.5.

¹⁵⁶ A/AC.105/871, annex III.

¹⁵⁷ For the report of the Committee on the Peaceful Uses of Outer Space, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 20 (A/61/20)*.

¹⁵⁸ Conference on Disarmament decision CD/1125.

In resolution 61/110 entitled “United Nations Platform for Space-based Information for Disaster Management and Emergency Response”, adopted on 14 December 2006 on the recommendation of the Fourth Committee, the General Assembly, *inter alia*, recognized the important role that coordinated applications of space technology could play in the implementation of the Hyogo Declaration and the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disaster.¹⁵⁹ It further decided to establish the United Nations Platform for Space-based Information for Disaster Management and Emergency Response (SPIDER) that would be implemented as a programme within the United Nations, administered by the Office of Outer Space Affairs with offices in Beijing (China) and Bonn (Germany).

Equally on 14 December 2006, the General Assembly adopted, on the recommendation of the Fourth Committee, resolution 61/111 entitled “International cooperation in the peaceful uses of outer space”, in which it endorsed the report of the Committee on the Peaceful Uses of Outer Space on the work of its forty-ninth session.

5. Human Rights¹⁶⁰

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

(i) *Commission on Human Rights*

The United Nations Commission on Human Rights was established in 1946 by the Economic and Social Council during its first session¹⁶¹ to submit proposals, recommendations and reports to the Council regarding certain defined human rights areas, including on an international bill of rights, the status of women, freedom of information, the protection of minorities and the prevention of discrimination on grounds of race, sex, lan-

¹⁵⁹ Adopted by the World Conference on Disaster Reduction, held at Kobe, Hyogo, Japan from 18 to 22 January 2005; for the text of the Declaration and the Framework for Action, see A/CONF.206/6 and Corr.1, chap. I, resolutions 1 and 2.

¹⁶⁰ This section covers the resolutions adopted, if any, by the Security Council, the General Assembly and the Economic and Social Council. This section also includes a selective coverage of the legal activities of the Human Rights Council, the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights. Other legal developments in human rights may be found under the sections in the present chapter entitled “Peace and security” and “Women”. 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, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination Against Women, Committee Against Torture, Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families). 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 <http://www.ohchr.org>, as well as in the reports of the respective bodies. For complete lists of signatories and States parties to international instruments relating to human rights that are deposited with the Secretary-General, see *Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 2006* (United Nations publications, Sales No. E.07.V.3, (ST/LEG/SER.E/25)), vol. I, chap. IV.

¹⁶¹ Economic and Social Council resolution adopted on 16 February 1946 (E/20).

guage or religion. At its second session¹⁶² the mandate of the Commission was expanded to include any other matter concerning human rights not covered in the previous resolution. Its mandate expanded further over time allowing the Commission to respond to the whole range of human rights problems and to set standards to govern the conduct of States.

On 15 March 2006, the General Assembly adopted, without reference to a Main Committee, resolution 60/251, establishing the Human Rights Council to replace the Commission on Human Rights. Accordingly, the Commission on Human Rights concluded its sixty-second and final session, held on 16 January 2006 and from 13 to 27 March 2006, during which it adopted resolution 2006/1, “Closure of the work of the Commission on Human Rights”, in which the Commission referred all reports for further review to the Human Rights Council.¹⁶³

(ii) *Human Rights Council*

In 2005, at the World Summit held in September, the Heads of State and Government resolved to establish a Human Rights Council that would replace the Commission on Human Rights.¹⁶⁴ This resolve was the outcome of negotiations on the proposal made on the matter by the Secretary-General,¹⁶⁵ following the report of the High-level Panel on Threats, Challenges and Change.¹⁶⁶ As a result, the Human Rights Council was established as a subsidiary organ of the General Assembly by resolution 60/251 of 15 March 2006. The resolution specifies the mandate, modalities, functions, size, composition, working methods and procedures of the Council. The resolution provides that the Council should meet for at least three regular sessions annually and may hold special sessions as needed. The main responsibilities of the Council comprise promoting human rights, addressing situations of human rights violations and making recommendation thereon to the General Assembly. Resolution 60/251 also establishes a new universal periodic review mechanism under which the Council is requested to review the fulfilment of human rights obligations of all countries.¹⁶⁷

¹⁶² Economic and Social Council resolution adopted on 21 June 1946 (E/56/Rev.1 and E/84, para. 4).

¹⁶³ Report of the Commission on Human Rights, Sixty-second Session, *Official Records of the Economic and Social Council 2006, Supplement No. 3* (E/2006/23-E/CN.4/2006/122).

¹⁶⁴ General Assembly resolution 60/1 of 16 September 2005 on the “2005 World Summit Outcome”.

¹⁶⁵ In larger freedom: towards development, security and human rights for all, (A/59/2005 and Add.1 (Explanatory note by the Secretary-General on the establishment of the Human Rights Council)).

¹⁶⁶ Report of the High-level Panel on Threats, Challenges and Change, “A more secure world: our shared responsibility” (A/59/565).

¹⁶⁷ The first session of review cycle 2008–2011 was scheduled to be held from 7 to 18 April 2008. For a list of countries included and calendar for the full cycle, please refer to the website of the Human Rights Council at <http://www.ohchr.org>.

The Human Rights Council began its work in 2006 and held three regular sessions which were largely dedicated to negotiating issues relating to its own institution, and four special sessions dedicated to the human rights situation in specific countries.¹⁶⁸

During its first session, the Council decided to extend exceptionally for one year, subject to the review to be undertaken by the Council, the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Sub-commission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970.¹⁶⁹

(iii) *Sub-Commission for the Promotion and Protection of Human Rights*

The Sub-Commission for the Promotion and Protection of Human Rights was established by the Commission of Human Rights as its main subsidiary body during the first session of the Commission in 1947, and under the authority of the Economic and Social Council.¹⁷⁰ Pursuant to General Assembly resolution 60/251, a Human Rights Council Advisory Committee is to be established to support the work of the Council providing expertise and advice and conducting substantive research and studies on thematic issues of interest to the Council at its request, thus replacing the Sub-Commission on the Promotion and Protection of Human Rights. Meanwhile, the Human Rights Council, in its decision 1/102 of 30 June 2006, decided to extend exceptionally for one year, subject to the review undertaken by the Council, the mandates and mandate-holders of the Sub-Commission. The Sub-Commission consequently held its fifty-eighth session from 7 to 25 August 2006 in Geneva, Switzerland.¹⁷¹

(iv) *Human Rights Committee*

The Human Rights Committee was established under the International Covenant on Civil and Political Rights, 1966,¹⁷² to monitor the implementation of the Covenant and its Optional Protocols in the territory of States parties. In 2006, the Committee held its eighty-sixth session from 13 to 31 March in New York, and its eighty-seventh and eighty-

¹⁶⁸ Report of the Human Rights Council, First session (19 to 30 June 2006), First special session (5 to 6 July 2006), Second special session (11 August 2006), *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)* and report of the Human Rights Council, Second session (18 September to 6 October and 27 to 29 November 2006), Third session (29 November to 8 December 2006), Third special session (15 November 2006), Fourth special session (12 to 13 December 2006), *ibid.*, *Sixty-second Session, Supplement No. 53 (A/62/53)*.

¹⁶⁹ See Human Rights Council decision 1/102 of 30 June 2006 on “Extension by the Human Rights Council of all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights”.

¹⁷⁰ Economic and Social Council resolution 46 (IV) of 28 March 1947 (E/325).

¹⁷¹ For the report of the Sub-Commission, see A/HRC/2/2—A/HRC/Sub.1/58/36.

¹⁷² United Nations, *Treaty Series*, vol. 999, p. 171.

eight sessions from 10 to 28 July and from 16 October to 3 November, respectively, in Geneva, Switzerland.¹⁷³

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

The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council¹⁷⁴ to monitor the implementation of the International Covenant on Economic, Social and Cultural Rights, 1966¹⁷⁵ by its States parties. In 2006, the Committee held its thirty-sixth and thirty-seventh sessions from 1 to 19 May and from 6 to 24 November respectively, in Geneva, Switzerland.¹⁷⁶

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

The Committee on the Elimination of Racial Discrimination was established under the Convention on the Elimination of All Forms of Racial Discrimination, 1966,¹⁷⁷ to monitor the implementation of this Convention by its States parties. In 2006, the Committee held its sixty-eighth and sixty-ninth sessions from 20 February to 10 March and from 31 July to 18 August in Geneva, Switzerland.¹⁷⁸

(vii) *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, 1979,¹⁷⁹ to monitor the implementation of this Convention by its States parties. In 2006, the Committee held its thirty-fourth session from 16 January to 3 February, its thirty-fifth session from 15 May to 2 June and its thirty-sixth session from 7 to 25 August in New York.¹⁸⁰

¹⁷³ The reports of the eighty-sixth and eighty-seventh sessions can be found in *Official Records of the General Assembly, Sixty-first Session, Supplement No. 40 (A/61/40 and A/61/40 Corr.1)* and the report of the eighty-eighth session can be found in *ibid.*, *Sixty-second Session, Supplement No. 40 (A/62/40)*.

¹⁷⁴ Economic and Social Council resolution 1985/17 of 28 May 1985.

¹⁷⁵ United Nations, *Treaty Series*, vol. 993, p. 3.

¹⁷⁶ The reports of the thirty-sixth and thirty-seventh sessions can be found in *Official Records of the Economic and Social Council, 2007, Supplement No. 2 (E/2007/22-E/C.12/2006/1)*.

¹⁷⁷ United Nations, *Treaty Series*, vol. 660, p. 195.

¹⁷⁸ The reports of the sixty-eighth and sixty-ninth sessions can be found in *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18 (A/61/18)*.

¹⁷⁹ United Nations, *Treaty Series*, vol. 1249, p. 13.

¹⁸⁰ The reports of the thirty-fourth, thirty-fifth and thirty-sixth sessions can be found in *Official Records of the General Assembly, Sixty-first Session, Supplement No. 38 (A/61/38)*.

(viii) *Committee against Torture*

The Committee against Torture was established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984,¹⁸¹ to monitor the implementation of this Convention by its States parties. In 2006, the Committee held its thirty-sixth and thirty-seventh sessions from 1 to 19 May and from 6 to 24 November, respectively, in Geneva, Switzerland.¹⁸²

On 22 June 2006, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002,¹⁸³ entered into force, providing for a system of regular visits by independent international and national bodies to places where people are deprived of their liberty to prevent torture and other cruel, inhuman or degrading treatment or punishment. Pursuant to the Optional Protocol, a Subcommittee on the Prevention of Torture was established in October 2006 and is composed of ten independent experts elected by the States parties. The Subcommittee is a new kind of United Nations treaty body with a unique mandate, namely to undertake visits to places where people are or may be deprived of their liberty, to advise and assist States parties in their establishment of national preventive mechanisms, and to maintain direct contact with these mechanisms and offer them training and technical assistance. Further, it is also requested to cooperate with relevant United Nations bodies as well as with other international, regional and national bodies for the prevention of torture.

(ix) *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, 1989,¹⁸⁴ to monitor the implementation of this Convention by its States parties. In 2006, the Committee held its forty-first, forty-second and forty-third sessions in Geneva, Switzerland, from 9 to 27 January, from 15 May to 2 June and from 11 to 29 September, respectively.¹⁸⁵ During its fortieth session, the Committee on the Rights of the Child adopted its General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and General Comment No. 9 on the rights of children with disabilities, in which the Committee offers its interpretation of relevant provisions of the Convention on the Rights of the Child.¹⁸⁶

¹⁸¹ United Nations, *Treaty Series*, vol. 1465, p. 85.

¹⁸² The reports of the thirty-sixth and thirty-seventh sessions can be found in *Official Records of the General Assembly, Sixty-first Session, Supplement No. 44 (A/61/44)* and *ibid.*, *Sixty-second Session, Supplement No. 44 (A/62/44)*.

¹⁸³ The Optional Protocol was adopted by General Assembly resolution 57/199 on 18 December 2002.

¹⁸⁴ United Nations, *Treaty Series*, vol. 1577, p. 3.

¹⁸⁵ The reports of the forty-first, forty-second and forty-third sessions can be found in documents CRC/C/41/3, CRC/C/42/3 and CRC/C/43/3, respectively.

¹⁸⁶ For more detail on General Comments Nos. 8 and 9 refer to the section on the rights of the child, section 5 (h) (i), below. The text of the General Comments is available at the homepage of the Office of the United Nations High Commissioner for Human Rights (<http://www.ohchr.org>).

(x) *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, 1990,¹⁸⁷ to monitor the implementation of this Convention by its States parties in their territories. In 2006, the Committee held its fourth and fifth sessions from 24 to 28 April and from 30 October to 3 November, respectively, in Geneva, Switzerland.¹⁸⁸

(b) **Racism, racial discrimination, xenophobia and related intolerance**

(i) *Human Rights Council*

On 8 December 2006, the Human Rights Council adopted decision 3/103¹⁸⁹ entitled “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action”, in which it decided to establish an Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards with the mandate to elaborate complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of all Forms of Racial Discrimination.

(ii) *General Assembly*

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/147, “Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, and, *inter alia*, expressed concern over the ongoing glorification of the Nazi movement and the increase in racist incidents, and reaffirmed that such acts represented a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights. It further reaffirmed the obligations of States parties under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

On the same date and on the recommendation of the Third Committee, the General Assembly, in resolution 61/148 on the “International Convention on the Elimination of All Forms of Racial Discrimination”, *inter alia*, took note of the reports of the Committee on the Elimination of Racial Discrimination and expressed its concern about the great number of overdue country reports to the Committee, calling on all States parties to abide by their obligation under article 9 of the Convention.

¹⁸⁷ United Nations, *Treaty Series*, vol. 2220, p. 3.

¹⁸⁸ The reports of the fourth and fifth sessions can be found in *Official Records of the General Assembly, Sixty-first Session, Supplement No. 48 (A/61/48)* and *ibid.*, *Sixty-second Session, Supplement No. 48 (A/62/48)*.

¹⁸⁹ For the text of the decision, see document A/HRC/3/7, chapter I B.

Also on that date, the Assembly adopted, on the recommendation of the Third Committee, resolution 61/149 entitled “Global efforts 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”, in which it acknowledged that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery was permitted and expressed its deep concern at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance. The Assembly stressed that States and international organizations had a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urged all States to rescind or refrain from all forms of racial profiling. Furthermore, the Assembly emphasized that it was the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, including measures to ensure that such motivations were considered as an aggravating factor in sentencing and urged all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments.

Furthermore, reaffirming that universal adherence to and full implementation of the Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance, the Assembly reiterated the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action,¹⁹⁰ to achieve universal ratification of the Convention, and urged all States to implement the Durban Programme of Action. The Assembly also decided to convene a review conference on the implementation of the Durban Declaration and Durban Programme of Action in the framework of the General Assembly in 2009, and requested the Human Rights Council to undertake the necessary preparations to that effect.

(c) Right to development

(i) *Sub-Commission for the Promotion and Protection of Human Rights*

On 24 August 2006, the Sub-Commission for the Promotion and Protection of Human Rights adopted resolution 2006/9 entitled “Implementation of existing human rights norms and standards in the context of the fight against extreme poverty”. In the said resolution, the Sub-Commission welcomed the draft guiding principles on extreme poverty and human rights: the rights of the poor.¹⁹¹ The draft guiding principles provide definitions of extreme poverty, provisions on the participation of the poor in decision-making processes and in activities that concern them and provisions on stigmatization and discrimination. The draft guiding principles also stipulate individual political and civil rights as well as economic and social rights, such as the right to food, drinkable water or housing. They also contain provisions on obligations for States parties and for international cooperation in this regard.

¹⁹⁰ A/CONF.189/12 and Corr.1, chapter I.

¹⁹¹ For the text of the decision and the draft guiding principles, see document A/HRC/2/2—A/HRC/Sub.1/58/36, chapter II A.

(ii) *Commission on Human Rights / Human Rights Council*

The independent expert on human rights and extreme poverty, Mr. Arjun Sengupta, submitted his report to the Commission on Human Rights at its sixty-second session pursuant to Commission resolution 2005/16.¹⁹² The report underlined that “viewing extreme poverty as a deprivation of human rights would add a further value to efforts to combat extreme poverty, making poverty eradication a social objective which would ‘trump’ other policy objectives.” The independent expert argued that, “apart from appealing to moral entitlements to a life in dignity, it [was] possible to appeal to ‘legal obligations’, as poverty could be identified with the deprivation of human rights recognized in international human rights instruments.” Furthermore, discussing the difference between “core rights” and rights which may be implemented progressively over time, Mr. Sengupta suggested that “removing the conditions of extreme poverty should be treated as a core obligation which should be realized immediately and given the same high priority as other human rights objectives.”

On 27 November 2006, the Human Rights Council adopted resolution 2/2 on “Human rights and extreme poverty”,¹⁹³ in which it took note of the draft guiding principles on extreme poverty and human rights: the rights of the poor, elaborated by the Sub-Commission for the Promotion and Protection of Human Rights.

(iii) *General Assembly*

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/156 entitled “Globalization and its impact on the full enjoyment of all human rights”. In the said resolution, the General Assembly recognized that, while globalization may affect human rights, the promotion and protection of all human rights was first and foremost the responsibility of the State. The Assembly reaffirmed that development should be at the centre of the international economic agenda and that only through broad and sustained efforts, including policies at a global level to create a shared future based upon common humanity in all its diversity, could globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights.

In resolution 61/157, “Human rights and extreme poverty”, adopted on the same day and also on the recommendation of the Third Committee, the Assembly reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and that urgent international and national action was therefore required to eliminate them.

Still on the same date, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/169 entitled “Right to development”, in which it, *inter alia*, endorsed the agreed conclusions and recommendations adopted by the Working Group on the Right to Development at its seventh session,¹⁹⁴ and called for their full, immediate and effective implementation. Furthermore, the Assembly reaffirmed the primary responsibility of States to create national and international conditions favourable to the realization

¹⁹² E/CN.4/2006/43 and Add.1.

¹⁹³ For the text of the decision, see document A/HRC/2/9, chapter I A.

¹⁹⁴ E/CN.4/2006/26.

of the right to development. It also highlighted the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels. The Assembly recognized the important link between the international economic, commercial and financial spheres and the realization of the right to development. It stressed in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concerns and the need to fill organizational gaps, strengthen the United Nations system and other multilateral institutions, as well as strengthen and broaden the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting.

(d) Right to self-determination

(i) *Commission on Human Rights / Human Rights Council*

Pursuant to Commission on Human Rights resolution 2005/2, 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 report¹⁹⁵ to the General Assembly for consideration. In the report, the Working Group noted that only 28 States had ratified the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 1989.¹⁹⁶ The Working Group was alarmed by the fact that private military and security companies operating and providing military and security services were often not held accountable for human rights violations. It therefore recommended, *inter alia*, the application to those companies of normative provisions of the draft Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights,¹⁹⁷ in particular, those dealing with the right to security of the person, the rights of workers and respect for national sovereignty, territorial integrity and human rights.

(ii) *General Assembly*

On 10 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/150 entitled “Universal realization of the right of peoples to self-determination”, in which it took note of the report of the Secretary-General on this item.¹⁹⁸ The said report contained a summary of the developments relating to the consideration by the former Commission on Human Rights of the subject matter and the referral of the relevant reports by the final session of the Commission to the Human Rights Council for consideration. It also outlined the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights regarding the treaty-based human rights norms relating to the realization of the right of peoples to self-determination.

¹⁹⁵ A/61/341.

¹⁹⁶ United Nations, *Treaty Series*, vol. 2163, p. 96.

¹⁹⁷ E/CN.4/Sub.2/2003/12/Rev.2.

¹⁹⁸ A/61/333.

In resolution 61/150, the General Assembly further reaffirmed that the universal realization of the right of all peoples to self-determination, including those under colonial, foreign and alien dominations, was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights.

On the same day, the General Assembly also adopted, on the recommendation of the Third Committee, resolution 61/151 entitled “Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”, in which it, *inter alia*, took note of the report of the Working Group on the use of mercenaries. The Assembly urged States to take legislative measures to ensure that their territories or nationals are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination. It further called upon States to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials.

In addition, the Assembly requested the Working Group to continue the work of the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and imposition of sanctions against the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session.¹⁹⁹

(e) Economic, social and cultural rights

(i) *Right to food*

a. Human Rights Council

Pursuant to General Assembly resolution 60/165, the Special Rapporteur on the right to food, Mr. Jean Ziegler, submitted his interim report to the Assembly, in which he expressed his grave concern that the right to food was still not a reality in many parts of the world.²⁰⁰ Referring to the Committee on Economic, Social and Cultural Rights’ General Comment No. 12 (1999), the Special Rapporteur defined the right to food as:

“the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear”.

In his report, the Special Rapporteur focused in part on the impact of drought, desertification and land degradation on the right to food. Concluding that hunger was still a primarily rural problem, the Rapporteur strongly encouraged substantial investment towards rural development and expressed his belief that fighting hunger should include

¹⁹⁹ E/CN.4/2004/15, para. 47.

²⁰⁰ Note by the Secretary-General, General Assembly, Sixty-first session, A/61/306.

fighting desertification and, to this end, he urged all States parties to implement the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994.²⁰¹ He further recommended, among other things, that protection under international law be instituted for people forced to flee their lands for environmental reasons; that a United Nations Declaration on the Rights of Indigenous Peoples be elaborated as a first step towards the adoption of a new binding instrument on the rights of indigenous peoples; and that the right to food be ensured through the strengthening of the judiciaries and ensuring the justiciability of the right to food.

b. General Assembly

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/163 entitled “The right to food”. In the said resolution, the Assembly, among other things, reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities. The Assembly also stressed the importance of international development cooperation and assistance, in particular in emergency situations such as natural and man-made disasters, diseases and pests, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country had the primary responsibility for ensuring the implementation of national programmes and strategies in this regard. It encouraged all States to take steps with a view to progressively achieving the full realization of the right to food. The Assembly also recognized that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished were not being fulfilled. In this context, it recalled the importance of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.²⁰²

(ii) *Right to travel and family reunification*

General Assembly

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/162 entitled “Respect for the right to universal freedom of travel and the vital importance of family reunification”, in which it called on all States to guarantee the universally recognized freedom of travel to all foreign nationals residing legally in their territory and reaffirmed that all Governments, in particular those of receiving countries, had to recognize the vital importance of family reunification and to promote its incorporation into national legislation.

²⁰¹ United Nations, *Treaty Series*, vol. 1954, p. 3.

²⁰² Report of the Council of the Food and Agriculture Organization of the United Nations, 127th session, Rome, 22–27 November 2004 (CL 127/REP), appendix D. See also E/CN.4/2005/131.

(iii) *Right to education***Commission on Human Rights / Human Rights Council**

The Special Rapporteur on the right to education, Mr. Vernor Muñoz Villalobos, presented his report²⁰³ to the Commission on Human Rights at its sixty-second session pursuant to Commission resolution 2005/21, focusing on girls' right to education. The Special Rapporteur drew attention to aggravating factors and highlighted the key role of human rights education and its concrete implementation at the classroom level to combat gender discrimination and stereotypes. He further provided a set of recommendations based on the four elements identified as components of the right to education, namely, availability, accessibility, acceptability and adaptability.

(iv) *Right to an adequate standard of living, including adequate housing***Commission on Human Rights / 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, Mr. Miloon Kothari, submitted, in accordance with Commission on Human Rights resolution 2004/21, his last report²⁰⁴ in which he reviewed his main activities since his appointment. He has also attempted to draw conclusions therefrom, highlighted progress made and issues of concern. The Special Rapporteur further confirmed his approach of stressing the indivisibility of human rights without which the right to adequate housing would lose its meaning. In this context, the Special Rapporteur stressed the many inter-linkages between the right to adequate housing and other economic and social rights as well as relevant political and civil rights. He requested the Commission on Human Rights, *inter alia*, to adopt the guidelines on forced eviction that he had proposed in his report,²⁰⁵ to consider recognition of land as a human right and to control unbridled property speculation and land confiscations.

(v) *Right to be free from adverse effects of toxic waste***Commission on Human Rights / Human Rights Council**

The Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu, submitted his annual report²⁰⁶ to the Commission on Human Rights at its sixty-second session, in accordance with Commission resolution 2005/15. In his report, the Rapporteur explored the impact on human rights of the widespread exposure of individuals and communities to toxic chemicals in everyday household goods and food with regard to the right to life, the right to health, the right to access of information and participation in decision-making processes. Among his various recommendations, the Rapporteur

²⁰³ E/CN.4/2006/45.

²⁰⁴ E/CN.4/2006/41.

²⁰⁵ *Ibid.*, appendix.

²⁰⁶ E/CN.4/2006/42.

urged regulatory bodies at the international, regional and national levels to adopt a human rights approach to the management of chemicals.

(vi) *Right to health*

Human Rights Council

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Paul Hunt, submitted his report²⁰⁷ to the Human Rights Council in accordance with Human Rights Council decision 1/102. In his report, the Rapporteur explored, among other things, two major obstacles to the health and human rights movement, namely, the inadequate engagement within the established human rights communities in the struggle for the right to health of (i) non-governmental organizations and (ii) health professionals. The Special Rapporteur noted an increasingly rich case law in the area of the right to health and stressed that judicial accountability had enhanced the protection and promotion of the right to health, which could be understood as a right to an effective and integrated health system, encompassing health care and the underlying determinants of health. Finally, the Rapporteur presented recommendations as to how to implement and operationalize the right to an effective integrated health system, accessible to all, and a human rights-based approach to the use of health indicators, setting out a methodology for such an approach.

(f) **Civil and political rights**

(i) *Torture and other cruel, inhuman or degrading treatment or punishment*

a. Commission on Human Rights / Human Rights Council

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, submitted his interim report to the General Assembly, pursuant to resolution 60/148.²⁰⁸ In the said report, the Rapporteur maintained a focus on the absolute prohibition of torture in the context of counter-terrorism measures, and recalled that in the light of well-founded allegations of torture under article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984²⁰⁹ the burden of proof shifted to the State to establish that evidence invoked against an individual had not been obtained under torture. Noting that the most effective way of preventing torture was to expose all places of detention to public scrutiny, the Special Rapporteur called on all States to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002²¹⁰ and to establish effective prevention mechanisms against torture, including unannounced *in situ* visits.

²⁰⁷ A/HRC/4/28.

²⁰⁸ A/61/259.

²⁰⁹ United Nations, *Treaty Series*, vol. 1465, p. 85.

²¹⁰ General Assembly resolution 57/199 of 18 December 2002.

b. General Assembly

On the recommendation of the Third Committee, the General Assembly adopted, on 19 December 2006, resolution 61/153 entitled “Torture and other cruel, inhuman or degrading treatment or punishment”, in which it emphasized that States had to take determined, persistent and effective measures to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment. The Assembly condemned any actions or attempts by States to legalize, authorize or acquiesce in torture under any circumstances, including on grounds of national security or through judicial decisions. The Assembly also urged States, among other things, to ensure that any statement that is established to have been made as a result of torture should not be invoked as evidence in proceedings and not to expel, return or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being tortured. The Assembly further called upon States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture. Finally, it also urged States that had not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, as a matter of priority and to comply strictly with the obligations contained therein. In this context, the Assembly also acknowledged with appreciation the entry into force of the Optional Protocol to the Convention.

(ii) *Enforced or involuntary disappearances*

a. Human Rights Council

The Working Group on Enforced or Involuntary Disappearances presented its 2006 report to the Human Rights Council,²¹¹ in which it, *inter alia*, reiterated its concern that the enactment of amnesty laws and the implementation of other measures leading to impunity were contrary to article 18 of the Declaration on the Protection of All Persons from Enforced Disappearance,²¹² and might perpetuate continuing human rights abuses. It also reminded States of their obligation under article 13, paragraph 3, of the Declaration to protect all persons involved in the investigation of disappearances against ill-treatment, intimidation or reprisal.

The Human Rights Council adopted at its first session resolution 1/1 entitled “International Convention for the Protection of All Persons from Enforced Disappearance”, in which it adopted the said Convention and recommended it to the General Assembly for adoption.²¹³

b. General Assembly

On 20 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/177 entitled “International Convention for the Protection

²¹¹ A/HRC/4/41.

²¹² General Assembly resolution 47/133.

²¹³ Report of the Human Rights Council, *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, chapter I. 1.

of All Persons from Enforced Disappearance”, in which it adopted the said Convention and opened it for signature, ratification or accession.²¹⁴

(iii) *Freedom of religion or belief*

a. **Human Rights Council**

The Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, submitted her report to the Human Rights Council²¹⁵ on the activities she undertook in 2006. In her report, the Rapporteur noted that the number and seriousness of mandate-related allegations received lead to the conclusion that the protection of freedom of religion or belief and the implementation of the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief²¹⁶ was far from being a reality. Therefore, she recommended, *inter alia*, that Governments redouble their efforts to uphold the provisions in their everyday work and that non-governmental organizations continue to exercise their role as public watchdogs and inform on national best practices. She also reiterated that most situations of religious intolerance stem either from ignorance or from misleading information and noted that the right orientation to education was crucial for promoting religious harmony.

Furthermore, the Special Rapporteur, together with Mr. Doudou Diène, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared a thematic report “Incitement to racial and religious hatred and the promotion of tolerance” for the second session of the Human Rights Council, held in September 2006.²¹⁷

b. **General Assembly**

The Special Rapporteur on freedom of religion and belief, Ms. Asma Jahangir, submitted her interim report²¹⁸ to the General Assembly in accordance with its resolution 60/166 of 16 December 2005. In her report, the Rapporteur noted that the right to freedom of religion and belief continued to be challenged in many contexts, often due to a lack of awareness on the part of Government officials and ordinary citizens, and was frequently further compounded by a lack of transparency concerning the national legal and policy frameworks. The Rapporteur recommended that the United Nations consider developing a common global strategy to deal with rising religious intolerance and reiterated the recommendation that interreligious communities give serious consideration to developing an agreed code of ethics in the pursuit of missionary work.

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/161 entitled “Elimination of all forms of intolerance and discrimination based on religion or belief”, in which it took note of the work and the report

²¹⁴ For the text of the Convention, see General Assembly resolution 61/177, annex. See also chapter IV, section A (d) below.

²¹⁵ A/HRC/4/21.

²¹⁶ General Assembly resolution 36/55 of 25 November 1981, annex.

²¹⁷ A/HRC/2/3.

²¹⁸ A/61/340.

of the Special Rapporteur on freedom of religion or belief. The Assembly urged States, *inter alia*, to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of religion to all without distinction by providing effective remedies in conformity with international human rights law in cases where these rights are violated. The Assembly also emphasized that equating any religion with terrorism should be avoided as this may have adverse consequences on the enjoyment of the right to freedom of religion of all members of the religious communities concerned.

On the same date, the Assembly also adopted, on the recommendation of the Third Committee, resolution 61/164 entitled “Combating defamation of religions”, in which it, *inter alia*, stressed the need to effectively combat defamation of all religions, Islam and Muslims in particular, and urged States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions.

On 20 December 2006, the Assembly further adopted, on the recommendation of the Third Committee, resolution 61/221 entitled “Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace”, in which it, *inter alia*, decided to convene a high-level dialogue on interreligious and intercultural cooperation in 2007.

(iv) *Administration of justice, arbitrary detention and extrajudicial, summary or arbitrary executions*

a. Sub-Commission on the Promotion and Protection of Human Rights

On 24 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights adopted resolution 2006/5, “Sessional working group on the administration of justice”,²¹⁹ in which it reaffirmed the importance of full and effective implementation of all United Nations standards on human rights in the administration of justice. The Sub-Commission reiterated its call to Member States to spare no efforts in providing for legislative and other mechanisms and procedures to ensure full implementation of those standards. It further reaffirmed the importance of combating impunity as a fundamental obstacle of the observance of human rights and, in that respect, recalled the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.²²⁰

b. Commission on Human Rights / Human Rights Council

The Working Group on Arbitrary Detention presented its report²²¹ to the Commission on Human Rights pursuant to Commission resolution 2003/31, containing its Deliberation No. 8 on the deprivation of liberty linked to/resulting from the use of the Internet. The Working Group urged States to stop running secret prisons and to make efforts to avoid over-incarceration, as well as to mitigate the over-representation of vulnerable groups among the prison population. Finally, it invited States to guarantee the effective-

²¹⁹ A/HRC/2/2—A/HRC/Sub.1/58/36 and Corrigendum.

²²⁰ See General Assembly, resolution 60/147, annex.

²²¹ E/CN.4/2006/7.

ness of the right to challenge the lawfulness of detention by any foreign national detained under immigration laws.

In March 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, submitted his annual report²²² in accordance with Commission on Human Rights resolution 2005/34. In his report, the Rapporteur highlighted opportunities to make the special procedures system more effective noting that some of the countries with the most serious human rights problems were also those least likely to be visited. He paid close attention to the principle of transparency as being closely related to the right to life, addressing key areas in which transparency was often lacking: commissions of inquiry into extrajudicial executions, the administration of the death penalty and violations committed during armed conflict. The Rapporteur also made recommendations for measures aimed at increasing transparency and reducing extrajudicial executions. Furthermore, he reiterated, in the context of the “shoot-to-kill” policies employed in some States, that there was no legal basis for shooting to kill for any reason other than near certainty that to do otherwise would lead to loss of life and that law enforcement officers should be instructed to that effect.

c. General Assembly

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/173 on “Extrajudicial, summary or arbitrary executions”, in which it, *inter alia*, strongly condemned all the extrajudicial, summary or arbitrary executions that continued to occur throughout the world. The Assembly stressed the obligations of States to prevent and combat such executions and welcomed in this regard the International Criminal Court as an important contribution to end impunity concerning these practices.

(g) Integration of human rights of women and the gender perspective

(i) Violence against women

a. Commission on Human Rights / Human Rights Council

The Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk, submitted her report²²³ to the Commission on Human Rights pursuant to Commission resolution 2005/41. In the said report, she examined the due diligence standard, adopted in the 1993 Declaration on the Elimination of Violence against Women,²²⁴ as a tool for the effective implementation of women’s human rights, including the right to live a life free from violence. She stressed that the potential of the due diligence standard lay in a renewed interpretation of the standard, mapping out the parameters of responsibility for State and non-State actors alike in responding to violence. In this context, she recommended not to limit the due diligence concept to an element of State responsibility, but to push the boundaries of due diligence in demanding the full compliance of States

²²² E/CN.4/2006/53 and Add. 1 to 5.

²²³ E/CN.4/2006/61.

²²⁴ General Assembly resolution 48/104 of 20 December 1993.

with international law, including the obligation to address root causes of violence against women and to hold non-State actors accountable for their acts.

b. Economic and Social Council

The Economic and Social Council, in resolution 2006/29 of 27 July 2006 entitled “Crime prevention and criminal justice responses to violence against women and girls”, urged Member States to consider using the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice²²⁵ in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women’s equality within the criminal justice system. The Council also encouraged Member States to promote an active and visible policy for integrating a gender perspective into the development and implementation of policies and programmes in the field of crime prevention and criminal justice, in order to assist with the elimination of violence against women and girls.

c. General Assembly

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/143, “Intensification of efforts to eliminate all forms of violence against women”, in which it, *inter alia*, recognized that violence against women and girls persisted in every country in the world as a pervasive violation of the enjoyment of human rights and a major impediment to achieving gender equality, development and peace. The Assembly stressed the need to treat all forms of violence against women and girls as a criminal offence, punishable by law and that States have an obligation to promote and protect all human rights and fundamental freedoms of women and girls. It urged States to take action to eliminate all forms of such violence by means of a more systematic, comprehensive, multisectoral and sustained approach through national action plans to, among other things, end impunity, protect women and girls in armed conflict and integrate a gender perspective into national plans of action.

In resolution 61/145, “Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly”, adopted on 19 December 2006 on the recommendation of the Third Committee, the Assembly, *inter alia*, reaffirmed that States have an obligation to exercise due diligence to prevent violence against women and girls, provide protection to the victims and investigate, prosecute and punish the perpetrators of violence against women and girls, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms.²²⁶

²²⁵ General Assembly resolution 52/86, annex.

²²⁶ See also section 6 (c) of the present chapter on “Women”.

(ii) *Victims of trafficking in persons, especially women and children*a. **Commission on Human Rights / Human Rights Council**

The Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Ms. Sigma Huda, submitted her report²²⁷ to the Commission on Human Rights pursuant to Commission on Human Rights decision 2004/110. In her report, the Rapporteur sought to offer clarifications with regard to the definition of trafficking adopted in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000,²²⁸ and to provide a legal interpretation of the definition. She also focused on exploring the relationship between trafficking and the demand for commercial sexual exploitation, as the factor which had received least attention in anti-trafficking initiatives. In this context, the Rapporteur stressed that a human rights approach to sex trafficking meant that the human rights of trafficking victims had to prevail where these rights conflicted with the legal rights granted to prostitute-users. She further stressed that men had no human rights to engage in the use of prostituted persons and recommended States to criminalize such use.

b. **General Assembly**

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/144, "Trafficking in women and girls", in which it called upon all States to eliminate the demand for trafficked women and girls for all forms of exploitation and urged Governments to criminalize all forms of trafficking in persons, to take measures to ensure that victims of trafficking are not penalized for being trafficked and that the treatment of victims of trafficking pay particular attention to the special needs of women and girls. The Assembly also invited Governments to ensure that criminal justice procedures and witness protection programmes are sensitive to the particular situation of trafficked women and girls and to encourage media providers, including Internet service providers, to adopt or strengthen self-regulatory measures to promote the responsible use of media with a view to eliminating the exploitation of women and children, in particular girls.

(h) **Rights of the child**(i) *Committee on the Rights of the Child*

The Committee on the Rights of the Child adopted during its forty-second session General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.²²⁹ The General Comment provides a definition of "corporal" or "physical" punishment as "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light." It affirms that the Convention on the Rights of the Child, 1989,²³⁰ left no ambiguity that all

²²⁷ E/CN.4/2006/62.

²²⁸ For the Protocol, see General Assembly resolution 55/25 of 15 November 2000.

²²⁹ CRC/C/GC/8.

²³⁰ United Nations, *Treaty Series*, vol. 1577, p. 3.

forms of physical or mental violence were prohibited. Hence, the Convention left no room for any level of legalized violence against children, including traditionally accepted forms of corporal punishment by parents or through school discipline. However, on the issue of implementation of the prohibition of corporal punishment, the General Comment stresses that the principle of equal protection of children and adults from assault, including within the family, does not mean that all cases of corporal punishment of children by their parents should lead to prosecution of parents and refers to the *de minimis* principle—that the law does not concern itself with trivial matters—which ensures that minor assaults only come to courts in exceptional circumstances. The General Comment also describes educational and other measures to raise awareness for the prohibition of corporal punishment and emphasizes the need for monitoring and evaluation mechanisms.

During the same session, the Committee also adopted General Comment No. 9 on the rights of children with disabilities.²³¹ The General Comment was designed to provide guidance in the interpretation of the Convention on the Rights of the Child, 1989, in light of the special needs and situations of children with disabilities. It provides an in-depth analysis of the key provisions for children with disabilities, namely articles 2 and 23 of the Convention, stressing the uniqueness of the reference to disability as a prohibited ground for discrimination and the core message of maximum inclusion of children with disabilities in the society. The General Comment furthermore offers general recommendations on the implementation of the obligations under the Convention, including with regard to data and statistics, budgeting, focal points for disabilities and international cooperation and technical assistance, prior to providing an article by article interpretation of the Convention in light of the particular needs of children with disabilities.

(ii) *General Assembly*

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/146, “Rights of the child”, in which, *inter alia*, it urged States that had not yet done so to become parties to the Convention on the Rights of the Child and the Optional Protocols thereto,²³² and to implement them fully by putting in place effective national legislation. It also urged States to intensify their efforts to preserve the child’s identity, including nationality and family relations, to address cases of international parental child abduction and to take all necessary measures to prevent and combat illegal adoptions. Furthermore, the Assembly urged States to end impunity for perpetrators of crimes against children, investigate and prosecute all acts of violence and impose appropriate penalties. It also called upon all States to create an environment in which the well-being of the child is ensured, to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or harmful and to promote education. Finally, the Assembly strongly condemned any recruitment or use of children in armed conflicts.

²³¹ CRC/C/GC/9.

²³² Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, United Nations, *Treaty Series*, vol. 2173, p. 222; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, United Nations, *Treaty Series*, vol. 2171, p. 227.

(iii) *Security Council*

The Security Council, through the Presidential Statements of 24 July and 28 November 2006 on children in armed conflicts,²³³ reiterated its determination to ensure respect and implementation of its resolution 1612 (2005) that provides a comprehensive framework for addressing the protection of children affected by armed conflict, and noted with appreciation the positive developments in this respect as reflected in the sixth report of the Secretary-General on children and armed conflicts.²³⁴

(i) **Persons with disabilities**

General Assembly

On 13 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/106, "Convention on the Rights of Persons with Disabilities", in which it adopted and opened for signature the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention.²³⁵

(j) **Migrants**(i) *Commission on Human Rights / Human Rights Council*

The Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante, submitted his first annual report²³⁶ pursuant to Commission on Human Rights resolution 2005/47. In the said report, the Rapporteur highlighted that the reluctance to recognize the demand for the labour of migrant workers, a common issue among host countries, was one of the main factors that lead to irregular migration, a situation at the core of much of the abuse and numerous human rights violations suffered by migrants, and vowed to devote particular attention to the question of demand. However, the Rapporteur also pointed out that abuse and human rights violations also occurred in the context of legal migration, particularly in situations of temporary migration.

(ii) *General Assembly*

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/165, "Protection of migrants", in which it, *inter alia*, took note of the interim report of the Special Rapporteur on the human rights of migrants²³⁷ and requested States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their immigration status, especially those of women and children. The Assembly urged States to accede to all relevant international instruments

²³³ S/PRST/2006/33 and S/PRST/2006/48, respectively.

²³⁴ S/2006/826.

²³⁵ For the text of the Convention and the Optional Protocol, see General Assembly resolution 61/106, annex.

²³⁶ E/CN.4/2006/73.

²³⁷ A/61/324.

and expressed concern about legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirmed that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law.

(k) Minorities

Commission on Human Rights / Human Rights Council

The independent expert on minority issues, Ms. Gay McDougall, submitted her first report²³⁸ to the Commission on Human Rights pursuant to Commission resolution 2005/79. In her report, the independent expert stressed that respect for minority rights benefited States and societies in terms of securing the richness of cultural diversity, reflecting their full heritage and contributing to social cohesion. She reiterated the principle provided in the commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities²³⁹ that States had positive obligations not only to tolerance but to a positive attitude towards cultural pluralism, and were required to respect the distinctive characteristics and contribution of minorities to the life of the national society as a whole.

(l) Indigenous people

(i) *Commission on Human Rights / Human Rights Council*

In his report²⁴⁰ submitted to the General Assembly pursuant to Commission on Human Rights resolution 2005/51, the Special Rapporteur on the situation of human rights of indigenous people, Mr. Rodolfo Stavenhagen, made particular reference to the draft United Nations Declaration on the Rights of Indigenous Peoples²⁴¹ and stressed the importance of the General Assembly endorsing it. In his view, the draft Declaration would serve as a useful guide for the human rights treaty bodies in interpreting the scope of the provisions of these treaties in relation to States parties, thus enhancing and consolidating international case law in this area. It would also be a valuable contribution in the discussion about future international standards in indigenous matters and provide a momentum in clarifying emerging or existing customary law regarding the rights of indigenous peoples at the international level.

On 29 June 2006, the Human Rights Council adopted resolution 1/2 entitled “Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994”, in

²³⁸ E/CN.4/2006/74.

²³⁹ General Assembly resolution 47/135 of 18 December 1992, annex.

²⁴⁰ A/61/490.

²⁴¹ For the text of the declaration, see the report of the Human Rights Council, *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A, resolution 1/2, annex.

which it adopted the United Nations Declaration on the Rights of Indigenous Peoples and recommended the said Declaration for adoption by the General Assembly.²⁴²

(ii) General Assembly

On 20 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/178 entitled “Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994”, in which it expressed appreciation to the Working Group of the Commission on Human Rights for the work done in the elaboration of a draft declaration on the rights of indigenous people and decided to defer consideration of and action on the Declaration, as contained in the annex to the resolution, to allow further consultations thereon.

(m) Terrorism and human rights

(i) Commission on Human Rights / Human Rights Council

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Martin Scheinin, submitted his first report²⁴³ to the Commission on Human Rights pursuant to Commission on Human Rights resolution 2005/80. In the said report, the Rapporteur, *inter alia*, provides an analysis of the role of human rights in the review of Member States’ reports to the Counter-Terrorism Committee of the Security Council and made some preliminary observations on elements of a definition of terrorism as to the relevance of this issue for human-rights-conform responses to terrorism. He concluded that in the absence of a universal, comprehensive and precise definition of terrorism, “Terrorist offences’ should be confined to instances where the following three conditions cumulatively meet: (a) acts committed with the intention of causing death or serious bodily injury, or the taking of hostages; (b) for the purpose of provoking a state of terror, intimidating a population, or compelling a Government or international organization to do or abstain from doing any act; and (c) constituting offences within the scope of and as defined in the international conventions and protocols relating to terrorism. Similarly, any criminalization of conduct in support of terrorist offences should be restricted to conduct in support of offences having all these characteristics.”²⁴⁴ The report further discusses certain other issues, such as the rights of victims of terrorism, “root causes” of terrorism and whether non-State actors can violate human rights.

The Human Rights Council, in its decision 2/112 of 27 November 2006, “Persons deprived of liberty in the context of counter-terrorism measures”, urged all States to take all necessary steps to ensure that persons deprived of liberty, regardless of their place of arrest or of detention, benefit from the guarantees that they are entitled to under international law, including, *inter alia*, protection against torture, cruel, inhuman or degrading treatment or punishment, protection against *refoulement* and fundamental judicial guarantees.

²⁴² *Ibid.*

²⁴³ E/CN.4/2006/98 and Add.1 and 2.

²⁴⁴ *Ibid.*, para. 72.

(ii) *General Assembly*

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also submitted a report to the General Assembly,²⁴⁵ in which he draws attention to the report submitted to the Commission on Human Rights. In his report, the Rapporteur also provides an overview of the activities he has carried out since the end of 2005, and reflects upon the impact of the war on terror on the freedom of association and peaceful assembly and relevant international standards, as well as on some general issues relating to his mandate.

In resolution 61/171, “Protection of human rights and fundamental freedoms while countering terrorism”, adopted on 19 December 2006, on the recommendation of the Third Committee, the General Assembly reaffirmed that States must ensure that any measure taken to combat terrorism comply with their obligations under international law, in particular international human rights, refugee and humanitarian law, and that it was imperative that while countering terrorism, all States worked to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law. The Assembly opposed any form of deprivation of liberty that amounted to placing a detained person outside the protection of the law and urged States to respect the safeguards concerning liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law, including human rights law and international humanitarian law.

(n) **Promotion and protection of human rights**(i) *International cooperation and universal implementation of international human rights instruments*a. **Sub-Commission on the Promotion and Protection of Human Rights**

By resolution 2006/1 of 24 August 2006, entitled “The universal implementation of international human rights treaties”,²⁴⁶ the Sub-Commission on the Promotion and Protection of Human Rights welcomed the final report²⁴⁷ of the Special Rapporteur to conduct a detailed study of the universal implementation of international human rights treaties, Mr. Emmanuel Decaux, and strongly encouraged all States to implement the Vienna Declaration and Programme of Action, with a view to the universal and effective implementation of the international human rights instruments.²⁴⁸

b. **Human Rights Council**

The Human Rights Council adopted, on 28 November 2006, its resolution 2/5 on the “Effective implementation of international instruments on human rights”, in which it noted with appreciation the continuing efforts of Member States, relevant United Nations entities and human rights treaty bodies to improve the effectiveness of the treaty body

²⁴⁵ A/61/267.

²⁴⁶ A/HRC/Sub.1/58/36 and A/HRC/2/2.

²⁴⁷ A/HRC/Sub.1/58/5 and Add.1.

²⁴⁸ A/CONF/157/23.

system and encouraged further efforts in this regard. It also encouraged the High Commissioner on Human Rights to undertake a study on various options for reforming the treaty body system, and to seek the views of States and other stakeholders in this regard and to report thereon to the Human Rights Council.

c. General Assembly

In resolution 61/166, “Promotion of equitable and mutually respectful dialogue on human rights”, adopted on 19 December 2006, on the recommendation of the Third Committee, the General Assembly, *inter alia*, urged Member States to further strengthen international cooperation in promoting and encouraging respect for human rights in order to enhance dialogue and broaden understanding among civilizations, cultures and religions and stressed the need to avoid politically motivated and biased country-specific resolutions on the situation of human rights, confrontational approaches, exploitation of human rights for political purposes and selective targeting of individual countries for extraneous considerations and double standards in the work of the United Nations on human rights issues.

On the same day, the General Assembly also adopted, on the recommendation of the Third Committee, resolutions 61/167 and 61/168 entitled “Regional arrangements for the promotion and protection of human rights” and “Enhancement of international cooperation in the field of human rights”, respectively.

In resolution 61/167, the Assembly, among other things, took note of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights²⁴⁹ and recognized that progress in promoting and protecting all human rights depended primarily on efforts made at the national and local levels, and that a regional approach should imply intensive cooperation and coordination with all partners involved. The Assembly further welcomed the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights and invited States, in areas in which such arrangements did not yet exist, to consider, with the support and advice of national human rights institutions and civil society organizations, concluding agreements with a view to establishing suitable regional machinery for the promotion and protection of human rights.

In resolution 61/168, the Assembly, *inter alia*, reaffirmed that States had a collective responsibility to uphold the principles of human dignity, equality and equity at the global level and invited all States to further strengthen international cooperation in the field of human rights to make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms.

(ii) *Human rights defenders*

Commission on Human Rights / Human Rights Council

The Special Representative of the Secretary-General on human rights defenders, Ms. Hina Jilani, submitted her sixth and final report²⁵⁰ to the Commission on Human Rights

²⁴⁹ A/61/513.

²⁵⁰ E/CN.4/2006/95 and Add. 1 to 5 and Add.1/Corr. 1 and 2.

pursuant to Commission on Human Rights resolutions 2000/61 and 2003/64. In her report, the Special Representative noted the need for an activity-based definition of human rights defence and to guarantee the right to defend rights, and assessed the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).²⁵¹ The report further noted the overall trend among States to adopt new laws restricting the space for human rights activities, particularly in the context of counter-terrorism measures. The Special Representative concluded her report by reiterating several of her previously made recommendations, including calling for the adoption of laws as well as security and public order policies, in the absence of adequate legal frameworks for the enforcement of economic, social and cultural rights, that recognize the legitimacy of peaceful action to attain these rights. She further recommended that Governments ensure that laws and policies reflect the right of defenders to access information and sites of alleged violations, and the introduction of a procedure at the Human Rights Council that would use the evaluation of the situation of human rights defenders as an essential indicator for the assessment of compliance with human rights standards and the respect for the rule of law.

(iii) *Transnational corporations*

Sub-Commission on the Promotion and Protection of Human Rights

The Sub-Commission on the Promotion and Protection of Human Rights adopted on 24 August 2006, resolution 2006/7 on “The effects of the working methods and activities of transnational corporations on the enjoyment of human rights”,²⁵² in which it thanked Mr. El-Hadji Guissé, Chairperson-Rapporteur of the sessional working group set up to examine the working methods and activities of transnational corporations, for his report on the work of the eighth session of the working group.²⁵³ It further recommended that the Human Rights Council adopt the draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, previously adopted by the Sub-Commission,²⁵⁴ and consider establishing a monitoring body.

(o) **Miscellaneous**

(i) *Democratic and equitable international order*

General Assembly

In resolution 61/160, adopted on 19 December 2006, on the recommendation of the Third Committee, entitled “Promotion of a democratic and equitable international order”, the General Assembly, *inter alia*, affirmed that everyone was entitled to a democratic and equitable international order that would foster the full realization of all human rights for

²⁵¹ For the text of the Declaration, see General Assembly resolution 53/144, annex, of 9 December 1998.

²⁵² A/HRC/2/2-A/HRC/Sub.1/58/36.

²⁵³ A/HRC/Sub.1/58/11.

²⁵⁴ E/CN.4/2003/112.Rev.2.

all. While stressing the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respecting national and regional particularities and various historical, cultural and religious backgrounds in the enhancement of international cooperation in the field of human rights, the Assembly also reaffirmed the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. In this context, it also stressed that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis.

(ii) *Unilateral coercive measures*

General Assembly

In resolution 61/170 entitled “Human rights and unilateral coercive measures”, adopted on 19 December 2006, on the recommendation of the Third Committee, the General Assembly urged all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights²⁵⁵ and other human rights instruments. It stressed in particular the right of individuals and peoples to development, noting that unilateral coercive measures were one of the obstacles to the implementation of the Declaration on the Right to Development.²⁵⁶

(iii) *Human rights violations and small arms and light weapons*

Sub-Commission on the Promotion and Protection of Human Rights

The Special Rapporteur on the prevention of human rights violations with small arms and light weapons, Ms. Barbara Frey, submitted her final report²⁵⁷ to the Sub-Commission on the Promotion and Protection of Human Rights pursuant to Sub-Commission resolution 2002/25. In her report, she addressed two fundamental legal principles with respect to the nature and extent of a State’s obligation to prevent human rights violations with small arms and light weapons, namely the due diligence responsibility of States to prevent small arms abuses by private actors and the significance of the principle of self-defence. The Rapporteur, *inter alia*, stressed that the minimum effective measures that States had to adopt to comply with their due diligence obligations had to go beyond criminalization of acts of armed violence and had to include the enforcement of minimum licensing requirements. The Special Rapporteur referred to the draft principles on the prevention of human rights violations committed with small arms and light weapons²⁵⁸ for other effective measures to

²⁵⁵ General Assembly resolution 217 A (III).

²⁵⁶ General Assembly resolution 41/128, annex.

²⁵⁷ A/HRC/Sub.1/58/27 and Add.1.

²⁵⁸ For the text of the draft principles, see A/HRC/Sub.1/58/27/Add.1, annex, or A/HRC/2/2—A/HRC/Sub.1/58/36, annex to resolution 2006/22.

be undertaken. On the principle of self-defence, she stressed, among other things, that this principle did not provide an independent, supervening right to small arms possession and, hence, regulating the possession of firearms was not inconsistent with the principle of self-defence. She further noted that international law did not support an international legal obligation requiring States to provide civilians access to small arms for self-defence and stressed that Article 51 of the Charter of the United Nations did not apply to situations of self-defence for individuals.

The Sub-Commission on the Promotion and Protection of Human Rights adopted on 24 August 2006, resolution 2006/22 entitled “Prevention of human rights violations committed with small arms and light weapons”,²⁵⁹ in which it, *inter alia*, welcomed the final report of the Special Rapporteur, Ms. Barbara Frey, on the prevention of human rights violations committed with small arms and light weapons and endorsed the draft principles on the prevention of human rights violations committed with small arms and light weapons contained therein. It further decided to transmit the draft principles to the Human Rights Council for consideration and adoption.

(iv) *Hostage-taking*

General Assembly

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/172 on “Hostage-taking”, in which it recalled all relevant resolutions of the Commission on Human Rights on the subject, including its most recent, resolution 2005/31 of 19 April 2005,²⁶⁰ as well as the statement by the President of the Human Rights Council of 30 June 2006 on the same subject.²⁶¹ It further condemned all acts of hostage-taking anywhere in the world and reaffirmed that it is a serious crime, aimed at the destruction of human rights and is under no circumstances, justifiable.

6. Women^{262, 263}

(a) Commission on the Status of Women²⁶⁴

The Commission on the Status of Women was established by the Economic and Social Council in its resolution 11 (II) of 21 June 1946 as a functional commission in order to deal

²⁵⁹ A/HRC/2/2—A/HRC/Sub.1/58/36.

²⁶⁰ *Official Records of the Economic and Social Council, 2005, Supplement No. 3 and corrigendum* (E/2005/23 and Corr.1), chap. II, sect. A.

²⁶¹ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. C.

²⁶² For complete lists of signatories and States parties to the international instruments relating to women that are deposited with the Secretary-General, see the chapters relating to human rights and the status of women in *Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 2006* (United Nations publications, Sales No. E.07.V.3, (ST/LEG/SER.E/25)), vol. I, chap. IV, and vol. II, chap. XVI.

²⁶³ For more information, see also section 6 of the present chapter on human rights.

²⁶⁴ For more information on the Commission on the Status of Women, see <http://www.un.org/womenwatch/daw/csw/>.

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 and reports to the Council on the promotion of women's rights in political, economic, civil, social and educational fields.

The Commission held its fiftieth session from 27 February to 10 March 2006 and on 16 March 2006 at United Nations Headquarters in New York.²⁶⁵ In 2006, the Commission considered the following two themes: "Enhanced participation of women in development: an enabling environment for achieving gender equality and the advancement of women, taking into account, *inter alia*, the fields of education, health and work"; and "Equal participation of women and men in decision-making processes at all levels". A high-level panel discussion on the gender dimensions of international migration was also held.²⁶⁶

During its fiftieth session, the Commission adopted and recommended to the attention of the Economic and Social Council a number of resolutions, decisions and agreed conclusions, of which three are highlighted below.

In resolution 50/1 entitled "Release of women and children taken hostage, including those subsequently imprisoned, in armed conflict", the Commission, *inter alia*, urged all parties to armed conflicts to fully respect the norms of international humanitarian law, to take all necessary measures for the protection of the civilian population, and to release immediately all women and children who have been taken hostage. It condemned the consequences of hostage-taking, in particular torture and other cruel, inhumane or degrading treatment or punishment, murder, rape, slavery and trafficking in women and children. It further stressed both the need to put an end to impunity and the responsibility of all States to prosecute in accordance with international law those responsible for war crimes, including hostage-taking.

In resolution 50/2 entitled "Women, the girl child and HIV/AIDS", the Commission stressed that the HIV/AIDS pandemic reinforces gender inequalities and that women and girls bear a disproportionate share of the burden imposed by the HIV/AIDS crisis. It urged Governments to take all necessary measures to empower women and strengthen their economic independence and to protect and promote their full enjoyment of all human rights and fundamental freedoms in order to protect themselves from HIV/AIDS infection. It further urged Governments to strengthen legal, policy, administrative and other measures for the prevention and elimination of all forms of violence against women and girls, including harmful traditional and customary practices, abuse, early and forced marriage, rape, including marital rape, and other forms of sexual violence, battering and trafficking in women and girls, and to ensure that violence against women is addressed as an integral part of the national HIV/AIDS response.

In resolution 50/3 entitled "Advisability of the appointment of a special rapporteur on laws that discriminate against women", the Commission noted the concerns expressed that legislative and regulatory gaps, as well as lack of implementation and enforcement of laws and regulations, perpetuate *de jure* as well as *de facto* inequality and discrimination against women. It took note of the report of the Secretary-General on the advisability

²⁶⁵ For the report of the fiftieth session, see *Official Records of the Economic and Social Council, 2006, Supplement No. 7 (E/2006/27—E/CN.6/2006/15)*.

²⁶⁶ *Ibid.*, chap. I A and chap. II, paras. 41–46.

of the appointment of a special rapporteur on laws that discriminate against women,²⁶⁷ invited the Secretary-General to bring to the attention of the Committee on the Elimination of Discrimination against Women and other relevant treaty bodies his report with a view to eliciting their views on ways and means that could best complement the work of the existing mechanisms and invited the Office of the United Nations High Commissioner for Human Rights to provide its views thereon. It further invited Member States and observers to submit to the Secretary-General their views on his report and decided to consider the item at its fifty-first session.

(b) Economic and Social Council

On 25 July 2006, the Economic and Social Council adopted, on the recommendation of the Commission on the Status of Women, resolution 2006/7 entitled “Situation of women and girls in Afghanistan”, and resolution 2006/8 on the “Situation of and assistance to Palestinian Women”.

(c) General Assembly²⁶⁸

In resolution 61/145, “Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly”, adopted on 19 December 2006 on the recommendation of the Third Committee, the Assembly, *inter alia*, welcomed the report of the Secretary-General²⁶⁹ and the ministerial declaration of the high-level segment of the substantive session of 2006 of the Economic and Social Council, “Creating an environment at the national and international levels conducive to generating full and productive employment and decent work for all, and its impact on sustainable development.”²⁷⁰ The Assembly recognized that the implementation of the Beijing Declaration and Platform for Action and the fulfilment of the obligations under the Convention on the Elimination of All Forms of Discrimination against Women, 1979,²⁷¹ were mutually reinforcing in achieving gender equality and the empowerment of women. Further, it reaffirmed that States have an obligation to exercise due diligence to prevent violence against women and girls, provide protection to the victims and investigate, prosecute and punish the perpetrators of violence against women and girls, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms.

²⁶⁷ E/CN.6/2006/8.

²⁶⁸ See also General Assembly resolutions 61/143 and 61/144 dealing with the rights of women, which are covered under section 5 of the present chapter “Human Rights”.

²⁶⁹ A/61/174.

²⁷⁰ Report of the Economic and Social Council for 2006, *Official Records of the General Assembly, Sixty-first Session, Supplement No. 3 (A/61/3/Rev.1)*

²⁷¹ United Nations, *Treaty Series*, vol. 1249, p. 13.

7. Humanitarian matters

(a) Economic and Social Council

On 18 July 2006, the Economic and Social Council adopted resolution 2006/5 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”, in which it took note of the report of the Secretary-General²⁷² on this item and of the reports of the Secretary-General on humanitarian assistance and rehabilitation for El Salvador and Guatemala,²⁷³ on strengthening emergency relief, rehabilitation, reconstruction and prevention in the aftermath of the South Asian earthquake disaster—Pakistan,²⁷⁴ as well as of his report on strengthening emergency relief, rehabilitation, reconstruction, recovery and prevention in the aftermath of the Indian Ocean tsunami disaster.²⁷⁵

The Council, *inter alia*, requested the organizations of the United Nations system to continue to systematically engage with relevant authorities and organizations at the regional and national levels to support efforts to strengthen humanitarian response capacities at all levels, in particular through preparedness programmes, with a view to improving the overall adequacy of the deployment of resources. The Council further requested the Secretary-General to continue to develop more systematic links with Member States offering military assets for natural disaster response. The Council also welcomed the establishment of the Central Emergency Response Fund.²⁷⁶

(b) General Assembly

On 14 December 2006, the General Assembly adopted, without reference to a Main Committee, four resolutions on humanitarian matters, of which three are highlighted below.²⁷⁷

In resolution 61/131, “International cooperation on humanitarian assistance in the field of natural disasters, from relief to development”, the General Assembly took note of the reports of the Secretary-General entitled “International cooperation on humanitarian assistance in the field of natural disasters, from relief to development”,²⁷⁸ “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”,²⁷⁹ “Strengthening emergency relief, rehabilitation, reconstruction, recovery and prevention in the aftermath of the Indian Ocean tsunami disaster”²⁸⁰ and “Central Emergency Response Fund”.²⁸¹ The Assembly, among other things, called upon States to fully imple-

²⁷² A/61/85-E/2006/81.

²⁷³ A/61/78-E/2006/61.

²⁷⁴ A/61/79-E/2006/67.

²⁷⁵ A/61/87-E/2006/77.

²⁷⁶ See General Assembly resolution 60/124 of 15 December 2005.

²⁷⁷ See also General Assembly resolutions 61/132 of 14 December 2006 and 61/198 and 61/220 of 20 December 2006.

²⁷⁸ A/61/314.

²⁷⁹ A/61/85-E/2006/81.

²⁸⁰ A/61/87-E/2006/77.

²⁸¹ A/61/85/Add.1-E/2006/81/Add.1.

ment the Hyogo Declaration²⁸² and the Hyogo Framework of Action 2005–2015: Building the Resilience of Nations and Communities to Disasters,²⁸³ in particular commitments related to assistance for developing countries that are prone to natural disasters and for disaster-stricken States in the transition phase towards sustainable physical, social and economic recovery, for risk-reduction activities in post-disaster recovery and for rehabilitation processes. The Assembly also encouraged all States that had not yet done so to accede to or ratify the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, 1998.²⁸⁴

In resolution 61/133 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”, the Assembly welcomed the report of the Secretary-General on this item.²⁸⁵ It strongly urged all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations and associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which were all essential for the continuation and successful implementation of United Nations operations. The Assembly further welcomed the adoption of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, 2005,²⁸⁶ and called upon all States to ensure its rapid entry into force. It also called upon all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, where humanitarian personnel were operating, to cooperate fully with the United Nations and other humanitarian agencies and organizations. Finally, the Assembly strongly condemned all threats and acts of violence against humanitarian personnel and United Nations and associated personnel and called upon all parties involved in armed conflicts to refrain from abducting humanitarian personnel or United Nations and associated personnel, or detaining them and to speedily release, without harm or requirement of concession, any abducted person or detainee.

In resolution 61/134, “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”, the Assembly, *inter alia*, emphasized the fundamentally civilian character of humanitarian assistance and affirmed the need, in situations where military capacity and assets are used to support the implementation of humanitarian assistance, for their mode of use to be in conformity with international humanitarian law and humanitarian principles. It reaffirmed the obligation of all States and parties to an armed conflict to protect civilians in accordance with international humanitarian law, and invited States to promote a culture of protection, taking into account the particular needs of women, children, older persons and persons with disabilities. The Assembly also called upon States to adopt preventive measures and effective responses to acts of violence committed against civilian populations in armed conflicts as well as to ensure that those responsible are promptly brought to justice. Finally, it further recognized the Guiding Principles on Internal Displacement²⁸⁷ as an important international framework for the protection of internally displaced persons.

²⁸² A/CONF.206/6 and Corr.1, chap. 1, resolution 1.

²⁸³ *Ibid.*, resolution 2.

²⁸⁴ United Nations, *Treaty Series*, vol. 2296, p. 5.

²⁸⁵ A/61/463.

²⁸⁶ For the text of the Optional Protocol see General Assembly resolution 60/42, annex.

²⁸⁷ E/CN.4/1998/53/Add.2, annex.

8. Environment

General Assembly

On 20 December 2006, the General Assembly adopted, on the recommendation of the Second Committee, several resolutions related to the environment, of which four are highlighted below.

In resolution 61/195 entitled “Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development”, the General Assembly noted the report of the Secretary-General on the activities undertaken in the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development.²⁸⁸ The Assembly further called for the effective implementation of the commitments, programmes and time-bound targets adopted at the World Summit on Sustainable Development²⁸⁹ and for the fulfilment of the provisions relating to the means of implementation, as contained in the Johannesburg Plan of Implementation.²⁹⁰

In resolution 61/201 entitled “Protection of global climate for present and future generations of mankind”, the General Assembly called upon States to work cooperatively towards achieving the ultimate objective of the United Nations Framework Convention on Climate Change, 1992.²⁹¹ The Assembly welcomed the entry into force of the Kyoto Protocol, 1997, on 16 February 2005,²⁹² and took note of the outcome of the eleventh²⁹³ and twelfth²⁹⁴ sessions of the Conference of the Parties to the Framework Convention and the first²⁹⁵ and second²⁹⁶ sessions of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol.

In resolution 61/202 entitled “Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa”, the General Assembly took note of the report of the Secretary-General²⁹⁷ on this item. The Assembly also reaffirmed its resolve to strengthen the implementation of the Convention to address causes of desertification and land degradation, as well as poverty resulting from land degradation, through, among other things, the mobilization of adequate and predictable financial resources, the transfer of technology and capacity-building at all levels.

²⁸⁸ A/61/258.

²⁸⁹ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 1, annex.

²⁹⁰ *Ibid.*, resolution 2, annex.

²⁹¹ United Nations, *Treaty Series*, vol. 1771, p. 107.

²⁹² *Ibid.*, vol. 2303, p. 148.

²⁹³ FCCC/CP/2005/5/Add.1.

²⁹⁴ FCCC/CP/2006/4- FCCC/KP/CMP/2006/8.

²⁹⁵ FCCC/CP/2005/5/Add.1.

²⁹⁶ FCCC/CP/2006/4- FCCC/KP/CMP/2006/8.

²⁹⁷ A/61/225, sect. II.

Finally, in resolution 61/204 entitled “Convention on Biological Diversity”, the General Assembly, *inter alia*, took note of the report of the Executive Secretary of the Convention on Biological Diversity²⁹⁸ and further noted the outcomes of the eighth meeting of the Conference of the Parties to the Convention on Biological Diversity²⁹⁹ and of the third meeting of the Conference of the Parties to the Convention serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety.³⁰⁰ The Assembly further reiterated the commitment³⁰¹ of States parties to the Convention on Biological Diversity, 1992,³⁰² and the Cartagena Protocol on Biosafety, 2000,³⁰³ to support the implementation of the Convention and the Protocol, as well as other biodiversity-related agreements and the Johannesburg commitment to a significant reduction in the rate of loss of biodiversity by 2010, and to continue to negotiate within the framework of the Convention, bearing in mind the Bonn Guidelines,³⁰⁴ an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources. It also urged all States to continue ongoing efforts to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing.

9. Law of the sea

(a) Reports of the Secretary-General³⁰⁵

The Secretary-General, in his reports to the General Assembly at its sixty-first and sixty-second sessions under the agenda item entitled “Oceans and the Law of the Sea”, provided an overview of developments relating to the implementation of the United Nations Convention on the Law of the Sea, 1982, (Convention)³⁰⁶ and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea during the year 2006. The reports contain updates on the status of the Convention and its implementing Agreements, as well as on declarations and statements made by States under articles 287, 298 and 310 of the Convention.

In relation to the topic of maritime space, the reports provide an overview of State practice, maritime claims and delimitation of maritime zones.

They also outline the work carried out in 2006 by the three institutions established by the Convention, namely, the International Seabed Authority (ISA), the International

²⁹⁸ *Ibid.*, sect. III.

²⁹⁹ UNEP/CBD/COP/8/31.

³⁰⁰ UNEP/CBD/BS/COP-MOP/3/15.

³⁰¹ UNEP/CBD/ExCOP/1/3 and Corr.1, part two, annex.

³⁰² United Nations, *Treaty Series*, vol. 1760, p. 79.

³⁰³ *Ibid.*, vol. 2226, p. 208.

³⁰⁴ UNEP/CBD/COP/6/20, annex I, decision VI/24A.

³⁰⁵ A/61/63 and Add.1 and A/62/66. Information contained in the reports of the Secretary-General on the law of the sea with regard to the work of other related international organizations within the United Nations system are not covered in this chapter, see chapter III B below.

³⁰⁶ United Nations, *Treaty Series*, vol. 1833, p. 3.

Tribunal for the Law of the Sea³⁰⁷ and the Commission on the Limits of the Continental Shelf (CLCS).

ISA held its twelfth session from 7 to 18 August 2006 in Kingston, Jamaica, during which it continued its work on the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts deciding that two separate regulations should be drafted, one on polymetallic sulphides and the other on cobalt-rich ferromanganese crusts.³⁰⁸

CLCS held its seventeenth and eighteenth sessions from 20 March to 21 April and from 21 August to 15 September 2006, respectively,³⁰⁹ at United Nations Headquarters, New York, during which it continued the examination of the submissions made by Brazil, Australia and Ireland and began consideration of the submission made by New Zealand, as well as the joint submission made by France, Ireland, Spain and the United Kingdom. CLCS also received a submission from Norway, the consideration of which, however, would begin in 2007. In addition, at its seventeenth session, CLCS adopted amendments to section IV (10) of annex III to its rules of procedure (CLCS/40) concerning the attendance by the coastal State at the consideration of its submission.

The Secretary-General also reported on the training courses which the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, given in 2006. Those training courses were organized to promote and facilitate the implementation of article 76 of the Convention on the part of developing States, which may have a continental shelf extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

In his reports, the Secretary-General paid special attention to ecosystem-approaches, one of the topics chosen for the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held from 12 to 16 June 2006, at United Nations Headquarters, New York, outlining the applicable legal framework.³¹⁰

Furthermore, the Secretary-General provided an update on the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.³¹¹ The second session of the Intergovernmental Review Meeting on the Implementation of the Global Programme of Action was held in Beijing, from 16 to 20 October 2006, to consider progress in implementation of the Global Programme of Action and to identify options

³⁰⁷ For the work of the Tribunal, see chapter VII below.

³⁰⁸ For more information on the twelfth session of ISA, see A/62/66, paras. 13–18. See also the Statements of the President on the work of the Assembly (ISBA/12/A/13) and of the Council (ISBA/12/C/12) at the twelfth session.

³⁰⁹ For more information on the seventeenth and eighteenth sessions of CLCS, see CLCS/50 and CLCS/52.

³¹⁰ See A/61/63, chapter X. For more information on the work of the seventh meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, see A/61/156.

³¹¹ GPA is designed to assist States in taking action which will lead to the prevention, reduction, control and/or elimination of the degradation of the marine environment, and to its recovery from the impacts of land-based activities.

for strengthening its implementation. The Meeting adopted the Beijing Declaration on furthering the implementation of the Global Programme of Action.³¹²

Pursuant to General Assembly resolution 59/24 of 17 November 2004, the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction met in New York from 13 to 17 February 2006.³¹³

With regard to the marine environment, the Secretary-General reported³¹⁴ that the General Assembly had decided to launch the “assessment of assessments” as the start-up phase of the regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, to be overseen by an *ad hoc* steering group and executed by a group of experts. The *ad hoc* steering group held its first meeting from 7 to 9 June 2006 and considered, *inter alia*, criteria for the appointment of the group of experts (i.e., regional representation) and the preparation of the “assessment of assessments”.³¹⁵

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, 1995, (Fish Stocks Agreement)³¹⁶ was held in New York from 22 to 26 May 2006. The Review Conference was organized in accordance with General Assembly resolution 59/25 of 17 November 2004 and pursuant to article 36 of the Fish Stocks Agreement, which required the Secretary-General to convene such a conference in order to assess the effectiveness of the Fish Stocks Agreement in securing the conservation and management of straddling fish stocks 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 to better address any continuing problems in the conservation and management of the two types of stocks. The Conference reviewed the state of implementation of the Fish Stocks Agreement by States and by regional fisheries management organizations and arrangements, recognized as the primary mechanism for international cooperation in the conservation and management of straddling fish stocks and highly migratory fish stocks. As a result of the review, it adopted recommendations addressed to States individually and collectively through regional fisheries management organizations to strengthen implementation of the provisions of the Fish Stocks Agreement. Those recommendations related to the conservation and management of stocks; mechanisms for international cooperation; monitoring, control and surveillance

³¹² See UNEP/GPA/IGR.2/7, para. 68 and annex V. The Beijing Declaration endorses the programme of work of the UNEP/Global Programme of Action Coordination Office for the period 2007–2011, which will focus on promoting the Programme at the international, regional, and national levels, strengthening implementation of the Global Programme of Action through the UNEP Regional Seas Programme (UNEP/RSP) and other regional mechanisms, and mainstreaming its implementation into national development planning and public sector budgetary mechanisms.

³¹³ Discussions were based on the information contained in document A/60/63/Add.1. The report of the discussion is contained in document A/61/65.

³¹⁴ Report submitted pursuant to General Assembly resolution 60/30 of 29 November 2005.

³¹⁵ For the report of the first meeting, see <http://www.unep.org/DEWA/assessments>.

³¹⁶ United Nations, *Treaty Series*, vol. 2167, p. 3.

and compliance and enforcement; adherence to the Agreement and assistance to developing States for this purpose; and keeping the Fish Stocks Agreement under review.³¹⁷

With regard to whaling, the Secretary-General reported that the fifty-eighth annual meeting of the International Whaling Commission was held in Saint Kitts and Nevis from 16 to 20 June 2006. The meeting adopted the Saint Kitts and Nevis Declaration, which contained a commitment to normalizing the functions of the Commission based on the terms of the International Convention for the Regulation of Whaling, 1946,³¹⁸ and other relevant international law; respecting cultural diversity and traditions of coastal peoples and the fundamental principles of sustainable use of resources; and attaining science-based policy and rule making that are accepted as the world standard for the management of marine resources. The Commission also adopted a resolution on the safety of vessels engaged in whaling and whale research-related activities.³¹⁹

The Secretary-General further reported on the settlement of disputes relating to law of the sea matters by the International Tribunal for the Law of the Sea,³²⁰ the International Court of Justice³²¹ and the Arbitral Tribunal established in the case between Barbados and Trinidad and Tobago, which rendered its award on 11 April 2006.³²² In the said award, after a finding of jurisdiction to consider the parties' maritime delimitation claims, the Arbitral Tribunal established a single maritime boundary between Barbados and Trinidad and Tobago that differed from the boundary claimed by each of the parties. For the most part, the boundary established by the Tribunal followed the equidistance line between the parties. The Tribunal also held that it lacked jurisdiction to render a substantive decision regarding fisheries inside the exclusive economic zone of Trinidad and Tobago. Nonetheless, it found that the parties were under a duty to agree upon measures necessary to coordinate and ensure the conservation and development of flying fish stocks, and to negotiate in good faith and conclude an agreement according Barbados fisherfolk access to fisheries in the exclusive economic zone of Trinidad and Tobago, subject to limitations and conditions of that eventual agreement and to the right and duty of Trinidad and Tobago to conserve and manage the living resources of the waters within its jurisdiction.

The Secretary-General also published his annual report on fisheries issues, which, in 2006, focuses on the impacts of fishing on vulnerable marine ecosystems.³²³ The report provides an overview of the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 66 to 69 of General Assembly resolution 59/25 of 17 November 2004 on sustainable fisheries, regarding the impacts of fishing on vulnerable marine ecosystems.

³¹⁷ For more information on the Review Conference, see A/CONF.210/2006/15.

³¹⁸ United Nations, *Treaty Series*, vol. 161, p. 72.

³¹⁹ Resolution 2006/1. For more details, visit <http://www.iwcoffice.org/meetings/meeting2006.htm>.

³²⁰ See chapter VII below.

³²¹ See chapter VII below.

³²² See http://www.pca-cpa.org/showpage.asp?pag_id=1152.

³²³ A/61/154.

(b) Consideration by the General Assembly

On 20 December 2006, the General Assembly adopted, without reference to a Main Committee, resolution 61/222 entitled “Oceans and the law of the sea”.

With regard to CLCS, the Assembly endorsed the call by the Meeting of States Parties to the Convention to strengthen the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, serving as the secretariat of CLCS, for the purpose of enhancing its technical support for CLCS.

The General Assembly took note of the report of the Ad Hoc Open-ended Informal Working Group to study specified issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, established by resolution 59/24, which met from 13 to 17 February 2006.³²⁴ The General Assembly requested the Secretary-General to convene another meeting of the Working Group in 2008 to consider the environmental impacts of anthropogenic activities on marine biological diversity beyond areas of national jurisdiction; the coordination and cooperation among States, as well as relevant intergovernmental organizations and bodies for the conservation and management of marine biological diversity beyond areas of national jurisdiction; the role of area-based management tools; genetic resources beyond areas of national jurisdiction; and whether there is a governance or regulatory gap, and if so, how it should be addressed. It also requested the Secretary-General, in order to assist the Working Group, to report on those issues in the context of his report on oceans and the law of the sea to the General Assembly at its sixty-second session.

With regard to the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the General Assembly decided that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its forthcoming meetings in 2007 and 2008, the Consultative Process would focus its discussions on the topics “Marine genetic resources” and “Maritime security and safety”, respectively.

On 8 December 2006, the General Assembly also adopted, without reference to a Main Committee, resolution 61/105 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”. In this resolution, the Assembly, *inter alia*, noted with appreciation the report of the Review Conference on the Fish Stocks Agreement and welcomed the adoption of the recommendations contained therein. The Assembly also placed particular emphasis on monitoring, control and surveillance and compliance and enforcement of the Fish Stocks Agreement.

10. Economic, social, cultural and related questions

Culture

On 4 December 2006, the General Assembly adopted, without reference to a Main Committee, resolution 61/52 entitled “Return or restitution of cultural property to the

³²⁴ A/61/65.

countries of origin”, in which it, *inter alia*, expressed concern over the illicit traffic in cultural property as well as the destruction and illicit movement of such property during armed conflict. Furthermore, the Assembly welcomed the efforts made by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to protect cultural heritage of countries in conflict, and to safely return cultural property to those countries. It also welcomed the launch of the Cultural Heritage Laws Database by UNESCO and urged States to regularly provide their legislation for inclusion in the database.

11. Crime prevention and criminal justice³²⁵

(a) International instruments³²⁶

The first session of the Conference of the States Parties to the United Nations Convention against Corruption³²⁷ was held in Jordan from 10 to 14 December 2006, during which an open-ended intergovernmental expert working group was established to make recommendations to the Conference, at its second session, on appropriate mechanisms or bodies for reviewing the implementation of the Convention, and on the establishment of a mechanism for asset recovery.³²⁸

(b) Commission on Crime Prevention and Criminal Justice

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, 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, as well as 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 fifteenth session of the Commission on Crime Prevention and Criminal Justice was held in Vienna, Austria, on 27 May 2005 and from 24 to 28 April 2006.³²⁹ During the session, the Commission provided policy guidance and direction to the United Nations Office on Drugs and Crime (UNODC) and held a thematic discussion on maximizing

³²⁵ This section covers the sessions of the General Assembly, the Economic and Social Council and the Commission on Crime Prevention and Criminal Justice. Selected resolutions and decisions are highlighted. Resolutions recommending the adoption of subsequent resolutions by another organ are not covered. For detailed information and documents regarding this topic generally, see the website of the United Nations Office on Drugs and Crimes at <http://www.unodc.org>.

³²⁶ For complete lists of signatories and States parties to international instruments relating to penal matters that are deposited with the Secretary-General, see *Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 2006* (United Nations publications, Sales No. E.07.V.3 (ST/LEG/SER.E/25)), vol. II, chap. XVIII.

³²⁷ For the text of the Convention, see United Nations, *Treaty Series*, vol. 2349, p. 41.

³²⁸ For the report of the first session of the Conference, see CAC/COSP/2006/12.

³²⁹ For the report of the fifteenth session of the Commission, see *Official Records of the Economic and Social Council, 2006, Supplement No. 10 and Corrigendum* (E/2006/30 and Corr. 1).

the effectiveness of technical assistance provided to Member States in crime prevention and criminal justice. The Commission, *inter alia*, also considered several other agenda items, including “Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice”; “International cooperation in combating transnational crime”; “Strengthening international cooperation and technical assistance in preventing and combating terrorism”; and “Use and application of United Nations standards and norms in crime prevention and criminal justice”.³³⁰ Furthermore, the Executive Director of UNODC presented to the Commission the *Counter-Kidnapping Manual* developed by the Office pursuant to General Assembly resolution 59/154 of 20 December 2004.

(c) Economic and Social Council

On 27 July 2006, the Economic and Social Council adopted, on the recommendation of the Commission on Crime Prevention and Criminal Justice, eleven resolutions relating to crime prevention and criminal justice,³³¹ of which four are highlighted below.

In resolution 2006/20 entitled “United Nations standards and norms in crime prevention”, the Council, *inter alia*, welcomed the work done by the Intergovernmental Expert Group Meeting on Crime Prevention, held in Vienna, Austria, from 20 to 22 March 2006. It approved an information-gathering instrument on United Nations standards and norms related primarily to the prevention of crime, contained in the annex to the said resolution, for information purposes, and invited Member States to reply to the information-gathering instrument and to include any comments or suggestions they may have in relation to it. The Council further requested the Secretary-General to convene an intergovernmental expert group meeting to design an information-gathering instrument in relation to United Nations standards and norms related primarily to victim issues and to study ways and means to promote their use and application, and to report on progress made in that connection to the Commission at its sixteenth session.

In resolution 2006/23, “Strengthening basic principles of judicial conduct”, the Council invited Member States to encourage their judiciaries to take into account the Bangalore Principles of Judicial Conduct, contained in the annex to the said resolution, when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary. The Council emphasized that the Bangalore Principles of Judicial Conduct represented a further development and were complementary to the Basic Principles on the

³³⁰ For the documents before the Commission, its deliberations and actions taken, see the report of the fifteenth session of the Commission (E/2006/30 and Corr.1).

³³¹ Economic and Social Council resolutions 2006/19 on “International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims”, 2006/21 on the “Implementation of the Programme of Action, 2006–2010, on strengthening the rule of law and the criminal justice system in Africa”, 2006/22 on “Providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment”, 2006/24 on “International cooperation in the fight against corruption”, 2006/25 entitled “Strengthening the rule of law and the reform of the criminal justice institutions, including in post-conflict reconstruction”, 2006/26 entitled “Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice”; and 2006/28 “International Permanent Observatory on Security Measures during Major Events”.

Independence of the Judiciary.³³² It invited Member States to submit their views regarding the Principles and suggest revisions, and requested UNODC to convene an open-ended intergovernmental expert group, in cooperation with the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to develop a technical guide to be used in providing technical assistance aimed at strengthening judicial integrity and capacity, as well as prepare commentary on the Bangalore Principles of Judicial Conduct.

In resolution 2006/27 entitled “Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking”, the Council, *inter alia*, urged Member States to adopt a range of legislative and law enforcement measures to prevent trafficking in persons, including to criminalize trafficking in persons and to establish that offence as a predicate offence for money-laundering offences. It also invited them to fight sexual exploitation and to provide assistance and protection to victims of trafficking in persons, including their reintegration into society. The Council further invited Member States to set up mechanisms for the coordination and collaboration between governmental and non-governmental organizations and other members of civil society with a view to responding to the immediate needs of victims.

In resolution 2006/29, “Crime prevention and criminal justice responses to violence against women and girls”, the Council urged Member States to consider using the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice³³³ in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women’s equality within the criminal justice system. It further strongly encouraged them to promote an active and visible policy for integrating a gender perspective into the development and implementation of policies and programmes in the field of crime prevention and criminal justice. The Council also welcomed the development by UNODC of a handbook for law enforcement officials on effective responses to violence against women.

(d) General Assembly

On 20 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, four draft resolutions on crime prevention and criminal justice, of which three are highlighted below.³³⁴

In resolution 61/179 entitled “International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims”, the General Assembly condemned and rejected once again the offence of kidnapping and noted with satisfaction the publication of the operational manual against kidnapping prepared pursuant to its resolution 59/154. The Assembly further encouraged Member States to foster international cooperation, especially on extradition, mutual legal assistance and collaboration between law enforcement authorities, with a view to preventing, combating and eradicating kidnap-

³³² *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

³³³ General Assembly resolution 52/86, annex.

³³⁴ General Assembly resolutions 61/179 to 61/182.

ping, and called upon Member States to take appropriate measures to provide adequate assistance to victims of kidnapping and their families.

In resolution 61/180, “Improving the coordination of efforts against trafficking in persons”,³³⁵ the Assembly, *inter alia*, recognized the need to arrive at a better understanding of what constituted demand in human trafficking and how to combat it. The Assembly also welcomed the report of UNODC entitled “Trafficking in persons: global patterns”.³³⁶

In resolution 61/181, “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”, the Assembly reaffirmed the importance of the United Nations Crime Prevention and Criminal Justice Programme, and urged States and relevant international organizations to develop national and regional strategies and other necessary measures to complement the work of the Programme in addressing effectively transnational organized crime, including trafficking in persons and related criminal activities such as kidnapping and the smuggling of migrants, as well as corruption and terrorism. It further took note with appreciation of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 60/175.³³⁷

Furthermore, on 20 December 2006, the General Assembly adopted, on the recommendation of the Second Committee, resolution 61/209 entitled “Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention Against Corruption”, in which it, *inter alia*, welcomed the report of the Secretary-General on this topic.³³⁸

12. International drug control^{339,340}

(a) Commission on Narcotic Drugs

The Commission on Narcotic Drugs 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, the Commission’s agenda is structured in two distinct segments; one relating to its normative functions and

³³⁵ General Assembly resolution 61/180.

³³⁶ The report is available at <http://www.unodc.org>.

³³⁷ A/61/179.

³³⁸ A/61/177.

³³⁹ This section covers the sessions of the General Assembly, the Economic and Social Council and the Commission on Narcotic Drugs. Selected resolutions and decisions are highlighted. Resolutions recommending the adoption of subsequent resolutions by another organ are not covered. For detailed information and documents regarding this topic generally, see the website of the United Nations Office on Drugs and Crime at <http://www.unodc.org> and the *World Drug Report 2006* (United Nations Publication Sales No. E.06.XI.10).

³⁴⁰ For complete lists of signatories and States parties to international instruments relating to narcotic drugs and psychotropic substances that are deposited with the Secretary-General, see *Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 2006* (United Nations publications, Sales No. E.07.V.3 (ST/LEG/SER.E/25)), vol. I, chap. VI.

one to its role as governing body of the United Nations International Drug Control Programme. Furthermore, the Commission also convenes ministerial-level segments of its sessions to focus on specific themes. During its forty-ninth session in Vienna, which was held on 8 December 2005 and from 13 to 17 March 2006, the Commission held a thematic debate on alternative development as an important drug control strategy and establishing alternative development as a cross-cutting issue.³⁴¹ In addition, the Commission on Narcotic Drugs, *inter alia*, considered several other agenda items, including “Drug demand reduction”; “Illicit drug traffic supply”; “Implementation of the international drug control treaties”; and “Strengthening the drug programme of the United Nations Office on Drugs and Crime and the role of the Commission on Narcotic Drugs as its governing body”.³⁴²

The Commission adopted, among others, eight resolutions to be brought to the attention of the Economic and Social Council, of which two are highlighted below.³⁴³

In resolution 49/5, “Paris Pact initiative”, the Commission expressed support for the proposal of the Russian Federation to convene an international conference at the ministerial level on drug routes from Central Asia to Europe³⁴⁴ in continuation of the Paris Pact initiative³⁴⁵ and encouraged the conference to take stock of the progress made under the Paris Pact initiative and to explore measures to improve existing structures to disrupt the flow of illicit drugs from Afghanistan to Europe.

In resolution 49/8, “Strengthening cooperative international arrangements at the operational law enforcement level in order to disrupt the manufacture of and trafficking in illicit drugs”, the Commission called upon Member States to continue to place emphasis on cooperative arrangements at the operational level to disrupt the manufacture of and trafficking in illicit drugs at their source. It further urged Member States to maintain impetus with a view to entering into bilateral and, where appropriate, multilateral arrangements between national law enforcement agencies and to continue to strengthen their commitment to multijurisdictional law enforcement investigations.

(b) Economic and Social Council

On 27 July 2006, the Economic and Social Council adopted five resolutions and two decisions on drug-related issues,³⁴⁶ of which two are highlighted below.

³⁴¹ For the report of the Commission, see *Official Records of the Economic and Social Council, 2006, Supplement No. 8 (E/2006/28)*.

³⁴² For the documents before the Commission, its deliberations and actions taken, see the report of its forty-ninth session (E/2006/28).

³⁴³ For a complete overview of resolutions 49/1 to 49/8, see *ibid*, chap. I. C.

³⁴⁴ The Conference was held in Moscow from 26 to 28 June 2006 under the title “Second Ministerial Conference on Drug Trafficking Routes from Afghanistan”. For the Final Document of the Conference, see A/61/208-S/2006/598, annex.

³⁴⁵ The Paris Pact initiative emerged from the Paris Pact Statement (S/2003/641, annex), which was initiated at the end of the Conference on Drug Routes from Central Asia to Europe, held in Paris on 21 and 22 May 2003.

³⁴⁶ See Economic and Social Council resolutions 2006/30 to 2006/34 and decisions 2006/241 and 2006/250.

In resolution 2006/30 entitled “Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-First Century”, the Council took note of the Baku Accord, which is annexed to the said resolution, and urged Member States to take appropriate measures to combat the traffic in narcotic drugs and psychotropic substances in accordance with it and relevant resolutions of the Commission on Narcotic Drugs, the Economic and Social Council and the General Assembly.

In resolution 2006/34 entitled “The need for a balance between demand for and supply of opiates used to meet medical and scientific needs”, the Council, *inter alia*, urged all Governments to continue to contribute to maintaining a balance between the licit supply of and demand for opiate raw materials used for medical and scientific purposes, and to cooperate in preventing the proliferation of sources of production of opiate raw materials. The Council also urged Governments of all producer countries to adhere strictly to the provisions of the Single Convention on Narcotic Drugs of 1961³⁴⁷ and that Convention as amended by the 1972 Protocol,³⁴⁸ and to take effective measures to prevent the illicit production or diversion of opiate raw materials to illicit channels.

Furthermore, the Council endorsed the concern expressed by the International Narcotics Control Board in its report for 2005³⁴⁹ regarding the advocacy by a non-governmental organization of legalization of opium poppy cultivation in Afghanistan, and urged all Governments to resist such proposals and to continue to strengthen drug control in compliance with their obligations emanating from the international drug control treaties.

(c) General Assembly

On 20 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/183 entitled “International cooperation against the world drug problem”. In this resolution, the Assembly, *inter alia*, called upon all States to strengthen international cooperation among judicial and law enforcement authorities at all levels in order to prevent and combat illicit drug trafficking and to share and promote best operational practices in order to interdict illegal drug trafficking, providing technical assistance and establishing effective methods for cooperation, in particular in the areas of air, maritime, port and border control and in the implementation of extradition treaties.

In addition, the Assembly urged States to strengthen action, in particular international cooperation and technical assistance aimed at preventing and combating the laundering of proceeds derived from drug trafficking and related criminal activities, with the support of the United Nations system, as well as regional development banks and, where appropriate, the Financial Action Task Force on Money Laundering and similarly styled regional bodies, to develop and strengthen comprehensive international regimes to combat money-laundering and its possible links with organized crime and the financing of terrorism, and to improve information-sharing among financial institutions and agencies in charge of preventing and detecting the laundering of those proceeds.

³⁴⁷ United Nations, *Treaty Series*, vol. 520, p. 151.

³⁴⁸ *Ibid.*, vol. 976, p. 105.

³⁴⁹ *Report of the International Narcotics Control Board for 2005* (United Nations publication, Sales No. E.06.XI.2), para. 208.

The Assembly further urged Member States to cooperate with a view to enhancing the effectiveness of law enforcement action in relation to the use of the Internet to combat drug-related crime, and to consider including provisions in their national drug control plans for the establishment of national networks to enhance their respective capabilities to prevent, monitor, control and suppress serious offences connected with money-laundering and the financing of terrorism.

13. Refugees and displaced persons³⁵⁰

(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees³⁵¹

The Executive Committee of the Programme of the United Nations High Commissioner for Refugees was established by the Economic and Social Council in 1958³⁵² and functions as a subsidiary organ of the General Assembly and reports to it through the Third Committee. The Executive Committee meets annually in Geneva to review and approve the programmes and budget of the Office of the United Nations High Commissioner for Refugees (UNHCR), to advise it on international protection issues and to discuss a wide range of other items with UNHCR and its intergovernmental and non-governmental partners. The fifty-seventh plenary session of the Executive Committee was held in Geneva, Switzerland, from 2 to 6 October 2006, during which it adopted two conclusions.³⁵³

In its first conclusion, entitled “Conclusion on women and girls at risk”, the Executive Committee noted that this Conclusion applies to women and girls who are refugees, asylum-seekers or internally displaced persons, assisted and protected by UNHCR, who find themselves in situations of heightened risk, and further that it could also be applied, as appropriate, to returnees of concern to UNHCR. The Executive Committee adopted the Conclusion regarding the identification of women and girls at risk, prevention strategies and individual responses and solutions and recommended, *inter alia*, that UNHCR include a more detailed elaboration of these issues in the UNHCR Handbook on the Protection of Women and Girls.

The Committee also recommended preventive strategies to be adopted by States, UNHCR and other relevant agencies and partners that may include the identification, assessment and monitoring of risks and further listed recommended actions to be taken to respond to the situation of individual women and girls at risk in the short, medium and longer term. It noted that these actions could greatly benefit from partnerships and the development of relevant public policies, supported as appropriate by the international community.

³⁵⁰ For complete lists of signatories and States parties to international instruments relating to refugees that are deposited with the Secretary-General, see *Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 2006* (United Nations publications, Sales No. E.07.V.3 (ST/LEG/SER.E/25)), vol. I, chap. V.

³⁵¹ For detailed information and documents relating to this topic generally, see the website of the United Nations Office of the High Commissioner for Refugees at <http://www.unhcr.org>.

³⁵² Economic and Social Council resolution 672 (XXV) of 30 April 1958.

³⁵³ For the report of the fifty-seventh session of the Executive Committee, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 12A (A/61/12/Add.1)*.

In its second conclusion, entitled “Conclusion on identification, prevention and reduction of statelessness and protection of stateless persons”, the Executive Committee, *inter alia*, urged UNHCR, in cooperation with Governments, international and non-governmental organizations, to strengthen its efforts to support the identification, prevention and reduction of statelessness and to further the protection of stateless persons. On the issue of the identification of statelessness, the Committee, among other things, called on UNHCR to establish a more formal and systematic methodology for information gathering, updating and sharing. The Committee also took note of the cooperation established with the Inter-Parliamentary Union in the field of nationality and statelessness and of the *Nationality and Statelessness: a Handbook for Parliamentarians*³⁵⁴ which is being used in national and regional parliaments to raise awareness and build capacity among State administrations and civil society.

The Committee also encouraged States to consider examining their nationality laws and other relevant legislation with a view to preventing the occurrence of statelessness and noted the factors from which statelessness may arise. The Committee further stressed the responsibility of the concerned States in the event of State succession to put in place appropriate measures to prevent statelessness. It also encouraged States to accede to the Convention on the Reduction of Statelessness, 1961,³⁵⁵ and to safeguard the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, bearing in mind article 7 of the Convention on the Rights of the Child, 1989.³⁵⁶

Furthermore, the Committee encouraged States to accede to the Convention relating to the Status of Stateless Persons, 1954,³⁵⁷ and encouraged those States not yet parties to it to treat stateless persons lawfully residing on their territory in accordance with international human rights law, and to consider facilitating their naturalization. Finally, the Committee called on States not to detain persons on the sole basis of their stateless status.

(b) Commission on Human Rights / Human Rights Council

In accordance with General Assembly resolution 60/251, the Human Rights Council, which succeeded the Commission on Human Rights, assumed the thematic and country-specific special procedures of the Commission, including on the topic human rights and internally displaced persons.

In January 2006, the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, submitted his report³⁵⁸ to the Commission pursuant to Commission on Human Rights resolution 2005/46, in which he welcomed the recognition of internal displacement by the High-level Plenary Meeting of the sixtieth ses-

³⁵⁴ *Nationality and Statelessness: a Handbook for Parliamentarians*, Published by the Inter-Parliamentary Union with the United Nations High Commissioner for Refugees, 2005 (ISBN 92-9142-262-2 (IPU)). For more information on the Inter-Parliamentary Union and its publications, see <http://www.ipu.org>.

³⁵⁵ United Nations, *Treaty Series*, vol. 989, p.176.

³⁵⁶ *Ibid.*, vol. 1577, p.3.

³⁵⁷ *Ibid.*, vol. 360, p.130.

³⁵⁸ E/CN.4/2006/71.

sion of the General Assembly³⁵⁹ as an issue requiring priority action by the international community and one that should be addressed in accordance with the Guiding Principles on Internal Displacement.³⁶⁰ The Representative encouraged Governments to prevent and minimize internal displacement on the basis of the Guiding Principles, and in particular to refrain from arbitrary displacement.

(c) General Assembly

On 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/139 entitled “Assistance to refugees, returnees and displaced persons in Africa”, in which it reaffirmed that host States had the primary responsibility to ensure the civilian and humanitarian character of asylum. The Assembly further called upon States to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps was not compromised by the presence or the activities of armed elements, or used for purposes that would be incompatible with their civilian character. The Assembly also reiterated the importance of the full implementation of standards and procedures, including the monitoring and reporting mechanism outlined in Security Council resolution 1612 (2005), to better address the specific needs of refugee children and adolescents. Furthermore, the Assembly reaffirmed the right of return and the principle of voluntary repatriation and expressed grave concern at the increasing numbers of internally displaced persons in Africa, recalling in this regard the Guiding Principles on Internal Displacement.

On the same date and on the recommendation of the Third Committee, the General Assembly also adopted resolution 60/137 entitled “Office of the United Nations High Commissioner for Refugees”, in which it endorsed the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-seventh session. The Assembly reaffirmed the Convention relating to the Status of Refugees, 1951,³⁶¹ and the 1967 Protocol thereto³⁶² as the foundation of the international refugee protection regime and re-emphasized that the protection of refugees, stateless and internally displaced persons was primarily the responsibility of States. The Assembly deplored the *refoulement* and unlawful expulsion of refugees and asylum-seekers, and called upon all States to ensure respect for the principles of refugee protection and human rights. Furthermore, the Assembly affirmed the importance of mainstreaming the protection needs of women and children in the planning and programming of UNHCR, acknowledging that forcibly displaced women and girls could be exposed to particular protection problems. Finally, the Assembly also emphasized the obligation of all States to accept the return of their nationals and urged them to facilitate it.

Equally on 19 December 2006, the General Assembly adopted, on the recommendation of the Third Committee, resolution 61/136, “Enlargement of the Executive Committee of the Programme of the United Nations Office of the High Commissioner for Refugees”,

³⁵⁹ See General Assembly resolution 60/1 of 16 September 2005 on the “2005 World Summit Outcome”, para. 132.

³⁶⁰ E/CN.4/1998/53/Add.2, annex.

³⁶¹ United Nations, *Treaty Series*, vol. 189, p. 137..

³⁶² *Ibid.*, vol. 606, p. 267.

in which the Assembly decided to increase the number of members of the Executive Committee from seventy to seventy-two States.

14. International Court of Justice³⁶³

(a) Organization of the Court

As from 6 February 2006,³⁶⁴ the composition of the Court is as follows:

President: Rosalyn Higgins (United Kingdom);

Vice-President: Awn Shawkat Al-Khasawneh (Jordan);

Judges: Raymond Ranjeva (Madagascar); Shi Jiuyong (China); Abdul G. Koroma (Sierra Leone); Gonzalo Parra-Aranguren (Venezuela); Thomas Buergenthal (United States); Hisashi Owada (Japan); Bruno Simma (Germany); Peter Tomka (Slovakia); Ronny Abraham (France); Kenneth Keith (New Zealand); Bernardo Sepúlveda-Amor (Mexico); Mohamed Bennouna (Morocco); and Leonid Skotnikov (Russian Federation).

The Registrar of the Court, elected for a term of seven years on 10 February 2000, is Mr. Philippe Couvreur; the Deputy-Registrar, re-elected on 19 February 2001, also for a term of seven years, is Mr. Jean-Jacques Arnaldez.

The Chamber of Summary Procedure, which is established annually in accordance with Article 29 of the Statute to ensure the speedy dispatch of business, is composed as follows:

Members

President Higgins

Vice-President Al-Khasawneh

Judges Parra-Aranguren, Buergenthal and Skotnikov

Substitute Members

Judges Koroma and Abraham.

Regarding the Chamber for Environmental Matters, President Higgins indicated in the annual report of the Court to the General Assembly that since States saw environmental law as part of international law as a whole, and given that no use had been made of the separate Chamber, no elections had been held for its Bench. Nevertheless, parties would still be able to request a chamber under Article 26, paragraph 2, of the Statute of the Court.³⁶⁵

³⁶³ 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, Sixty-first Session, Supplement No. 4 (A/61/4)* and *ibid.*, *Sixty-second Session, Supplement No. 4 (A/62/4)*. Information about the cases before the International Court of Justice during 2006 is contained in chapter VII below.

³⁶⁴ Following the election held on 7 November 2005 to fill one third of the seats left vacant, Judge Thomas Buergenthal (United States) was re-elected with effect from 6 February 2006; Messrs. Mohamed Bennouna (Morocco), Kenneth Keith (New Zealand), Bernardo Sepúlveda-Amor (Mexico) and Leonid Skotnikov (Russian Federation) were elected with effect from 6 February 2006.

³⁶⁵ Report of the International Court of Justice to the General Assembly, *Official Records of the General Assembly, Sixty-second Session, Supplement No. 4 (A/62/4)*, para. 241.

(b) Jurisdiction of the Court³⁶⁶

On 24 March 2006, Dominica deposited with the Secretary-General of the United Nations a declaration recognizing the compulsory jurisdiction of the Court, which reads as follows:

“The Commonwealth of Dominica hereby accepts the compulsory jurisdiction of the International Court of Justice and makes this Declaration under article 36 (2) of the Statute of the Court.

This seventeenth day of March 2006.

Signature:

[Signed] The Honorable Ian DOUGLAS

Attorney General of the Commonwealth of Dominica
and Minister for Legal Affairs

[Signed] The Honorable Charles SAVARIN

Minister for Foreign Affairs of the Commonwealth of Dominica”

(c) General Assembly

At its sixty-first session, the General Assembly adopted on 26 October 2006, without reference to a Main Committee, decision 61/507, in which it took note of the report of the International Court of Justice for the period from 1 August 2005 to 31 July 2006.

15. International Law Commission³⁶⁷**(a) Membership of the Commission**

The membership of the International Law Commission during the 2002–2006 quinquennium, for the fifty-eighth session of the Commission, is Mr. Emmanuel Akwei Addo (Ghana); Mr. Husain M. Al-Baharna (Bahrain); Mr. Ali Mohsen Fetais Al-Marri (Qatar); Mr. João Clemente Baena Soares (Brazil); Mr. Ian Brownlie (United Kingdom); Mr. Enrique Candioti (Argentina); Mr. Choung Il Chee (Republic of Korea); Mr. Pedro Comissário Afonso (Mozambique); Mr. Riad Daoudi (Syrian Arab Republic); Mr. Christopher John Robert Dugard (South Africa); Mr. Constantin P. Economides (Greece); Ms. Paula Escarameia (Portugal); Mr. Salifou Fomba (Mali); Mr. Giorgio Gaja (Italy); Mr. Zdzislaw Galicki (Poland); Mr. Peter C. R. Kabatsi (Uganda); Mr. Maurice Kamto (Cameroon); Mr. James Lutabanzibwa Kateka (United Republic of Tanzania); Mr. Fathi Kemicha (Tunisia); Mr. Roman Anatolyevitch Kolodkin (Russian Federation); Mr. Martti Koskenniemi (Finland); Mr. William Mansfield (New Zealand); Mr. Michael J. Matheson (United States); Mr. Theodor Viorel Melescanu (Romania); Mr. Djamchid Momtaz (Islamic Republic of

³⁶⁶ For more information regarding the States that have made declarations recognizing the compulsory jurisdiction of the Court, see *Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 2006* (United Nations publications, Sales No. E.07.V.3 (ST/LEG/SER.E/25)), vol. I, chap. I.

³⁶⁷ Detailed information and documents regarding the work of the Commission may be found on the Commission's website at <http://www.un.org/law/ilc/index.htm>.

Iran); Mr. Bernd H. Niehaus (Costa Rica); Mr. Didier Opertti Badan (Uruguay); Mr. Guillaume Pambou-Tchivounda (Gabon); Mr. Alain Pellet (France); Mr. Pemmaraju Sreenivasa Rao (India); Mr. Víctor Rodríguez Cedeño (Venezuela); Mr. Eduardo Valencia-Ospina (Colombia);³⁶⁸ Ms. Hanqin Xue (China); and Mr. Chusei Yamada (Japan).

(b) Fifty-eighth session of the Commission

In 2006, the International Law Commission held the first part of its fifty-eighth session from 1 May to 9 June and the second part of the session from 3 July to 11 August 2006 at its seat at the United Nations Office at Geneva.³⁶⁹ The Commission considered the following topics.

As regards the topic “Diplomatic protection”, the Commission considered the seventh report³⁷⁰ of the Special Rapporteur (Mr. John Dugard), as well as comments and observations received from Governments on the draft articles adopted on first reading in 2004.³⁷¹ The Commission subsequently completed the second reading on the topic and decided, in accordance with article 23 of its statute, to recommend to the General Assembly the elaboration of a convention on the basis of the draft articles on Diplomatic Protection.

With regard to the topic “International liability for injurious consequences arising out of acts not prohibited by international law (International liability in case of loss from transboundary harm arising out of hazardous activities)”, the Commission considered the third report³⁷² of the Special Rapporteur (Mr. Pemmaraju Sreenivasa Rao). The Commission also had before it comments and observations received from Governments.³⁷³ The Commission decided to refer the draft principles adopted in 2004, on first reading, to the Drafting Committee for a second reading, taking into account the various views on the topic. Subsequently, the Commission adopted on second reading the text of the preamble and a set of eight draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, as well as the commentaries to the aforementioned draft principles. The Commission submitted the draft preamble and principles to the General Assembly and recommended, in accordance with article 23 of its statute, that the Assembly endorse the draft principles by a resolution and urge States to take national and international action to implement them.

Concerning the topic “Shared natural resources”, the Commission established a Working Group on Transboundary Groundwaters chaired by Mr. Enrique Candioti, to complete the consideration of the draft articles presented by the Special Rapporteur in his third report.³⁷⁴ The Commission referred 19 revised draft articles to the Drafting Committee and subsequently adopted on first reading a set of draft articles on the law of trans-

³⁶⁸ Elected by the Commission in 2006 to fill the casual vacancy arising from the election of Mr. Bernardo Sepúlveda (Mexico) to the International Court of Justice.

³⁶⁹ For the report of the International Law Commission on the work of its fifty-eighth session, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10)*.

³⁷⁰ A/CN.4/567.

³⁷¹ A/CN.4/561 and Add.1 and 2. See also A/CN.4/575.

³⁷² A/CN.4/566.

³⁷³ A/CN.4/562 and Add.1.

³⁷⁴ A/CN.4/551 and Corr.1 and Add.1.

boundary aquifers, together with commentaries. It decided to transmit the draft articles to Governments for comments and observations. In particular, the Commission would welcome Governments' comments on all aspects of the draft articles and on the commentaries thereto, as well as on the final form of the draft articles.

As regards the topic "Responsibility of international organizations", the Commission considered the fourth report³⁷⁵ of the Special Rapporteur (Mr. Giorgio Gaja), as well as written comments received from international organizations and Governments.³⁷⁶ The Commission referred draft articles 17 to 24 and 25 to 29 to the Drafting Committee. Subsequently, the Commission adopted 14 draft articles together with commentaries thereto, dealing with circumstances precluding wrongfulness and with the responsibility of a State in connection with the act of an international organization. The Commission stated that it would welcome comments and observations from Governments and international organizations on draft articles 17 to 30, and their views on a set of questions relating to compensation to an injured party and to breaches by an international organization of an obligation under a peremptory norm of general international law.³⁷⁷

Concerning the topic "Reservations to treaties", the Commission considered the second part of the tenth report³⁷⁸ of the Special Rapporteur (Mr. Alain Pellet) on validity of reservations and the concept of the object and purpose of the treaty, and referred to the Drafting Committee 16 draft guidelines relating to this matter. The Commission also adopted five draft guidelines dealing with validity of a reservation, together with commentaries. Furthermore, the Commission reconsidered two draft guidelines dealing with the scope of definitions and the procedure in case of manifestly invalid reservations, which had been previously adopted, in the light of new terminology. The Rapporteur also submitted its eleventh report³⁷⁹ and the Commission decided to consider it at its fifty-ninth session in 2007. Furthermore, the Commission recommended that the Secretariat organize a meeting with United Nations experts in the field of human rights to hold a discussion on issues relating to reservations to human rights treaties. In this context, the Commission stated that it would welcome receiving the views of Governments on adjustments that they would consider necessary or useful to introduce in the "Preliminary conclusions of the International Law Commission on Reservations to Normative Multilateral Treaties including Human Rights Treaties", adopted by the Commission at its forty-ninth session.³⁸⁰

With regard to the topic "Unilateral acts of States", the Commission considered the ninth report³⁸¹ of the Special Rapporteur (Mr. Víctor Rodríguez-Cedeño), which contained 11 draft principles. It reconstituted the Working Group on Unilateral Acts, under the chairmanship of Mr. Alain Pellet, with the mandate to elaborate conclusions and principles on the topic. The Commission adopted a set of 10 Guiding Principles together with commen-

³⁷⁵ A/CN.4/564 and Add.1 and 2.

³⁷⁶ A/CN.4/545, A/CN.4/547, A/CN.4/556 and A/CN.4/568 and Add.1.

³⁷⁷ See the report of the International Law Commission on the work of its fifty-eighth session, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10)*, para. 28.

³⁷⁸ A/CN.4/558/Add.1 and Corr. 1 and Corr. 2 and Add.2.

³⁷⁹ A/CN.4/574.

³⁸⁰ *Yearbook of the International Law Commission, 1997*, vol. II (Part Two) (United Nations publication, Sales No. 99.V.7), p. 57, para. 157.

³⁸¹ A/CN.4/569 and Add.1.

taries relating to unilateral declarations of States capable of creating legal obligations, and commended the “Guiding Principles” to the attention of the General Assembly.

Concerning the topic “Effects of armed conflicts on treaties”, the Commission considered the second report³⁸² of the Special Rapporteur (Mr. Ian Brownlie).

Concerning the topic “The obligation to extradite or prosecute (*aut dedere aut iudicare*)”, the International Law Commission considered the preliminary report³⁸³ of the Special Rapporteur (Mr. Zdzislaw Galicki). The Commission stated that it would welcome receiving information from Governments concerning their legislation and practice with regard to this topic, particularly more contemporary ones, including on international treaties, domestic legal regulations, judicial practice and crimes or offences to which the principle is applied.

In relation to the topic “Fragmentation of international law: difficulties arising from the diversification and expansion of international law”, the Commission considered the report of the Study Group and took note of its 42 conclusions, which it commended to the attention of the General Assembly. The report and its conclusions were prepared on the basis of an analytical Study finalized by the Chairman of the Study Group (Mr. Martti Koskeniemi), which summarized and analyzed the phenomenon of fragmentation taking account of studies prepared by various members of the Study Group, as well as discussions within the Study Group itself. The Commission requested that the analytical study be made available on its website and be published in its *Yearbook*.

(c) Sixth Committee

The Sixth Committee considered the agenda item entitled “Report of the International Law Commission on the work of its fifty-eighth session”, at its 9th to 19th and 21st meetings, on 23 October, from 25 to 27 October, on 30 and 31 October and on 1, 3 and 9 November 2006.³⁸⁴

The Chairman of the International Law Commission at its fifty-eighth session, Mr. Guillaume Pambou-Tchivounda (Gabon), introduced the various chapters of the Commission’s report at the Committee’s 9th, 13th, 17th and 18th meetings.

A summary of the discussions on this agenda item may be found in the Topical summary of the discussion held in the Sixth Committee of the General Assembly, during its sixty-first session, prepared by the Secretariat.³⁸⁵

At the Committee’s 21st meeting, on 9 November 2006, the representative of Romania, on behalf of the Bureau, introduced a draft resolution entitled “Report of the International Law Commission on the work of its fifty-eighth session”,³⁸⁶ which was adopted by the Committee at the same meeting. Furthermore, the representative of Romania, on behalf of

³⁸² A/CN.4/570 and Corr.1.

³⁸³ A/CN.4/571.

³⁸⁴ For the report of the Sixth Committee, see A/61/454. For the summary records, see A/C.6/61/SR.9–19 and 21.

³⁸⁵ A/CN.4/577 and Add.1 and 2.

³⁸⁶ A/C.6/61/L.14.

the Bureau, also introduced two draft resolutions entitled “Diplomatic protection”³⁸⁷ and “Allocation of loss in the case of transboundary harm arising out of hazardous activities”,³⁸⁸ respectively, which were adopted by the Committee at the same meeting.

(d) General Assembly

On 4 December 2006, the General Assembly adopted, on the recommendation of the Sixth Committee, three resolutions relating to the work of the International Law Commission, namely resolution 61/34 entitled “Report of the International Law Commission on the work of its fifty-eighth session”, resolution 61/35 on “Diplomatic protection” and resolution 61/36 on “Allocation of loss in the case of transboundary harm arising out of hazardous activities”.

(a) In resolution 61/34, the Assembly took note of the report of the International Law Commission and of the Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations and commended their dissemination. It also took note of the forty-two conclusions of the Commission’s Study Group on the topic “Fragmentation of international law: difficulties arising from diversification and expansion of international law”, together with the analytical study on which they were based. It invited Governments to provide to the Commission, information on legislation and practice regarding the topic “The obligation to extradite or prosecute (*aut dedere aut judicare*)” and drew their attention to the importance for the Commission of having their views on the various aspects involved in the topics on its agenda, including in particular on the draft articles and commentaries on the law of transboundary aquifers. Furthermore, the Assembly noted that the Commission envisaged a meeting during its fifty-ninth session with United Nations experts in the field of human rights in order to hold a discussion on issues relating to human rights treaties. It also took note of the decision of the Commission to include five topics in its long-term programme of work (Immunity of State officials from foreign criminal jurisdiction; Jurisdictional immunity of international organizations; Protection of persons in the event of disasters; Protection of personal data in the transborder flow of information; and Extraterritorial jurisdiction).

(b) In resolution 61/35 entitled “Diplomatic protection”, the General Assembly took note of the draft articles on diplomatic protection presented by the Commission, and invited Governments to submit comments concerning the recommendation by the Commission to elaborate a convention on the basis of these draft articles. Furthermore, the Assembly decided to include in the provisional agenda of its sixty-second session an item entitled “Diplomatic protection”.

(c) The General Assembly, in its resolution 61/36 on “Allocation of loss in the case of transboundary harm arising out of hazardous activities”, took note of the principles on the topic presented by the Commission, the text of which is annexed to the said resolution, and commended them to the attention of Governments. The Assembly also 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”.

³⁸⁷ A/C.6/61/L.15.

³⁸⁸ A/C.6/61/L.16.

16. United Nations Commission on International Trade Law³⁸⁹

(a) United Nations Commission on International Trade Law³⁹⁰

The General Assembly established the United Nations Commission on International Trade Law (UNCITRAL) at its twenty-first session in 1966,³⁹¹ to promote the progressive harmonization and unification of the law of international trade, and requested the Commission to submit an annual report to the Assembly. The Commission began its work in 1968. It originally consisted of 29 Member States representing the various geographic regions and the principal legal systems of the world. Later on, the General Assembly increased the membership of the Commission from 29 to 36 States,³⁹² and from 36 to 60 States.³⁹³

Thirty-ninth session of the Commission

UNCITRAL held its thirty-ninth session in New York from 19 June to 7 July 2006.³⁹⁴

During the session, the Commission finalized and adopted revised articles³⁹⁵ of the Model Law on International Commercial Arbitration³⁹⁶ regarding the interpretation of the Model Law, the form of the arbitration agreement and interim measures, and a recommendation³⁹⁷ regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958.³⁹⁸ The Commission recommended that all States give favourable consideration to the enactment of the revised articles of the Model Law, when enacting or revising their national laws, and requested the Secretary-General to make all efforts to ensure that the revised articles of the Model Law and the recommendation become generally known and available. The Commission agreed that Working Group II (International arbitration and conciliation) should include the topic of online dispute resolution on its agenda, commence work on a revision of the UNCITRAL Arbitration Rules³⁹⁹ and consider the implications of electronic communications in the context of the revision of the UNCITRAL Arbitration Rules.

³⁸⁹ Detailed information and documents regarding the work of the Commission may be found on the Commission's website at <http://www.uncitral.org/>.

³⁹⁰ For the membership of the Commission, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*, chapter II, section B.

³⁹¹ General Assembly resolution 2205 (XXI) of 17 December 1966.

³⁹² General Assembly resolution 3108 (XXVIII) of 12 December 1973.

³⁹³ General Assembly resolution 57/20 of 19 November 2002.

³⁹⁴ For the report of the Commission's thirty-ninth session, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*.

³⁹⁵ *Ibid.*, annex I.

³⁹⁶ *Official Records of the General Assembly, Fortieth Session, Supplement No. 17 (A/40/17)*, annex I. The Model Law has been published as a United Nations publication (Sales No. E.95.V.18).

³⁹⁷ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*, annex II.

³⁹⁸ United Nations, *Treaty Series*, vol. 330, p. 3.

³⁹⁹ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17 (A/31/17)*, para 57.

The Commission took note of the reports of Working Group I (Procurement) on its eighth and the ninth sessions,⁴⁰⁰ during which the Working Group had continued its elaboration of proposals for the revision of the Model Law on Procurement of Goods, Construction and Services.⁴⁰¹ The Working Group had considered the topics related to the use of electronic communications and technologies in the procurement process and agreed on the draft revisions to the Model Law and its Guide to Enactment that would be necessary in this context. The Commission noted that the Working Group had decided first to proceed with an in-depth consideration of the proposed revisions to the Model Law and the Guide, addressing the remaining aspects of electronic reverse auctions and the investigation of abnormally low tenders; secondly to take up the lists of framework agreements and suppliers' lists; and thirdly to consider the remaining topics in its work programme. The Commission commended the Working Group for the progress made and the inclusion of novel procurement practices in the Model Law.

With regard to its work on security interests, the Commission took note of the reports of Working Group VI (Security interests) on its eighth, ninth and tenth sessions,⁴⁰² during which the Group had continued developing a legislative guide on secured transactions. The Commission approved the substance of the recommendations relating to the draft legislative guide on secured transactions and commended Working Group VI on the progress made in this area. The Commission also requested the Secretariat to prepare, in cooperation with relevant organizations and in particular the World Intellectual Property Organization, a note discussing the scope of possible future work by the Commission on intellectual property financing. It also requested the Secretariat to organize a colloquium on intellectual property financing, ensuring to the maximum extent possible the participation of relevant international organizations and experts from various regions of the world.

The Commission also considered the reports of Working Group III (Transport law) on its sixteenth and seventeenth sessions.⁴⁰³ During those sessions, the Working Group had proceeded with a second reading of the draft convention on the carriage of goods wholly or partly by sea. It had made progress on issues such as jurisdiction, arbitration obligations of the shipper, delivery of goods, including the period of responsibility of the carrier, the right of control, delivery to the consignee, scope of application and freedom of contract, transport documents and electronic transport records. The Commission took note of concerns raised during its consideration of this topic relating to the treatment in the draft convention of the issues of scope of application and freedom of contract and considered the Working Group to be the proper forum for discussing those substantive points. Furthermore, the Commission agreed that 2008 would be a desirable goal for completion of the draft convention, but that it was not desirable to establish a firm deadline. Due to the complexities and magnitude of the work involved in the preparation of the draft convention, the Commission authorized the Working Group to continue to hold its sessions on the basis of two-week sessions.

⁴⁰⁰ A/CN.9/590 and A/CN.9/595, respectively.

⁴⁰¹ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 and corrigendum* (A/49/17 and Corr. 1), annex I.

⁴⁰² A/CN.9/588, A/CN.9/593 and A/CN.9/603, respectively.

⁴⁰³ A/CN.9/591 and Corr.1 and A/CN.9/594, respectively.

Under the ongoing project approved by the Commission in 1995 to monitor the legislative implementation of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958, it agreed that the project should be directed towards the development of a legislative guide to promote a uniform interpretation of the Convention. It reaffirmed that the Secretariat should have flexibility in determining the time frame for completion of the project.

(b) Sixth Committee

The Sixth Committee considered the item entitled “Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session” at its 1st, 2nd and 15th meetings, on 10, 11 and 30 October 2006, respectively.

At the 1st meeting, Mr. Stephen Karangizi (Uganda), Chairman of UNCITRAL at its thirty-ninth session, presented the report of the Commission.

During the debate on this item,⁴⁰⁴ several speakers commended the Commission on the progress it had achieved with regard to several topics, in particular on the draft legislative guide on secured transactions, the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958, and the adoption of the revised articles of the Model Law on International Commercial Arbitration.

The speakers expressed support for the continuing efforts of the Commission on other topics under consideration and welcomed the work accomplished by its working groups, including those on procurement and transport law. Delegations also welcomed the possible future areas of work, namely, intellectual property law, electronic commerce, insolvency law and commercial fraud.

Several speakers welcomed the convening of an UNCITRAL congress in 2007 to review the results of the past and current work programmes as well as to elaborate topics for future work.

At the 15th meeting, the representative of Austria, on behalf of other sponsor delegations, introduced a draft resolution entitled “Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session”.⁴⁰⁵ Furthermore, the representative of Malaysia, on behalf of the Bureau, introduced a draft resolution entitled “Revised articles of the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law, and the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done in New York on 10 June 1958”.⁴⁰⁶

⁴⁰⁴ For a more exhaustive summary of the debate of the Sixth Committee with regard to this topic, see the website of the Sixth Committee (<http://www.un.org/ga/sixth/>) and the summary records (A/C.6/61/SR.1, 2 and 15).

⁴⁰⁵ A/C.6/61/L.7.

⁴⁰⁶ A/C.6/61/L.8.

At the same meeting, after orally revising the former draft resolution, the Committee adopted the two draft resolutions.⁴⁰⁷

(c) General Assembly

On 4 December 2006, the General Assembly adopted, on the recommendation of the Sixth Committee, resolution 61/32 entitled “Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session”, in which it took note of the report of the Commission on the work of its thirty-ninth session, commended UNCITRAL for the progress made in its work on arbitration, secured transactions, procurement law, transport law and insolvency law and reaffirmed the importance, in particular for developing countries, of the technical assistance work of the Commission in the area of international trade law reform and development. Furthermore, the Committee also adopted resolution 61/33, “Revised articles of the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law, and the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958”, in which it recommended that all States give favourable consideration to the enactment of the revised articles of the Model Law, or the revised Model Law on International Commercial Arbitration, when they enact or revise their laws. It further requested the Secretary-General to make all efforts to ensure that the revised articles of the Model Law and the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the 1958 Convention become generally known and available.

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

During the sixty-first session of the General Assembly, the Sixth Committee, in addition to the topics concerning the International Law Commission and the United Nations Commission on International Trade Law, discussed above, considered 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 of the General Assembly adopted during 2006.⁴⁰⁸ The resolutions of the General Assembly described in this section were all adopted during its sixty-first session on 4 December 2006 on the recommendation of the Sixth Committee.⁴⁰⁹

⁴⁰⁷ For the report of the Sixth Committee, see A/61/453.

⁴⁰⁸ 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 <http://www.un.org/ga/sixth> and <http://www.un.org/law/lindex.htm>. For a more exhaustive summary of the debate of the Sixth Committee with regard to the various topics, see the website of the Sixth Committee <http://www.un.org/ga/sixth/> and the summary records.

⁴⁰⁹ The Sixth Committee adopts drafts resolutions which are recommended for adoption by the General Assembly. These resolutions are contained in the reports of the Sixth Committee to the General Assembly under 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.

(a) Comprehensive review of the whole question of peacekeeping operations in all their aspects

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 Assembly established the Special Committee on Peacekeeping Operations that was to undertake a comprehensive review of this issue.⁴¹⁰

At its resumed fifty-ninth session, in June 2005, the General Assembly requested the Special Committee to include the issue of a comprehensive review of a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations in its report to the General Assembly at its sixtieth session.⁴¹¹

In June 2006, at its resumed sixtieth session, the General Assembly decided, *inter alia*, to defer to the sixty-first session the consideration of the report of the Group of Legal Experts,⁴¹² which had been established by the Secretary-General to provide advice on how to ensure that United Nations staff and experts on mission would never be effectively exempt from the consequences of criminal acts committed at their duty station, or unjustly penalized, in accordance with due process. This was to provide the Sixth Committee with the opportunity to consider the report submitted pursuant to resolutions 59/300 of 22 June 2005 and 60/263 of 6 June 2006.

(i) Sixth Committee

The Sixth Committee considered this agenda item at its 20th and 21st meetings, on 6 and 9 November 2006, respectively.

During the debate,⁴¹³ delegations commended the Group of Legal Experts for its report on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations. While some favoured a holistic approach to the topic, others were of the view that the Sixth Committee should focus on the recommendations contained in chapter IV of the report of the Group of Legal Experts, relating to the jurisdiction of States other than the host State and, in particular, on issues concerning the draft convention annexed to the report.

Several speakers stressed the importance of providing peacekeeping personnel with adequate protection, including by bringing to justice perpetrators of crimes against such personnel. The need to ensure accountability for serious crimes committed by peacekeeping personnel, while respecting the human rights of the alleged offender was also stressed. It was suggested that clear regulations be adopted so as to ensure that peacekeepers’ immunities would not lead to impunity.

Further, several delegations expressed support for a draft convention addressing jurisdictional and related issues, including the establishment of a Working Group to that effect. The view was expressed that priority should be given to the jurisdiction of the host State,

⁴¹⁰ General Assembly resolution 2006 (XIX) of 18 February 1965.

⁴¹¹ General Assembly resolution 59/300 of 22 June 2005.

⁴¹² A/60/980.

⁴¹³ For the summary records, see A/C.6/61/SR.20 and 21.

whose legal capacity should be developed if necessary, while others urged States to enact extraterritorial legislation allowing the prosecution of crimes committed by their nationals in peacekeeping operations. Reference was further made to the difficulty in gathering sufficient evidence for prosecution and the need to improve coordination and transparency between the host country, the United Nations and the troop-contributing countries was stressed. Further suggestions included: encouraging the development of United Nations investigative capability; emphasizing the importance of preventive measures, and providing appropriate training for peacekeepers. The view was expressed that recommendations and policies in this context should have universal application and not be limited to peacekeepers from developing countries.

At the 21st meeting, on 9 November 2006, the representative of Liechtenstein, on behalf of the Sixth Committee Bureau, introduced a draft resolution entitled “Criminal accountability of United Nations officials and experts on mission”,⁴¹⁴ and orally revised it. On the same day, the Committee adopted the draft resolution, as orally revised.⁴¹⁵

(ii) *General Assembly*

In its resolution 61/29 entitled “Criminal accountability of United Nations officials and experts on mission”, the General Assembly decided to establish an Ad Hoc Committee open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the report of the Group of Legal Experts, in particular its legal aspects. It was also decided that the Ad Hoc Committee would meet from 9 to 13 April 2007 and would report on its work to the General Assembly at its sixty-second session, under the item entitled “Criminal accountability of United Nations officials and experts on mission”.

(b) 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 Sweden⁴¹⁶ and is considered by the General Assembly on a biennial basis.

(i) *Sixth Committee*

The Sixth Committee considered this item at its 8th and 21st meetings, on 18 October and 9 November 2006.

During the debate,⁴¹⁷ delegations recalled the importance of the Geneva Conventions and the Protocols Additional thereto. States were encouraged to accept the competence of the International Fact-Finding Commission, pursuant to article 90 of the First Additional

⁴¹⁴ A/C.6/61/L.13.

⁴¹⁵ For the report of the Sixth Committee, see A/61/450.

⁴¹⁶ A/37/142.

⁴¹⁷ For the summary records, see A/C.6/61/SR.8 and 21.

Protocol.⁴¹⁸ Some delegations welcomed the adoption of the Third Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, 2005.⁴¹⁹ They also commended the International Committee of the Red Cross (ICRC) on its role in the codification, development and dissemination of international humanitarian law, as well as its activities in providing technical assistance and monitoring compliance with international humanitarian law.

Some delegations welcomed the study of ICRC on customary international humanitarian law,⁴²⁰ while others expressed concern about its methodology, and in particular its conclusion that certain rules contained in the Additional Protocols have become customary international law for all States. It was cautioned that political considerations should not impede the impartial development or application of international humanitarian law.

Finally, some speakers referred to and welcomed the report of the Secretary-General, containing information regarding national initiatives designed to implement and disseminate international humanitarian law.⁴²¹

At the 21st meeting, on 9 November 2006, the representative of Sweden 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”,⁴²² which was adopted on the same day.⁴²³

(ii) *General Assembly*

In its resolution 61/30 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”, the General Assembly, *inter alia*, welcomed the universal acceptance of the Geneva Conventions of 1949, and noted the trend towards a similarly wide acceptance of the two Additional Protocols of 1977. Furthermore, the Assembly called upon all States that had not yet done so, to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict⁴²⁴ and the two Protocols thereto, and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflicts. It also welcomed the advisory service activities of ICRC in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments. Finally, it called upon States to consider becoming parties to the Optional

⁴¹⁸ United Nations, *Treaty Series*, vol. 1125, p. 3.

⁴¹⁹ Adopted on 8 December 2005 at the Diplomatic Conference on the adoption of the Third Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an Additional Distinctive Emblem (Protocol III).

⁴²⁰ Study on customary international humanitarian law: A contribution to the understanding and respect for the rule of law in armed conflict. *International Review of the Red Cross*, vol. 87, No. 857, March 2005.

⁴²¹ A/61/222 and Add.1.

⁴²² A/C.6/61/L.9.

⁴²³ For the report of the Sixth Committee, see A/61/451.

⁴²⁴ United Nations, *Treaty Series*, vol. 249, p. 215.

Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.⁴²⁵

(c) 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.⁴²⁶ The General Assembly 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 8th and 20th meetings, on 18 October and 6 November 2006.⁴²⁷

During the debate, delegations welcomed the report of the Secretary-General containing information on the status of instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives, a summary of the information received from States on serious violations involving diplomatic and consular missions and representatives and actions taken against offenders, as well as views of States with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives.⁴²⁸ States condemned the continuing acts of violence against the security and safety of diplomatic and consular missions and their representatives and pledged to respect their obligations under international law and to continue to take all the necessary measures in order to protect those missions and representatives within their territories. A point was also made that the General Assembly, in its resolution on the topic, should call upon States to take the necessary preventive measures, including in cases of armed conflict, and to ensure proper investigation, with the United Nations participation, of such acts of violence.

At its 20th meeting, on 6 November 2006, the representative of Finland, on behalf of other sponsor delegations, introduced a draft resolution entitled “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives”,⁴²⁹ which was adopted on the same day.⁴³⁰

(ii) General Assembly

In resolution 61/31 entitled “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives”, the

⁴²⁵ *Ibid.*, vol. 2173, p. 222.

⁴²⁶ A/35/142.

⁴²⁷ For the summary records, see A/C.6/61/SR.8 and 20.

⁴²⁸ A/61/119 and Add.1 and 2.

⁴²⁹ A/C.6/61/L.5.

⁴³⁰ For the report of the Sixth Committee, see A/61/452.

Assembly, *inter alia*, urged States to strictly observe, implement and enforce the applicable principles and rules of international law governing diplomatic and consular relations, including during a period of armed conflict, and, in particular, to ensure, the protection, security and safety of the missions and representatives, including of international intergovernmental organizations, officially present in territories under their jurisdiction. States were also urged to prevent any acts of violence against them and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice. Furthermore, it urged States to take all appropriate measures to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence.

Finally, the Assembly requested all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations. Furthermore, the State in which the violation took place—and, to the extent possible, the State where the alleged offender is present—was requested to report to the Secretary-General on measures taken to bring the offender to justice and to communicate the final outcome of the proceedings.

(d) 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*

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 proposal 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.⁴³¹ At its thirtieth session, in 1975, 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.⁴³² Since its thirtieth session, the General Assembly has reconvened the Special Committee every year.

The Special Committee met at United Nations Headquarters from 3 to 13 April 2006. The issues considered by the Special Committee during this session were: maintenance of international peace and security, in particular the questions of sanctions, the legal basis for United Nations peacekeeping operations, and the strengthening of the role of the Organization; peaceful settlement of disputes; proposals concerning the abolition of the Trusteeship Council; the publications *Repertory of Practice of United Nations Organs* and

⁴³¹ General Assembly resolution 3349 (XXIX) of 17 December 1974.

⁴³² General Assembly resolution 3499 (XXX) of 15 December 1975.

the *Repertoire of the Practice of the Security Council*; and working methods of the Special Committee and the identification of new subjects.

In its report, the Special Committee made several recommendations to the General Assembly.⁴³³ The Special Committee recommended, *inter alia*, that, at its sixty-first session, the General Assembly adopt a draft resolution relating to the commemoration of the sixtieth anniversary of the International Court of Justice,⁴³⁴ and that the value of considering measures with a view to ensuring the revitalization of the General Assembly in order to effectively and efficiently exercise the functions assigned to it under the Charter be recognized.⁴³⁵ It further recommended that the Assembly encourage voluntary contributions to the trust funds concerning the *Repertory* and the *Repertoire* and that cooperation with academic institutions for the preparation of studies for both publications be enhanced.⁴³⁶ Finally, the Special Committee also submitted to the General Assembly its decision to adopt a proposal relating to the question of its working methods.⁴³⁷

At its 250th meeting, on 12 April 2006, the Special Committee adopted the report of its 2006 session.

(ii) *Sixth Committee*

The Committee considered the item at its 5th, 6th, 12th and 22nd meetings, on 16 and 27 October and on 16 November 2006. The Chairman of the Special Committee during its 2006 session introduced its report.

During the debate,⁴³⁸ speakers commended the important role played by the International Court of Justice on the peaceful settlement of disputes and welcomed the adoption by the Special Committee of a draft resolution on the commemoration of the sixtieth anniversary of the Court. The adoption by the Special Committee of the proposal on the working methods of the Special Committee was also generally welcomed.

Regarding the question of sanctions, some delegations expressed the view that sanctions constituted an important tool for the maintenance of international peace and security. However, it was emphasized that sanctions should be clearly defined, targeted, limited in duration and periodically reviewed. Moreover, some delegations emphasized that sanctions should only be imposed in conformity with rules of international law, including the Charter, and as a last resort after all peaceful means of settlement of disputes under Chapter VI of the Charter have been exhausted. Some delegations noted with approval that all Security Council sanctions are currently targeted and that no State had requested assistance during the previous year. However, some delegations stressed the need to establish an effective mechanism for listing and de-listing procedures, while acknowledging the efforts already made inside and outside the United Nations in this regard.

⁴³³ *Official Records of the General Assembly, Sixty-first session, Supplement No. 33 (A/61/33)*, para. 15.

⁴³⁴ *Ibid.*, para. 51.

⁴³⁵ *Ibid.*, para 38.

⁴³⁶ *Ibid.*, para 60.

⁴³⁷ *Ibid.*, para. 73.

⁴³⁸ For the summary records, see A/C.6/61/SR.5, 6, 12 and 22.

Some delegations called for the effective implementation of Article 50 of the Charter by the establishment of a compensation mechanism for third States affected by the application of sanctions. Other delegations noted that while Article 50 allowed affected States to present their concerns, it did not require any specific action by the Council. Nonetheless, they noted that some other measures could be envisioned to address these concerns, including by international financial institutions.

At the 12th meeting, on 27 October 2006, the representative of Egypt, on behalf of the Bureau, introduced a draft resolution entitled “Commemoration of the sixtieth anniversary of the International Court of Justice”,⁴³⁹ which was adopted on the same day by acclamation.

At the 22nd meeting, on 16 November 2006, the representative of Egypt 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”,⁴⁴⁰ which was adopted at the same meeting.⁴⁴¹

(iii) *General Assembly*

In its resolution 61/37 entitled “Commemoration of the sixtieth anniversary of the International Court of Justice”, the General Assembly solemnly commended the Court for the important role that it has played as the principal judicial organ of the United Nations over the past sixty years in adjudicating disputes among States, and recognized the value of its work. The Assembly also encouraged States to continue considering recourse to the Court by means available under its Statute, and called upon States that had not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.

The General Assembly also adopted resolution 61/38 entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”, in which it took note of the report of the Special Committee. Furthermore, the Assembly requested, *inter alia*, that during its next session in 2007, the Special Committee continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the Organization, continue to consider, on a priority basis, 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 under Chapter VII of the Charter, keep on its agenda the question of the peaceful settlement of disputes between States, and continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation. Furthermore, the Assembly requested the Special Committee to consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto.

⁴³⁹ A/C.6/61/L.6.

⁴⁴⁰ A/C.6/61/L.10 and Corr.1.

⁴⁴¹ For the report of the Sixth Committee, see A/61/455.

(e) **The rule of law at the national and international levels**

The item entitled “The rule of law at the national and international levels” was included in the provisional agenda of the sixty-first session of the General Assembly at the request of Liechtenstein and Mexico.⁴⁴²

(i) *Sixth Committee*

The Sixth Committee considered the item at its 6th, 7th, 20th and 22nd meetings, on 16 and 17 October and on 6 and 16 November 2006, respectively.

During the debate,⁴⁴³ delegations expressed support for the decision to include this item on the agenda. It was considered, however, that the Committee should be cautious not to duplicate work undertaken elsewhere. Some delegations stressed the importance of defining the concept of “rule of law” and determining its scope, in particular at the international level.

Delegations emphasized the important role of the International Court of Justice, as well as of other international tribunals, in the peaceful settlement of disputes. They called for a wider acceptance by States of the compulsory jurisdiction of the Court and for increased contributions to the Secretary-General’s Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. It was suggested that the Organization should make more extensive use of the power to request advisory opinions, and that the Secretary-General should be authorized to request such opinions. Some delegations also urged the Court to consider ways and means of conducting its work in a more efficient manner.

Some delegations expressed concern that there had been no follow-up on the proposals made in the 2004 report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict situations,⁴⁴⁴ in particular with a view to securing adequate resources for post-conflict rule of law activities.

The Secretary-General was also urged by some delegations to create a dedicated rule of law assistance unit, as suggested in the 2005 World Summit Outcome,⁴⁴⁵ which should be established at an adequately high level in the Secretariat, taking into account the central role and function of the Office of Legal Affairs in this field. It was suggested that its responsibilities could include disseminating information regarding rule of law initiatives, coordinating technical assistance, identifying new trends in international law and studying areas for follow-up action by the Sixth Committee from the 2005 World Summit Outcome.

Some delegations considered that, during the current session, the Committee should focus on establishing modalities for the consideration of the item, with a view to examining it next year. While some delegations considered that the Committee should continue its comprehensive debate on the scope of this item, others supported the proposal that one or two specific subtopics be chosen for discussion for the following session.

⁴⁴² A/61/142.

⁴⁴³ For the summary records, see A/C.6/61/SR.6, 7, 20 and 22.

⁴⁴⁴ S/2004/616.

⁴⁴⁵ General Assembly resolution 60/1 of 16 September 2005, para. 134 (e).

At the 22nd meeting, on 16 November 2006, the Chairman of the Sixth Committee, on behalf of the Bureau, introduced a draft resolution entitled “The rule of law at the national and international levels”,⁴⁴⁶ which was orally revised and subsequently adopted on the same day.⁴⁴⁷

(ii) *General Assembly*

In its resolution 61/39 entitled “The rule of law at the national and international levels”, the General Assembly requested the Secretary-General to prepare an inventory of the current activities of the various organs, bodies, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels for submission at its sixty-third session, and to submit an interim report thereon to the General Assembly for its consideration at its sixty-second session. Furthermore, the Assembly also requested the Secretary-General to prepare and submit, at its sixty-third session, a report identifying ways and means for strengthening and coordinating the activities listed in the inventory, with special regard to the effectiveness of assistance that may be requested by States in building capacity for the promotion of the rule of law at the national and international levels. It also urged the Secretary-General, as a matter of priority, to submit the report on the establishment of a rule of law assistance unit within the Secretariat, in conformity with the 2005 World Summit Outcome, and recommended that, as from the sixty-second session and after consultations among Member States, the Sixth Committee annually choose one or two subtopics to facilitate a focused discussion for the subsequent session, without prejudice to the consideration of the item as a whole.

(f) **Measures to eliminate international terrorism**

(i) *Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996*

In 1996, the General Assembly, in resolution 51/210, decided to establish 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.

In accordance with General Assembly resolution 60/43 of 8 December 2005, the Ad Hoc Committee held its tenth session from 27 February to 3 March 2006 in order to continue to elaborate the draft comprehensive convention on international terrorism and to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

⁴⁴⁶ A/C.6/61/L.18.

⁴⁴⁷ For the report of the Sixth Committee, see A/61/456.

At its 37th plenary meeting, on 3 March 2006, the Ad Hoc Committee adopted its report, containing, *inter alia*, an informal summary of the Chairman of the Ad Hoc Committee on the consultations and contacts held during the session in relation to the two items on its agenda and a proposal made in connection with the elaboration of a draft comprehensive convention on international terrorism.⁴⁴⁸

(ii) *Sixth Committee*

The item relating to the elimination of international terrorism was included in the agenda of the twenty-seventh session of the General Assembly, in 1972, further to an initiative of the Secretary-General.⁴⁴⁹ The General Assembly continued its consideration of the item biennially at its thirty-fourth to forty-eighth sessions, and annually thereafter.

The Sixth Committee considered this item at its 2nd to 5th, 7th, 21st and 23rd meetings, on 11, 12, 13, 16 and 17 October and on 9 and 21 November 2006. At the 2nd meeting, on 11 October 2006, the Chairman of the Ad Hoc Committee introduced the report of the Ad Hoc Committee. At its 7th meeting, on 17 October 2006, the Committee decided to establish a Working Group to continue to carry out the mandate of the Ad Hoc Committee as contained in General Assembly resolution 60/43 of 8 December 2005. The Working Group held one plenary meeting, as well as informal contacts with interested delegations. At the 21st meeting of the Sixth Committee, on 9 November, the Chairman of the Working Group gave an oral report on the meeting of the Working Group and on the results of his bilateral contacts with delegations.⁴⁵⁰

During the debate in the Sixth Committee,⁴⁵¹ delegations reiterated their unequivocal and strong condemnation of terrorism in all its forms and manifestations, by whomsoever, wherever and for whatever purposes committed. The respect for the rule of law, in particular international humanitarian law, human rights law and refugee law, in the fight against terrorism was emphasized. Some delegations stressed the fact that there was no link between terrorism and a particular religion, culture or society, and that the underlying causes of terrorism should be addressed. Several delegations emphasized the necessity for States to ratify and implement the various existing international counter-terrorism instruments and recalled initiatives undertaken on a national and regional basis as part of the global fight against terrorism.

Furthermore, delegations welcomed the adoption of the United Nations Global Counter-Terrorism Strategy⁴⁵² and called for its effective implementation. This important step reaffirmed the pivotal role of the General Assembly in countering terrorism. In addition, some delegations also welcomed the report of the Secretary-General "Uniting against terrorism: recommendations for a Global Counter-Terrorism Strategy"⁴⁵³ and noted the continuing value of some recommendations contained therein. It was also emphasized by

⁴⁴⁸ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 37 (A/61/37)*.

⁴⁴⁹ A/8791 and Add.1 and Add.1/Corr.1

⁴⁵⁰ A/C.6/61/SR.21.

⁴⁵¹ For the summary records, see A/C.6/61/SR.2 to 5, 7, 21 and 23.

⁴⁵² General Assembly resolution 60/288 of 8 September 2006.

⁴⁵³ A/60/825.

some delegations that the Strategy would have to be updated on a regular basis, and that the role of the General Assembly in this regard remained ongoing. It was noted that the Strategy represented a compromise text and could be further strengthened.

Several delegations also commented on the draft comprehensive convention on international terrorism and on the proposal concerning the convening of a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestation. In addition, references were made to other proposals, including the establishment of an international counter-terrorism centre.

At the 23rd meeting, on 21 November 2006, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled “Measures to eliminate international terrorism”,⁴⁵⁴ which was orally revised and amended and subsequently adopted on the same day.⁴⁵⁵

(iii) *General Assembly*

In its resolution 61/40, “Measures to eliminate international terrorism”, the General Assembly, *inter alia*, called upon all Member States, the United Nations and other appropriate international organizations to implement the United Nations Global Counter-Terrorism Strategy in all its aspects at the international and national levels without delay, including through mobilizing resources and expertise. It also recalled the pivotal role of the Assembly in following up the implementation and updating of the Strategy.

In addition, the Assembly reiterated that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that might be invoked to justify them.

Furthermore, the Assembly also reiterated its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities, and urged States to ensure that any person within their territory that wilfully provides or collects funds for the benefit of persons who commit, or facilitate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts. The Assembly also reminded States of their obligations under relevant international conventions and protocols and Security Council resolutions, to ensure that perpetrators of terrorist acts are brought to justice. It called upon all States to enact, as appropriate, the domestic legislation necessary to implement those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end.

⁴⁵⁴ A/C.6/61/L.17.

⁴⁵⁵ For the report of the Sixth Committee, see A/61/457.

(g) Administration of justice at the United Nations

The item “Administration of justice at the United Nations” was included in the agenda of the sixty-first session of the General Assembly pursuant to Assembly resolution 59/283 of 13 April 2005 and decision 60/551 B of 8 May 2006.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 5th and 22nd meetings, on 16 October and 16 November 2006.

During the debate,⁴⁵⁶ delegations commended the report of the Redesign Panel on the United Nations system of administration of justice⁴⁵⁷ and looked forward to the report of the Secretary-General on this issue. The need to reform the United Nations system of administration of justice was generally recognized, although the view was also expressed that changes should be considered carefully and should enjoy wide support.

Delegations stressed the inefficiency of the current system, in particular its slowness, its complexity and its costs, and favoured the creation of a transparent, effective and timely system of administration of justice that would comply with internationally recognized standards of justice, thus ensuring the protection of employees’ rights while enhancing accountability. It was also suggested that the Sixth Committee continue its consideration of the item during a resumed session in March 2007, after the publication of the Secretary-General’s report.

At the 22nd meeting, on 16 November 2006, the Chairman of the Sixth Committee read out a revised version of a draft decision entitled “Administration of justice at the United Nations”,⁴⁵⁸ which was adopted, as orally revised by the Chairman, on the same day.⁴⁵⁹

(ii) *General Assembly*

In its decision 61/511, the Assembly took note of the fact that the Sixth Committee had decided to hold a resumed session of 10 meetings in March 2007, to continue the consideration of the report of the Redesign Panel on the United Nations system of administration of justice, taking into account the comments that were to be made by the Secretary-General on that report.

(h) 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 to deal with a wide range of issues concerning the relationship between the United Nations and the United States as the host country,

⁴⁵⁶ For the summary records, see A/C.6/61/SR.5 and 22.

⁴⁵⁷ A/61/205 and Corr. 1 (Arabic only).

⁴⁵⁸ A/C.6/61/L.12.

⁴⁵⁹ For the report of the Sixth Committee, see A/61/460.

including questions pertaining to security of the missions and their personnel, privileges and immunities, immigration and taxation, housing, transportation and parking, insurance, education and health, as well as public relations issues with New York as the host city.⁴⁶⁰ In 2006, the Committee was composed of the following 19 Member States: Bulgaria, Canada, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, France, Honduras, Hungary, Iraq, Libyan Arab Jamahiriya, Malaysia, Mali, Russian Federation, Senegal, Spain, United Kingdom and United States.

In accordance with General Assembly resolution 60/24 of 23 November 2005, the Committee reconvened in 2006 and held five meetings: its 227th meeting, on 18 January 2006; its 228th meeting, on 17 May 2006; its 229th meeting, on 2 August 2006; its 230th meeting, on 29 September 2006; and its 231st meeting, on 30 October 2006.

During its 2006 session, the Committee dealt with the following topics: transportation (use of motor vehicles, parking and related matters), acceleration of immigration and customs procedures, entry visas issued by the host country, host country travel regulations and questions of privileges and immunities. At its 231st meeting, the Committee approved various recommendations and conclusions dealing with the said matters.⁴⁶¹

(ii) *Sixth Committee*

The Sixth Committee considered this item at its 21st meeting, on 9 November 2006. The Chairman of the Committee on Relations with the Host Country introduced the report of the Committee.

During the debate,⁴⁶² appreciation was expressed for the work and the report of the Host Country Committee as well as for the continued efforts of the host country to fulfil its obligations under the Convention on the Privileges and Immunities of the United Nations⁴⁶³ and the Headquarters Agreement,⁴⁶⁴ to accord full facilities for the normal functioning of the missions accredited to the United Nations. Hope was expressed that various issues raised in the Committee would be resolved consistent with international law. With respect to the Parking Programme for Diplomatic Vehicles adopted in 2002, support was expressed for a review of its implementation. Reference was also made to instances of travel restrictions and delay in the issuance of entry visas.

The host country confirmed its commitment to fulfil its obligations under international law and highlighted, in particular, the success achieved in the implementation of the Parking Programme. It was also pointed out that restrictions on private non-official travel of members of certain missions did not violate international law and that the host country had modified or removed some restrictions.

⁴⁶⁰ General Assembly resolution 2819 (XXVI) of 15 December 1971.

⁴⁶¹ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 26 (A/61/26)*.

⁴⁶² For the summary records, see A/C.6/61/SR.21.

⁴⁶³ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1).

⁴⁶⁴ See resolution 169 (II) of 31 October 1947.

At the same meeting, the representative of Cyprus, on behalf of other sponsor delegations, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country",⁴⁶⁵ which was adopted on the same day.⁴⁶⁶

(iii) *General Assembly*

In its resolution 61/41, the General Assembly endorsed the recommendations and conclusions made by the Committee on Relations with the Host Country in its report.⁴⁶⁷

The Assembly, *inter alia*, considered that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations was in the interest of the United Nations and all Member States, and appreciated the efforts made by the host country to that end. The Assembly urged the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities. If violations occurred, the host country was urged to ensure that such cases were properly investigated and remedied, in accordance with applicable law.

In addition, the Assembly noted the problems experienced by some permanent missions in connection with the implementation of the Parking Programme and decided to remain seized of the matter, with a view to continuously ensuring the proper implementation of the Programme in a manner that was fair, non-discriminatory, effective and therefore consistent with international law. The Assembly also took note of the decision of the Committee to conduct another review of the implementation of the Programme during the sixty-first session of the General Assembly.

Furthermore, the General Assembly noted that during the reporting period, some travel restrictions previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities had been removed, and requested the host country to consider removing the remaining travel restrictions.

The General Assembly also noted that the Committee anticipated that the host country would enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States to travel to New York on United Nations business, as well as to facilitate the participation of representatives of Member States in other United Nations meetings.

Finally, it noted that a number of delegations had requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame posed difficulties for the full-fledged participation of Member States in United Nations meetings.

⁴⁶⁵ A/C.6/61/L.11.

⁴⁶⁶ For the report of the Sixth Committee, see A/61/461.

⁴⁶⁷ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 26 (A/61/26)*, para. 86.

(i) **Observer status in the General Assembly**

(i) *Sixth Committee*

The Committee considered requests for observer status in the General Assembly for the Organization of the Petroleum Exporting Countries (OPEC) Fund for International Development, for the Indian Ocean Commission and for the Association of Southeast Asian Nations at its 5th, 10th and 20th meetings, on 16 and 25 October and on 6 November 2006.⁴⁶⁸

At the 5th meeting of the Sixth Committee, the delegation of Saudi Arabia, on behalf of other sponsor delegations, introduced a draft resolution on the “Observer status for the OPEC Fund for International Development in the General Assembly”;⁴⁶⁹ the representative of Mauritius, on behalf of other sponsor delegations, introduced a draft resolution entitled “Observer status for the Indian Ocean Commission in the General Assembly”;⁴⁷⁰ and the representative of the Philippines, on behalf of other sponsor delegations, introduced a draft resolution entitled “Observer status for the Association of Southeast Asian Nations in the General Assembly”;⁴⁷¹ which were all adopted at the 10th meeting.⁴⁷²

(ii) *General Assembly*

In its resolutions 61/42, 61/43 and 61/44, the General Assembly granted observer status to the OPEC Fund for International Development, the Indian Ocean Commission and the Association of Southeast Asian Nations, respectively.

18. Ad hoc international criminal tribunals⁴⁷³

(a) **Organization of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)**

(i) *Organization of ICTY*

The Chambers were composed of 16 permanent judges, including 2 judges of ICTR, serving in the Tribunal’s Appeal Chamber and 12 *ad litem* Judges.

The 14 permanent judges were: Fausto Pocar (President, Italy), Kevin Parker (Vice-President, Australia), Patrick Lipton Robinson (Presiding Judge, Jamaica), Carmel A. Agius (Presiding Judge, Malta), Alphonsus Martinus Maria Orié (Presiding Judge, the

⁴⁶⁸ For the summary records, see A/C.6/61/SR.5, 10 and 20.

⁴⁶⁹ A/C.6/61/L.3.

⁴⁷⁰ A/C.6/61/L.2.

⁴⁷¹ A/C.6/61/L.4.

⁴⁷² For the report of the Sixth Committee, see A/61/462.

⁴⁷³ This section covers the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), which were the subject of resolutions of the Security Council and the General Assembly. Further information regarding the Judgments and Decisions of the ICTY and ICTR is contained in chapter VII below.

Netherlands), Mohamed Shahabuddeen (Guyana), Liu Daqun (China), Theodor Meron (United States of America), Wolfgang Schomburg (Germany), O-gon Kwon (Republic of Korea), Jean-Claude Antonetti (France), Iain Bonomy (United Kingdom), Christine Van den Wyngaert (Belgium) and Bakone Melema Moloto (South Africa).

The *ad litem* judges reporting during this period were Joaquín Martín Canivell (Spain), Vonimbolana Rasoazanany (Madagascar), Bert Swart (Netherlands), Krister Thelin (Sweden), Hans Henrik Brydensholt (Denmark), Albin Eser (Germany), Claude Hanteau (France), Janet Nosworthy (Jamaica), Frank Höpfel (Austria), Stefan Trechsel (Switzerland), Árpád Prandler (Hungary), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Ali Nawaz Chowhan (Pakistan), Tsvetana Kamenova (Bulgaria), Kimberly Prost (Canada) and judge Ole Bjorn Støle (Norway).

(ii) Organization of ICTR

The Chambers were composed of 16 permanent judges and a maximum of 9 *ad litem* judges.

The composition of the Tribunal during 2006 was as follows:

President: Erik Møse (Norway).

Vice-President: Arlette Ramaroson (Madagascar)

Trial Chamber I: Erik Møse (Norway), Jai Ram Reddy (Fiji) and Sergei Alekseevich Egorov (Russian Federation);

Trial Chamber II: William H. Sekule (United Republic of Tanzania), Arlette Ramaroson (Madagascar) and Asoka J. N. de Silva (Sri Lanka);

Trial Chamber III: Khalida Rashid Khan (Pakistan), Inés Mónica Weinberg de Roca (Argentina) and Dennis C. M. Byron (Saint Kitts and Nevis).

The *ad litem* judges reporting during this period were Florence Rita Arrey (Cameroon); Solomy Balungi Bossa (Uganda); Robert Fremr (Czech Republic); Taghreed Hikmat (Jordan); Karin Hökborg (Sweden); Gberdao Gustave Kam (Burkina Faso); Flavia Lattanzi (Italy); Lee Gacuiiga Muthoga (Kenya); Seon Ki Park (Republic of Korea); and Emile Francis Short (Ghana).

(iii) Composition of the Appeals Chamber

In 2006, the seven-member bench of the shared Appeals Chamber of the two Tribunals was composed of Fausto Pocar (Italy), Mohamed Shahabuddeen (Guyana), Mehmet Güney (Turkey), Liu Daqun (China), Andrésia Vaz (Senegal), Theodor Meron (United States), and Wolfgang Schomburg (Germany).

(b) General Assembly

On 9 October 2006, the Assembly adopted decisions 61/505 and 61/506 in which it took note of the respective annual reports of ICTR⁴⁷⁴ and ICTY.⁴⁷⁵

⁴⁷⁴ A/61/265-S/2006/658.

⁴⁷⁵ A/61/271-S/2006/666.

On 22 December 2006, the General Assembly also adopted, on the recommendation of the Fifth Committee, resolution 61/241 entitled “Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994” and resolution 61/242 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”.

(c) Security Council

On 28 February 2006, the Security Council, adopted resolution 1660 (2006) in which it decided to amend article 12 and article 13 *quater* of the Statute of the International Tribunal for the Former Yugoslavia, allowing the Secretary-General, at the request of the President, to appoint reserve judges from among the *ad litem* judges, to be present at each stage of a trial to which they have been appointed and to replace a judge if that judge is unable to continue sitting. In this context, it also increased the number of serving *ad litem* judges from 9 to 12.

During 2006, the Security Council also adopted several other resolutions by which it extended the term of office of some permanent and *ad litem* judges in the two Tribunals.⁴⁷⁶

19. Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around Jerusalem* — Establishment of a registrar of damage

On 17 October 2006, the Secretary-General submitted his report⁴⁷⁷ pursuant to General Assembly resolution ES-10/15 relating to the “Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around Jerusalem*” of 24 March 2004. In the said report, the Secretary-General described the institutional framework required for the establishment of a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the Advisory Opinion,⁴⁷⁸ as requested by the Assembly in resolution ES-10/15, including the purpose, legal nature and lifespan of the Register, the legal status, structure and functions of the office of the Register, as well as the process of registration.

⁴⁷⁶ ICTY: Security Council resolution 1668 (2006). ICTR: Security Council resolutions 1684 (2006), 1705 (2006) and 1717 (2006).

⁴⁷⁷ A/ES-10/361.

⁴⁷⁸ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. Universal Postal Union

During the Council of Administration session held from 9 to 20 October 2006, guidelines on cooperation between the Universal Postal Union (UPU) and the business community were adopted.⁴⁷⁹ These guidelines should serve to prevent or limit the risks involved in cooperation with businesses and to clarify the roles of the UPU International Bureau and other UPU bodies in this connection. They also supplement the United Nations guidelines in this area.⁴⁸⁰

In accordance with the decisions of the 23rd Universal Postal Congress, held in Bucharest (Romania) from 15 September to 5 October 2004,⁴⁸¹ the Seventh Additional Protocol to the Constitution and the new versions of the General Regulations, the Convention and the Postal Payment Services Agreement came into force on 1 January 2006.

An agreement was signed on 6 April 2006 with Kenya on the organization of the next Universal Postal Congress, to be held in Nairobi in 2008.

In 2006, UPU obtained observer status with the International Organization for Migration, making it possible to strengthen cooperation between the two organizations, particularly on the question of migrants' international fund transfers (remittances). UPU also received *ad hoc* observer status in the World Trade Organization (WTO), making it a recognized partner of WTO on matters relating to postal services.

Lastly, in September 2006, UPU signed a Memorandum of Understanding with the United Nations Development Programme (UNDP) for the management of its participation in the United Nations Junior Professional Officers Programme.

2. International Labour Organization

(a) Resolutions adopted by the International Labour Conference (Maritime) during its 94th session

At the 94th session of the International Labour Conference (Maritime), held in Geneva, Switzerland, from 7 to 23 February 2006, the following resolutions were adopted:

- (a) Resolution concerning the promotion of the Maritime Labour Convention;
- (b) Resolution concerning the promotion of opportunities for women seafarers;
- (c) Resolution concerning the Joint International Maritime Organization/ International Labour Organization (IMO/ILO) Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers;

⁴⁷⁹ CA C 2 2006–Doc 11.

⁴⁸⁰ Guidelines on Cooperation between the United Nations and the Business Community. Issued by the Secretary-General of the United Nations, 17 July 2000 (<http://www.un.org/partners/business/otherpages/guide.htm>).

⁴⁸¹ UPU 23rd Congress, Bucharest, Romania, 2004.

- (d) Resolution concerning the development of guidelines for port State control;
- (e) Resolution concerning the development of international standards of medical fitness for crew members and other seafarers;
- (f) Resolution concerning the promotion of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185);
- (g) Resolution concerning information on occupational groups;
- (h) Resolution concerning seafarers' welfare;
- (i) Resolution concerning maintenance of the Joint Maritime Commission;
- (j) Resolution concerning addressing the human element through international cooperation between United Nations specialized agencies;
- (k) Resolution concerning recruitment and retention of seafarers;
- (l) Resolution concerning the effects on the industry of piracy and armed robbery;
- (m) Resolution concerning the development of guidelines for flag State inspection;
- (n) Resolution concerning occupational safety and health;
- (o) Resolution concerning search and rescue capability;
- (p) Resolution concerning social security; and
- (q) Resolution concerning the practical implementation of the issues of certificates on entry into force.

(b) Recommendations and resolutions adopted by the International Labour Conference during its 95th session

At the 95th session of the International Labour Conference, held in Geneva, Switzerland, from 31 May to 16 June 2006, the following recommendations and resolutions were adopted:

(i) Recommendations⁴⁸²

- (a) R197: Promotional Framework for Occupational Safety and Health Recommendation, 15 June 2006; and
- (b) R198: Employment Relationship Recommendation, 15 June 2006.

(ii) Resolutions

- (a) Resolution concerning asbestos;
- (b) Resolution concerning the employment relationship;
- (c) Resolution concerning the role of ILO in technical cooperation;
- (d) Resolution concerning an amendment to the Standing Orders of the International Labour Conference;

⁴⁸² For the text of the Recommendations, see <http://www.ilo.org/ilolex/english/recdisp1.htm>.

- (e) Resolution concerning the Financial Report and Audited Financial Statements for 2004–2005;
- (f) Resolution concerning the arrears of contributions of Azerbaijan;
- (g) Resolution concerning the scale of assessments of contributions to the budget for 2007; and
- (h) Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization.

3. International Civil Aviation Organization

(a) Membership

Following the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006, Serbia advised the International Civil Aviation Organization (ICAO) by a note dated 7 June that the membership of the state union of Serbia and Montenegro in ICAO was continued by the Republic of Serbia. Serbia subsequently advised ICAO by a note dated 13 July that the Republic of Serbia continued to exercise its rights and honour its commitments deriving from international treaties concluded by Serbia and Montenegro and requested that the Republic of Serbia be considered a party to all international agreements in force instead of Serbia and Montenegro. As a result, Serbia is continuing as a party to the Convention on International Civil Aviation, 1944,⁴⁸³ and related Protocols (effective from 13 January 2001), as well as other treaties to which Serbia and Montenegro was party.

(b) Conventions and agreements

On 1 March 2006, the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment, signed at Cape Town on 16 November 2001 (Cape Town Protocol),⁴⁸⁴ entered into force, and the Convention on International Interests in Mobile Equipment, signed at Cape Town on 16 November 2001 (Cape Town Convention),⁴⁸⁵ became effective at the same time, as applied to aircraft equipment.

(c) Major legal developments

(i) Work programme of the Legal Committee and legal meetings

Pursuant to a decision of the ICAO Council taken on 6 December, the general work programme of the Legal Committee was as follows:

- (a) Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks. The initial title of this item (Consideration

⁴⁸³ United Nations, *Treaty Series*, vol. 15, p. 295. For the text of the Protocols amending this Convention, see vol. 320, pp. 209 and 217, vol. 418, p. 161, vol. 514, p. 209, vol. 740, p. 21, vol. 893, p. 117, vol. 958, p. 217, vol. 1008, p. 213, vol. 2122, p. 337, vol. 2133, p. 43, vol. 2216, p. 483 and vol. 2320, p. 79.

⁴⁸⁴ ICAO Doc. 9794.

⁴⁸⁵ ICAO Doc. 9793.

of the modernization of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, signed at Rome on 7 October 1952⁴⁸⁶) was modified by the Council to better reflect the actual work of the Special Group on the Modernization of the Rome Convention of 1952. The latter held its third, fourth and fifth meetings from 13 to 17 February, 19 to 23 June and 30 October to 3 November 2006, respectively.

(b) Acts or offences of concern to the international aviation community and not covered by existing air law instruments. The Secretariat Study Group on Aviation Security Conventions held two meetings, the first from 28 to 29 June 2006 and the second from 25 to 27 October 2006. The Study Group identified a number of issues which could be addressed through appropriate ICAO legal provisions or measures. It will hold its third meeting in January 2007. Furthermore, the Secretariat continued to closely observe the law-making process within the United Nations in this field.

(c) Consideration, with regard to communications, navigation, surveillance/air traffic management (CNS/ATM) systems, including global navigation satellite systems (GNSS), of the establishment of a legal framework. In line with ICAO Assembly resolution A35-3, which invites Contracting States to consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues, some regions continued their study on their respective initiatives, but no concrete results were formally communicated to ICAO. The Secretariat continued to monitor this item.

(d) International interests in mobile equipment (aircraft equipment). The International Registry entered into operation on 1 March 2006, the date on which the Convention on International Interests in Mobile Equipment and the Protocol thereto on Matters specific to Aircraft Equipment, signed at Cape Town on 16 November 2001, entered into force. Also on the same date, the Council assumed its role as Supervisory Authority of the International Registry. In June, the members of the Commission of Experts of the Supervisory Authority of the International Registry were appointed, and the Commission held its first meeting from 6 to 8 November. The Commission, *inter alia*, prepared its Rules of Procedure and reviewed a number of changes proposed by the Registrar to the Regulations and Procedures for the International Registry,⁴⁸⁷ and recommended their approval by the Council. The Council approved them in December, during its 179th session.

(e) Review of the question of the ratification of international air law instruments. The Secretariat continued to take administrative action necessary to encourage ratification, such as the development and dissemination of ratification packages, promotion of ratification at various fora and continued emphasis on ratification matters by the President of the Council and the Secretary General during their visits to States. To assist States in their ratification of these treaties, administrative packages were updated and posted on the ICAO-Net.

(f) United Nations Convention on the Law of the Sea—Implications, if any, for the application of the Chicago Convention, 1944, its annexes and other international air law instruments. The Secretariat pursued its monitoring activities in this area. By invitation of the Government of the Republic of Korea, a regional legal seminar was held in Seoul from 8 to 12 May 2006.

⁴⁸⁶ ICAO Doc. 7364. United Nations, *Treaty Series*, vol. 310, p. 181.

⁴⁸⁷ ICAO Doc. 9864.

(ii) *Assistance in the field of aviation war risk insurance*

By the end of the year, Contracting States representing 46.24 per cent of annual contribution rates had indicated their intention to participate in Globaltime, among which 34.06 per cent under certain conditions.⁴⁸⁸ Therefore, the 51 per cent threshold of intentions to participate has so far not been reached and the ICAO global scheme is held in contingency mode.⁴⁸⁹ The Secretariat continued monitoring developments in this area.

4. Food and Agricultural Organization of the United Nations

(a) Constitutional and general legal matters

The Council of the Food and Agriculture Organization of the United Nations (FAO), after considering the report of the eightieth session of the Committee on Constitutional and Legal Matters,⁴⁹⁰ adopted at its hundred and thirty-first session resolution 1/131,⁴⁹¹ by which it approved the revised Statutes of the Western Central Atlantic Fishery Commission with a view to strengthening the Commission to promote the effective conservation, management and development of living marine resources throughout the Western Central Atlantic region.

(b) Legislative matters

(i) *Activities connected with international meetings*

- Pre-Conference Workshop and Conference Sharing the Fish (Freemantle, Australia, January 2006);
- Workshop on Urban and Peri-urban Forestry and Greening in West and Central Asia (FAO, Rome, 5–7 April 2006);
- Review Conference on the United Nations Fish Stock Agreement (New York, May 2006);
- 10th session of the Sub-Committee on Fish Trade of the Committee on Fisheries (Santiago de Compostela, 30 May–2 June 2006);
- IMO/FAO Secretariats Meeting on Cooperation Matters (London, May–June 2006);
- FAO Workshop on Marine Protected Areas and Fisheries Management–Review of Issues and Considerations (FAO, Rome, June 2006);
- World Water Week (Stockholm, 20–26 August 2006);
- “The Right to Water”, International Development Law Organization session as part of a course on the Legal Framework of Water Resource Management (Rome, September 2006);

⁴⁸⁸ ICAO Assembly resolution A35–24.

⁴⁸⁹ ICAO Assembly resolution A33–20 and State letter LE 4/64–03/65 dated 30 June 2003.

⁴⁹⁰ For the report of the eightieth session of the Committee on Constitutional and Legal Matters, CL 131/5.

⁴⁹¹ Report of the hundred and thirty-first session of the FAO Council (Rome, 20–25 November 2006) (CL 131/REP), para. 95.

- Committee on Fisheries Sub-Committee on Aquaculture (New Delhi, September 2006);
- Expert Seminar on the Right to Food organized by the Max Planck Institute on Comparative Public and International Law jointly with FAO and the Food first Information and Action Network (Heidelberg, September 2006);
- FAO Expert Consultation on the Use of Monitoring Systems and Satellites for Fishing, Monitoring and Surveillance (FAO, Rome, October 2006);
- Workshop on Small Islands Developing States groundwater and inter-linkages (Port of Spain, 6–9 November 2006);
- FAO Expert Consultation on Deep Sea Fisheries (Bangkok, 21–23 November 2006);
- Conference on Institutions for Sustainable Development in the Face of Global Environmental Change (Nusa Dua, 4–8 December 2006);
- Conference on Food Safety and Dietary Risk Assessment (Institut Fresenius, Cologne, 11–12 December 2006); and
- United Nations—Water Decade Office for Capacity Development Scoping Workshop (Bonn, 13–14 December 2006).

(ii) Legislative assistance and advice

During 2006, legislative assistance and advice were given to the following countries and entities on the following topics:

Agrarian legislation

Angola, Barbados, Bolivia, Brazil, Burkina Faso, Cape Verde, Chile, China, Timor-Leste, Ghana, Guinea-Bissau, Liberia, Lithuania, Madagascar, Malawi, Mauritania, Mozambique, Nepal, Nicaragua, Paraguay, Peru, Sao Tome and Principe, Serbia, Sierra Leone, the Sudan, Tanzania and Uruguay.

Water legislation

Ghana, Kyrgyzstan, Lebanon and Malta. In addition, legal assistance was provided through a regional project in the Nile Basin countries (Burundi, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda), and through a regional project in the Iullemeden Aquifer System (Mali, Niger and Nigeria).

Veterinary legislation

Belize, Benin, Burkina Faso, Côte d'Ivoire, El Salvador, Ghana, Guinea-Bissau, Kenya, Lithuania, Mali, Niger, Togo, Uganda and Viet Nam.

Plant protection legislation, including pesticides control

Belize, Benin, Burkina Faso, Cambodia, Côte d'Ivoire, Ecuador, El Salvador, Ghana, Guinea-Bissau, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Mali, Mozambique, Myanmar, Namibia, Niger, Panama, Swaziland, Togo, Uganda and Viet Nam.

Seed legislation and plant variety protection

Benin, Burkina Faso, Cameroon, Cape Verde, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo and Uzbekistan.

Food legislation

Albania, Antigua and Barbuda, Azerbaijan, Bahamas, Barbados, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cambodia, Cook Islands, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Dominica, El Salvador, Fiji, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Jamaica, Kenya, Kiribati, Lao People's Democratic Republic, Macedonia, Mali, Marshall Islands, Nauru, Niger, Nigeria, Niue, Palau, Papua New Guinea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, Viet Nam and Kosovo.

Fisheries and aquaculture legislation

Cameroon, Chad, Chile, Colombia, Costa Rica, Cuba, Ecuador, Gabon, Guatemala, Indonesia, Kiribati, Marshall Islands, Mexico, Micronesia (Federated States of), Nauru, Nigeria, Pakistan, Palau, Papua New Guinea, Philippines, Trinidad and Tobago, Venezuela and Viet Nam.

Forestry and wildlife legislation

Afghanistan, Algeria, Angola, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Costa Rica, Croatia, Cyprus, Democratic Republic of the Congo, Timor-Leste, Equatorial Guinea, Gabon, Honduras, Hungary, Kenya, Macedonia, Niger, Panama, Senegal, Serbia and the Sudan.

Biodiversity and genetic resources legislation

Armenia, Bolivia, Jamaica, Madagascar, Sri Lanka and Uzbekistan.

Biotechnology legislation

Democratic Republic of the Congo and Nicaragua.

General agricultural issues (trade, markets and economic reform)

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe and the African Caribbean and Pacific countries Secretariat.

(iii) *Legislative research and publications*

In 2006, the following legislative studies were published by the FAO Legal Office:

- *Integrated coastal management law—Establishing and strengthening national legal frameworks for integrated coastal management;*
- Modern water rights—Theory and practice;
- Directrices en materia de legislación alimentaria (nuevo modelo de ley de alimentos para países de tradición jurídica romano-germánica); and
- Marco analítico para el desarrollo de un sistema legal de la seguridad de la biotecnología moderna (bioseguridad).

The FAO Legal Office also published the following legal papers online in 2006:

- *The impact of agriculture-related WTO agreements on the domestic legal framework in Tanzania;*
- The “genuine link” concept in responsible fisheries: legal aspects and recent developments;
- *International mechanisms for the protection of local agricultural brands in Central and Eastern Europe;*
- Reforma agraria y evolución del marco jurídico del agua en Chile;
- The impact of agriculture-related WTO agreements on the domestic legal framework in the Kingdom of Nepal;
- The impact of agriculture-related WTO agreements on the domestic legal framework of the Republic of Kazakhstan;
- Legal issues in international agricultural trade: WTO compatibility and negotiations on economic partnership agreements between the European Union and the African, Caribbean and Pacific States;
- Legal issues in international agricultural trade: the evolution of the WTO Agreement on agriculture from its Uruguay Round origins to its post-Hong Kong directions;
- Le texte révisé de la Convention africaine sur la conservation de la nature et des ressources naturelles: petite histoire d’une grande rénovation;
- Cadre juridique international et national de protection des mangroves;
- La Convention-cadre sur la protection et le développement durable des Carpates;
- Le droit forestier du Vietnam; and
- Estudio técnico-legal sobre las capacidades fitosanitarias de los países miembros del organismo internacional regional de sanidad agropecuaria.

(iv) *Collection, translation and dissemination of legislative information*

The FAO Legal Office maintains a database (FAOLEX) of national legislation and international agreements concerning food and agriculture, including fisheries, forestry and water. FAOLEX is designed to provide online access to the full texts of food and agriculture legislation worldwide and offers access to legislation, regulations and international agreements in sixteen different areas related to fields of expertise of FAO. It is a compre-

hensive research tool which can be used to identify the state of national laws on natural resource management and, at the same time, compare legislation in different countries. In 2006, the search system in FAOLEX was enriched by introducing Arabic as the fourth language in addition to English, French and Spanish, for keyword and category search. Records in the database are provided in English, French or Spanish according to the language of communication used by the originating country. In 2006, 7,000 records were entered into FAOLEX.

Together with FAOLEX, the FISHLEX (Coastal State Requirements for Foreign Fishing) and WATERLEX (International agreements on international water sources) databases were also updated in 2006. The collection of the world's constitutions was updated under the FAOLEX website. With regard to ECOLEX (information service on environmental law, operated jointly by FAO, the International Union for Conservation of Nature and the United Nations Environment Programme), the bases of the new portal were further developed for the successful merger of the different systems and the updating of the cross-database search covering all databases included in the portal.

5. United Nations Educational, Scientific and Cultural Organization

(a) International regulations⁴⁹²

(i) *Entry into force of instruments previously adopted*

Within the period covered by this review, the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted in Paris on 17 October 2003, entered into force on 20 April 2006.⁴⁹³

(ii) *Proposal concerning the preparation of new instruments*

In accordance with 33 C/Resolution 45 of the 33rd session of the General Conference and 174 EX/Decision 43 of the 174th session of the Executive Board, the 1st session of the Intergovernmental meeting (category II) was held to draw up a draft of the declaration of principles relating to cultural objects displaced in connection with the Second World War (United Nations Educational, Scientific and Cultural Organization (UNESCO) Headquarters, 19 to 21 July 2006). This meeting amended and adopted in a first reading the draft of the principles to be contained in the draft declaration, which had been elaborated and adopted by the 13th session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation.⁴⁹⁴ Owing to time constraints the preamble was not examined.⁴⁹⁵

⁴⁹² The text of all UNESCO standard-setting instruments, as well as the list of States parties to the conventions and agreements, can be found on the website of UNESCO at: http://www.unesco.org/legal_instruments.

⁴⁹³ United Nations, *Treaty Series*, vol. 2368, p. 3.

⁴⁹⁴ For the report of the 13th session of the Intergovernmental Committee, see doc. 33 C/REP/15.

⁴⁹⁵ For the report of the 1st session of the Intergovernmental meeting, see doc. 175 EX/17.

(b) Human rights

Examination of cases and questions concerning the exercise of human rights coming within the fields of competence of UNESCO

The Committee on Conventions and Recommendations met in private sessions at UNESCO Headquarters from 28 to 31 March 2006 and from 27 to 30 September 2006, in order to examine communications which had been transmitted to it in accordance with decision 104 EX/3.3 of the Executive Board.⁴⁹⁶

At its April 2006 session, the Committee examined 31 communications of which 4 were examined with a view to determining their admissibility or otherwise, 21 as to their substance, and 6 were examined for the first time. Two communications were struck from the list because they were considered as having been settled. The examination of 29 communications was deferred. The Committee presented its report to the Executive Board at its 174th session.⁴⁹⁷

At its September 2006 session, the Committee examined 29 communications of which 4 were examined with a view to determining their admissibility, 25 as to their substance. No new communications were submitted to the Committee. Nine communications were struck from the list because they were considered as having been settled. Two communications were suspended. The examination of 18 communications was deferred. The Committee presented its report to the Executive Board at its 175th session.⁴⁹⁸

(c) Copyright activities⁴⁹⁹

In 2006 the activities of UNESCO in the field of copyright and related rights concentrated mainly on:

(i) *Information and public awareness activities*

(a) E-Copyright bulletin. The online publication of *UNESCO Copyright Bulletin* in six languages—Arabic, Chinese, English, French, Russian and Spanish—is a free-of-charge electronic legal journal. The *Copyright Bulletin* contains doctrinal articles, information on national laws (new laws, revisions and updates), and on the activities of UNESCO in this field (meeting reports, summaries of undertaken actions, etc.), participation of States in various conventions and recently published specialised books.

(b) Collection of national copyrights laws. This tool, essential for professionals, students and researchers, endeavours to provide access to legal texts. It comprises more than 120 national copyright and related rights legislations of UNESCO member States.

⁴⁹⁶ Decision 104 EX/3.3 relates to the study of the procedures which should be followed in the examination of cases and questions which might be submitted to UNESCO concerning the exercise of human rights in the spheres of its competence, in order to make its action more effective. For the text of decision 104 EX/3.3, see 104/EX/Decisions.

⁴⁹⁷ For the Committee's report, see doc. 174 EX/44.

⁴⁹⁸ For the Committee's report, see doc. 175 EX/19.

⁴⁹⁹ For more information on copyright activities, see <http://www.unesco.org/culture/copyright>.

(ii) *Training and teaching activities*

Teaching of copyright law has been pursued by the existing network of UNESCO Copyright Chairs. UNESCO has contributed to the reinforcement of some Chairs and to the development of national expertise in the field of copyright law by supplying the Chairs with pedagogical material on this topic or supporting them in publishing their own work.

Furthermore, copyright training seminars were organized in different parts of the world.

(iii) *Prevention of piracy through training*

In the framework of the Anti-Piracy Training for Trainers project, launched in 2004, UNESCO organised a subregional seminar for copyright enforcement officials from ten countries in Southern Africa in Windhoek, Namibia, in September 2006, and contributed to the organisation of national follow-up anti-piracy seminars in some of the beneficiary countries. The objective of these events was to provide knowledge and expertise in the field of copyright law and intellectual piracy to large circles of national enforcement officers involved in anti-piracy activities, such as police, customs and the judiciary, etc., as well as Government officials and law-makers.

6. International Maritime Organization

(a) Membership

Montenegro became a member of the International Maritime Organization (IMO) in 2006. As of 31 December 2006, the membership of the Organization stood at 167.

(b) Review of legal activities of IMO

The Legal Committee (the Committee) held its ninety-first session from 24 to 28 April 2006⁵⁰⁰ and its ninety-second session from 16 to 20 October 2006.⁵⁰¹

(i) *Draft convention on wreck removal*

The Committee, at its ninety-first and ninety-second sessions, worked on this item as a priority and concluded its consideration of a draft convention on the removal of wrecks, using as a basis for discussion, a revised draft text prepared at the Committee's request by the Secretariat, in consultation with the lead delegation (the Netherlands).

At its ninety-second session, the Committee concentrated its attention on unresolved issues, and in particular on the provisions on scope of application, settlement of disputes, compulsory insurance, liability in respect of acts of terrorism and application of the convention to non-party States. The Committee, thereafter, undertook an article-by-article

⁵⁰⁰ For the report of the ninety-first session of the Legal Committee, see doc. LEG 91/12.

⁵⁰¹ For the report of the ninety-second session of the Legal Committee, see doc. LEG 92/13.

reading of the draft convention, with the aim of finalizing the draft text for submission to a diplomatic conference.

With respect to the scope of application, a slight majority of delegations that spoke favoured retaining the basic text, which provides for application in the exclusive economic zone, but which allows States parties to extend the provisions of the convention relating to compulsory insurance or evidence of financial security to “waters subject to their jurisdiction” (draft article 13, paragraph 2). Some delegations favoured amending the scope of application of the convention as a whole by including the territorial sea in the definition of “Convention area” on the basis, *inter alia*, that most wrecks are located there. Still, other delegations stated their view in favour of an “opt-in” extension of the entire convention to the territorial sea, on grounds, *inter alia*, that this would promote uniformity and facilitate the implementation of the convention, while allowing States freedom of choice.

After considering several further options, without reaching a consensus in respect of any of them, the Committee decided to retain the basic text in draft article 13, paragraph 2, in square brackets.

The Committee noted that negotiations among interested delegations would continue with a view to achieving the widest possible consensus on this issue at the Diplomatic Conference. In particular, it noted a proposal to continue negotiations by correspondence and at a meeting to be hosted by the United Kingdom in March 2007.

The Committee replaced article 16 of the basic text on settlement of disputes with the text contained in document LEG 92/WP.6/Rev.1, as amended. Several delegations, however, expressed their opposition to this on the grounds that the task of the working group had merely been to explore alternative solutions and that they preferred retention of the basic text.

The Committee decided to incorporate gross tonnage as the unit of measurement of ships required to maintain compulsory insurance. On the basis that small ships could represent a significant security and environmental risk, several delegations suggested a figure of either 300 or 500 gross tonnage as a threshold for ships to be included under the compulsory insurance provisions.

The Committee also decided to incorporate the model certificate of insurance as an annex to the draft convention and to insert, in the model certificate, a reference to the gross tonnage of the ship.

The Committee discussed whether terrorism should be explicitly included as a blanket defence exonerating the liability of the registered owner from liability under the draft convention. Although some delegations supported this inclusion, the Committee decided to retain the basic text unchanged.

The Committee was unable to adopt a proposal to add an additional paragraph to article 17 to the effect that nothing in the prospective convention should prejudice the rights and obligations of non-party States, in accordance with the United Nations Convention on the Law of the Sea⁵⁰² and under the customary international law of the sea. Nevertheless, the Committee agreed to include in the report of the session its understand-

⁵⁰² United Nations, *Treaty Series*, vol. 1833, p. 3.

ing that, in accordance with the Vienna Convention on the Law of Treaties of 1969,⁵⁰³ the wreck removal convention will not bind, and will not be applicable to, non-party States which have not consented to be bound by it.

The Committee undertook an article-by-article reading of the basic text, focusing on editorial changes developed intersessionally by the Secretariat, in conjunction with the lead delegation.

The Committee approved the basic text of the draft convention on the removal of wrecks, as amended by the decisions adopted by the Committee at this session, and instructed the Secretariat to prepare and circulate the text of the draft convention to enable its consideration by a diplomatic conference, to be held at the Headquarters of the United Nations Office at Nairobi, from 14 to 18 May 2007.

The Committee authorized the Secretariat to edit the text in line with the style and language of other treaties adopted by the Organization.

(ii) *Provision of financial security*

Progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers

The Committee, at its ninety-first and ninety-second sessions, took note of the information submitted by the Secretariat regarding the progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers.

The Committee, at its ninety-second session, also took note of the information provided by the representative of the ILO Secretariat to the effect that ILO, with the active cooperation of IMO and the financial assistance of the International Ship Suppliers' Association, had begun to operate the Abandonment Database. The Database contained 40 reported cases, 22 of which had been agreed as resolved, including three fishing vessels. None of the reported cases appeared to have found a solution during the last months prior to the Committee's session.

In connection to this, the Committee concurred with the recommendation of the Joint Working Group that maritime administrations of the vessels listed in the Abandonment Database should do their utmost, as a matter of urgency, to facilitate the resolution of those cases.

The Committee further noted information provided to it by the Chairman of the Joint Working Group concerning the outcome of the International Labour Conference, which, at its 94th (Maritime) session in February 2006, had adopted the Maritime Labour Convention of 2006, accompanied by a resolution in which it considered that the Convention did not address many of the provisions set out in the Guidelines on Ship-owners' Responsibilities in respect of Contractual Claims for Personal Injury to or Death of Seafarers and the Guidelines on Provision of Financial Security in case of Abandonment, adopted by both the IMO Assembly and the ILO Governing Body, and which recommended to

⁵⁰³ United Nations, *Treaty Series*, vol. 1155, p. 331.

both IMO and ILO that the way forward would be for the Group to develop a standard, accompanied by guidelines, which could be included in the Convention, or another existing instrument, at a later date.

The Legal Committee encouraged the Joint Working Group to continue its work. The Joint Secretariat was invited to fix a date for the seventh session of the Joint Working Group, in consultation with the Chairman.

(iii) *Follow-up on resolutions adopted by the International Conference on the Revision of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974*⁵⁰⁴

a. **Athens Protocol—development of guidelines to implement resolution A.988 (24)**

The Committee, at its ninety-second session, considered submissions aimed at providing an alignment between liability and insurance in respect of terrorism-related claims, with a view to encouraging the P&I Clubs to meet their non-war liabilities, and allay some of the concerns of Club boards about the potential effects of entry into force of the 2002 Athens Protocol on market capacity.

The Committee adopted a relevant reservation and associated Guidelines for implementation of the Athens Convention, which were developed pursuant to Assembly resolution A.988 (24), aimed at enabling States to ratify the 2002 Athens Protocol⁵⁰⁵ with a reservation concerning a limitation of liability for carriers and a limitation for compulsory insurance for acts of terrorism, taking into account the current state of the insurance market.

The Committee noted that, although this was not a perfect solution, the reservation and Guidelines would put States in a position to ratify the 2002 Protocol and would afford passengers a better cover.

b. **Bareboat chartered vessels**

The Committee, at its ninety-first session, noted a submission by the Comité Maritime International (CMI) advising against amending the definition of “owner” and “registered owner” in the 1992 Protocol⁵⁰⁶ to amend the International Convention on Civil Liability for Oil Pollution Damage of 1969⁵⁰⁷ and the 1992 Protocol⁵⁰⁸ amending the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND Convention) of 1971,⁵⁰⁹ the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous

⁵⁰⁴ United Nations, *Treaty Series*, vol. 1463, p. 19.

⁵⁰⁵ The Protocol of 2002 to amend the Athens convention relating to the Carriage of Passengers and their Luggage by Sea, adopted on 1 November 2002, is contained in Doc. LEG/CONF 13/20 of 19 November 2002.

⁵⁰⁶ United Nations, *Treaty Series*, vol. 1956, p. 255.

⁵⁰⁷ United Nations, *Treaty Series*, vol. 973, p. 3.

⁵⁰⁸ United Nations, *Treaty Series*, vol. 1953, p. 330.

⁵⁰⁹ United Nations, *Treaty Series*, vol. 1110, p. 57.

and Noxious Substances by Sea (HNS Convention),⁵¹⁰ and the Draft Wreck Removal Convention to include bareboat charterers as this might create unforeseen problems arising out of the channelling of liability.

(iv) *Fair treatment of seafarers in the event of a maritime accident*

The Committee, at its ninety-second session, considered several submissions on the revision of the Guidelines on fair treatment of seafarers in the event of a maritime accident, adopted by the Committee at its ninety-first session.

In line with its decision at LEG 91 to establish an *Ad Hoc* Working Group to review the Guidelines, taking into account concerns expressed by some delegations about their application and interpretation, the Committee established an *Ad Hoc* Working Group to review the Guidelines.

In reviewing the report of the Group, the Committee noted that it had generally been divided in its conclusions. It also noted that, while one delegation had expressed disappointment that the proposals contained in document LEG 92/6/2 had not been agreed to, since the Guidelines contained legal errors and ambiguities, which meant that its country would be unable to implement them in full and seafarers might be misled about their rights, several other delegations had expressed the view that, while improvements could be made to the Guidelines, it was premature at this time to introduce amendments, the circulation of which might send a confusing signal to the maritime industry. Experience with the existing Guidelines was needed before a full review and revision could be undertaken.

The Committee took note of the suggestion by some delegations that the Joint IMO/ILO *Ad Hoc* Expert Working Group was the body which should monitor the implementation of the Guidelines and address concerns, by identifying where there may be a compelling need to make an amendment. The proposals of that Group could be reported back to both the IMO Legal Committee and the ILO Governing Body, which could then review the proposals in light of their unique expertise.

Taking into account the lack of consensus in the *Ad Hoc* Working Group, and in the absence of sufficient time to examine the issues and the terms of reference for the Joint IMO/ILO *Ad Hoc* Expert Working Group in more detail, and the apparent lack of urgency to reconvene that Joint Group, the Committee decided to retain this matter on its agenda for its next session.

(v) *Places of refuge*

The Committee, at its ninety-first session, noted the information provided by the CMI on work underway by the International Working Group of the CMI on the preparation of a draft instrument which would create a rebuttable presumption, first, that a ship in distress had a right of access to a place of refuge, and secondly, that a coastal State which granted access to a place of refuge should have immunity from suit.

Some delegations restated the view that there was no need at present to draft a convention dedicated to places of refuge; and that the more urgent priority would be to imple-

⁵¹⁰ LEG/CONF.10/8/2 of 9 May 1996.

ment all the existing IMO liability and compensation conventions. Others expressed the view that existing liability and compensation regimes already adequately covered places of refuge and that the subject should be removed from the Committee's agenda. Other delegations, however, were of the view that, because of the importance of the subject matter, this item should be retained on the Committee's agenda.

The Committee agreed to revisit this issue at its ninety-second session in October when it would be considering its planned outputs for the next biennium.

(vi) *Monitoring the implementation of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention)*⁵¹¹

The Committee, at its ninety-second session, noted information provided by the Secretariat to the effect that there had been no change in the status of the Convention since the last session and that, with one exception, it had received no information on contributing cargo received by the eight contracting States to the HNS Convention.

The Secretariat, once again, drew the attention of all States to the obligation, pursuant to article 43 of the Convention, to submit information on contributing cargo received or, in the case of Liquefied Natural Gas, discharged in that State, when depositing their instruments of ratification or acceptance with the Secretary General and annually thereafter, until the HNS Convention enters into force.

The Committee noted that the Marine Environment Protection Committee, at its fifty-fifth session, had adopted resolution MEPC.160(55), on "Implications for the reference in article 1.5(a)(ii) of the HNS Convention to 'noxious liquid substances carried in bulk'". Mirroring resolution LEG.4(91), adopted by the Legal Committee at its ninety-first session, that resolution stated that, as of 1 January 2007, substances referred to in Appendix II of Annex II of MARPOL 73/78 would remain covered by regulation 1.10 of the revised Annex II of MARPOL.

The Committee agreed to dedicate, in future, more time to the subject of implementation of treaties.

(vii) *Technical co-operation activities related to maritime legislation*

The Committee, at its ninety-second session, noted the outcome of two seminar workshops on maritime legislation held in Colombia and the Philippines, respectively, as well as the outcome of technical co-operation activities on maritime legislation from January to June 2006.

The Committee also noted a suggestion by the Secretariat to report on a biennial, instead of a semi-annual basis, on the Technical co-operation sub-programme related to maritime legislation, but expressed its preference, for the time being, to continue receiving reports on the Technical co-operation sub-programme related to maritime legislation on a semi-annual, rather than biennial basis.

⁵¹¹ *Ibid.*

(viii) *Biennium activities within the context of the Organization's strategic plan*

The Committee, at its ninety-second session, considered high-level actions identified by the Secretariat as relevant to the work of the Committee. It also considered amendments to the Legal Committee's Guidelines on Work Methods and Organization of Work, prepared by the Secretariat, taking into account resolutions A.970 (24) and A.971 (24). Several comments and observations were made by members of the Committee in connection with this agenda item.

The Committee also approved a progress report on outputs planned for the 2006–2007 biennium, for submission to the Council, as well as the proposed outputs planned for the 2008–2009 biennium, and requested the Secretariat to prepare a document on the status of outputs for the 2006–2007 biennium, and the planned output of the Committee for the 2008–2009 biennium, for submission to the ninety-eighth session of the Council.

Furthermore, the Committee approved proposed revisions to the Guidelines on Work Methods and Organization of Work of the Legal Committee relating to the Strategic Plan. It also approved proposals submitted by one delegation relating to the establishment of intersessional groups, in order to allow full participation by delegations wishing to participate in the discussions.

Finally, the Committee invited Members to submit any new work programme item, which they believed to be justified, for consideration at its next session, taking into account the Guidelines on Work Methods and Organization of Work of the Legal Committee, as revised at the present session.

(ix) *Any other business*

a. **Abandonment of ships**

The Committee, at its ninety-first session, noted the information submitted by the Secretariat informing it about a decision adopted by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 1989⁵¹² related to the abandonment of ships on land and in ports and the concerns expressed by the Conference of the Parties to the Basel Convention about the effects that such abandonment might have on human health and environment.

The Committee noted further that the Marine Environment Protection Committee had considered the issue of abandonment of ships on land and in ports, at its fifty-third session, and had expressed concern that this matter had not been adequately covered by a binding legal instrument. The Marine Environment Protection Committee, therefore, had invited the Legal Committee to consider this issue with a view to assisting in the development of an effective solution.

The Committee confirmed the accuracy of the information contained in the document prepared by the Secretariat, noting, however, that the document should be amended to reflect the fact that the 1996 Protocol to the London Convention of 1972 had now entered into force.

⁵¹² United Nations, *Treaty Series*, vol. 1673, p. 57.

b. Criminal offences committed on foreign-flagged ships

The Committee, at its ninety-first session, noted a submission by CMI reporting on its work on drafting a Model National Law on Maritime Criminal Acts, taking into account not only the problem of criminal offences committed on board foreign-flagged vessels, but also the International Ship and Port Facility Security Code, the 2005 Protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988⁵¹³ and updated guidelines developed by the Maritime Safety Committee relating to piracy and other criminal acts.

The Committee encouraged CMI to continue its work on this subject-matter and to report to the Committee at its next session.

(c) Amendments to treaties

(i) *2006 amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973*⁵¹⁴ (MARPOL) (amendments to regulation 1, addition to regulation 12A, consequential amendments to the IOPP Certificate and amendments to regulation 21 of the revised Annex 1 of MARPOL 73/78)

These amendments were adopted by the Marine Environment Protection Committee on 24 March 2006 by resolution MEPC.141(54). At the time of their adoption, the Marine Environment Protection Committee determined that the amendments shall be deemed to have been accepted on 1 February 2007 and shall enter into force on 1 August 2007 unless, prior to 1 February 2007, not less than one-third of MARPOL Parties or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(ii) *2006 amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973* (addition of regulation 13 to annex IV of MARPOL 73/78)

These amendments were adopted by the Marine Environment Protection Committee on 24 March 2006, by resolution MEPC.143(54). At the time of their adoption, the Marine Environment Protection Committee determined that the amendments shall be deemed to have been accepted on 1 February 2007 and shall enter into force on 1 August 2007 unless, prior to 1 February 2007, not less than one-third of MARPOL Parties or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

⁵¹³ United Nations, *Treaty Series*, vol. 1678, p. 201.

⁵¹⁴ United Nations, *Treaty Series*, vol. 1340, p. 61.

(iii) *2006 amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (under MARPOL 73/78)*

These amendments were adopted by the Marine Environment Protection Committee on 24 March 2006, by resolution MEPC.144(54). At the time of their adoption, the Marine Environment Protection Committee determined that the amendments shall be deemed to have been accepted on 1 February 2007 and shall enter into force on 1 August 2007 unless, prior to 1 February 2007, not less than one-third of MARPOL Parties or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(iv) *2006 amendments to the Convention on the International Mobile Satellite Organization (IMSO)*

Amendments to the IMSO Convention, whereby IMSO is the oversight body of all GMDSS service providers worldwide, which are, or may be approved by IMO in the future, and for the appointment of IMSO as LRIT Coordinator were adopted on 29 September 2006 by the Assembly of the International Mobile Satellite Organization at its eighteenth session. At its nineteenth (extraordinary) session, the IMSO Assembly decided on the provisional application of the amendments, with effect from 7 March 2007, pending their formal entry into force. The amendments will enter into force 120 days after notices of acceptance have been received from two-thirds of those States which, at the time of adoption by the Assembly, were Parties to the Convention. The number of Parties to the Convention at the time of the adoption of the amendments was 91. The number of acceptances necessary for entry into force is, therefore, 60. As of 31 December 2006, no such notice of acceptance had been received.

(v) *2006 (chapter II-2) amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS)⁵¹⁵*

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.201(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2010 and shall enter into force on 1 July 2010 unless, prior to 1 January 2010, more than one-third of the Contracting Governments to the Convention, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As at 18 August 2006, no such notification of objection had been received.

⁵¹⁵ United Nations, *Treaty Series*, vol. 1184, p. 2.

(vi) *2006 (chapter V) amendments to the International Convention for the Safety of Life at Sea, 1974*

These amendments were adopted by the Maritime Safety Committee on 19 May 2006 by resolution MSC.202(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 July 2007 and shall enter into force on 1 January 2008 unless, prior to 1 July 2007, more than one-third of the Contracting Governments to the Convention, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(vii) *2006 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978*⁵¹⁶

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.203(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 July 2007 and shall enter into force on 1 January 2008 unless, prior to 1 July 2007, more than one-third of the Contracting Governments to the Convention, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(viii) *2006 amendments (to the annex) to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974*

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.204(81). In accordance with article VIII (b) (iv) of the International Convention for the Safety of Life at Sea, 1974, and article VI (b) of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, the amendments shall be deemed to have been accepted on the date on which they have been accepted by two-thirds of the Parties to the Protocol and shall enter into force six months after that date. As of 31 December 2006, no acceptances of the amendments had been received.

(ix) *2006 amendments to the International Maritime Dangerous Goods Code (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.205(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 July 2007 and shall enter into force on 1 January 2008 unless, prior to 1 July 2007, more than one-third of SOLAS Contracting Governments, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage

⁵¹⁶ United Nations, *Treaty Series*, vol. 1361, p. 190.

of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(x) *2006 amendments to the International Code for Fire Safety Systems Code
(under SOLAS 1974)*

a. **May 2006 amendments**

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.206(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2010 and shall enter into force on 1 July 2010 unless, prior to 1 January 2010, more than one-third of SOLAS Contracting Governments, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

b. **December 2006 amendments**

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.217(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments to Chapters 4, 6, 7 and 9 set out in Annex 1 to the resolution shall be deemed to have been accepted on 1 January 2008; that the amendments to Chapter 9 set out in Annex 2 to the resolution shall be deemed to have been accepted on 1 January 2010; and that the aforementioned amendments shall enter into force on 1 July 2008 and 1 July 2010, respectively, unless, prior to the former dates, more than one-third of the Contracting Governments to SOLAS 1974 or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xi) *2006 amendments to the International Life-Saving Appliance Code
(under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.207(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2010 and shall enter into force on 1 July 2010 unless, prior to 1 January 2010, more than one-third of SOLAS Contracting Governments, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xii) *2006 amendments to the Guidelines for the Authorization of Organizations acting on behalf of the Administration (resolution A.739 (18)) (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.208(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2010 and shall enter into force on 1 July 2010 unless, prior to 1 January 2010, more than one-third of the Contracting Governments, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xiii) *2006 amendments to the Seafarers' Training, Certification and Watchkeeping (STCW) Code*

These amendments were adopted by the Maritime Safety Committee on 18 May 2006 by resolution MSC.209(81). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 July 2007 and shall enter into force on 1 January 2008 unless, prior to 1 July 2007, more than one-third of STCW Contracting Governments, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant shipping of 100 gross tonnage or more, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xiv) *2006 amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (amendments to regulation 1 of annex I of MARPOL 73/78—Designation of the Southern African Waters as a Special Area)*

These amendments were adopted by the Marine Environment Protection Committee on 13 October 2006 by resolution MEPC.154(55). At the time of their adoption, the Marine Environment Protection Committee determined that the amendments shall be deemed to have been accepted on 1 September 2007 and shall enter into force on 1 March 2008 unless, prior to 1 September 2007, not less than one-third of the Parties to MARPOL 73/78 or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified to the Organization their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xv) *2006 amendments to the Condition Assessment Scheme (under MARPOL 73/78)*

These amendments were adopted by the Marine Environment Protection Committee on 13 October 2006 by resolution MEPC.155(55). At the time of their adoption, the Marine Environment Protection Committee determined that the amendments shall be

deemed to have been accepted on 1 September 2007 and shall enter into force on 1 March 2008 unless, prior to 1 September 2007, not less than one-third of the Parties to MARPOL 73/78 or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified to the Organization their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xvi) *2006 amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (revised annex III of MARPOL 73/78)*

These amendments were adopted by the Marine Environment Protection Committee on 13 October 2006 by resolution MEPC.156(55). At the time of their adoption, the Marine Environment Protection Committee determined that the amendments shall be deemed to have been accepted on 1 July 2009 and shall enter into force on 1 January 2010 unless, prior to 1 July 2009, not less than one-third of the Parties to MARPOL 73/78 or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified to the Organization their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xvii) *2006 Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (under SOLAS 1974)*

This Performance standard was adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.215(82). At the time of its adoption, the Maritime Safety Committee determined that it would take effect on 1 July 2008, upon the entry into force of the amendments to regulations II-1/3-2 and XII/6 of the International Convention on the Safety of Life at Sea, 1974, adopted by resolution MSC.216(82).

(xviii) *2006 amendments to the International Convention for the Safety of Life at Sea, 1974 (chapters II-1, II-2, III and XII and appendix)*

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.216(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments to chapters II-1, II-2, III and XII and appendix, set out in Annex 1 to the resolution shall be deemed to have been accepted on 1 January 2008; that the amendments to chapter II-1, set out in Annex 2 to the resolution shall be deemed to have been accepted on 1 July 2008; that the amendments to chapters II-1, II-2 and III set out in Annex 3 to the resolution shall be deemed to have been accepted on 1 January 2010; and that the aforementioned amendments shall enter into force on 1 July 2008, 1 January 2009 and 1 July 2010 respectively unless, prior to the former dates, more than one-third of the Contracting Governments to the Convention or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of

the world's merchant fleet, have notified their objections. As of 31 December 2006, no such notification of objection had been received.

(xix) *2006 amendments to the International Life-Saving Appliance Code (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.218(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2008 and shall enter into force on 1 July 2008 unless, prior to 1 January 2008, more than one-third of the Contracting Governments to SOLAS 1974, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xx) *2006 amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.219(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 July 2008 and shall enter into force on 1 January 2009 unless, prior to 1 July 2008, more than one-third of the Contracting Governments to SOLAS 1974, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xxi) *2006 amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.220(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2008 and shall enter into force on 1 July 2008 unless, prior to 1 January 2008, more than one-third of the Contracting Governments to SOLAS 1974, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xxii) *2006 amendments to the 1994 International Code of Safety for High-Speed Craft (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.221(82). At the time of their adoption, the Maritime Safety Com-

mittee determined that the amendments shall be deemed to have been accepted on 1 January 2008 and shall enter into force on 1 July 2008 unless, prior to 1 January 2008, more than one-third of the Contracting Governments to SOLAS 1974, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xxiii) *2006 amendments to the 2000 International Code of Safety for High-Speed Craft, (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.222(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2008 and shall enter into force on 1 July 2008 unless, prior to 1 January 2008, more than one-third of the Contracting Governments to SOLAS 1974, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xxiv) *2006 amendments to the Protocol of 1988 relating to the International Convention on Load Lines, 1966*⁵¹⁷

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.223(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2008 and shall enter into force on 1 July 2008 unless, prior to 1 January 2008, more than one-third of the Contracting Governments to the 1988 Load Lines Protocol, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

(xxv) *2006 amendments to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974*

These amendments were adopted by the Maritime Safety Committee on 8 December 2006 by resolution MSC.227(82). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2008 and shall enter into force on 1 July 2008 unless, prior to 1 January 2008, more than one-third of the Contracting Governments to the 1988 SOLAS Protocol, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. As of 31 December 2006, no such notification of objection had been received.

⁵¹⁷ United Nations, *Treaty Series*, vol. 640, p. 134.

7. World Health Organization

(a) Constitutional Developments

On 29 August 2006, Montenegro became a new member of World Health Organization (WHO), and thus, at the end of 2006, there were 193 Member States.

In 2006, no new amendments to the Constitution were proposed or adopted, and no current amendments entered into force.

(b) Other normative developments and activities

(i) *International Health Regulations (2005)*

Pursuant to resolution WHA 59.2, adopted on 26 May 2006, the World Health Assembly called upon Member States to comply immediately, on a voluntary basis, with provisions of the International Health Regulations (IHR) considered relevant to the risk posed by avian influenza and pandemic influenza. The Assembly decided that relevant provisions of IHR shall include the following:

- (1) Annex 2, in so far as it requires prompt notification to WHO of human influenza caused by a new virus subtype;
- (2) Article 4 pertaining to the designation or establishment of a National IHR Focal Point within countries and the designation of WHO IHR Contact Points, and the definition of their functions and responsibilities;
- (3) Articles in Part II pertaining to surveillance, information-sharing, consultation, verification and public health response;
- (4) Articles 23 and 30–32 in Part V pertaining to general provisions for public health measures for travellers on arrival or departure and special provisions for travellers;
- (5) Articles 45 and 46 in Part VIII pertaining to the treatment of personal data and the transport and handling of biological substances, reagents and materials for diagnostic purposes.

(ii) *Codex Alimentarius Commission*

On 27 May 2006, the Fifty-ninth World Health Assembly approved an amendment to Article 1 of the Statutes of the *Codex Alimentarius* Commission, which now reads as follows:

“The *Codex Alimentarius* Commission shall, subject to Article 5 below, be responsible for making proposals to, and shall be consulted by, the Directors-General of FAO and WHO on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme, the purpose of which is:

- (a) protecting the health of the consumers and ensuring fair practices in the food trade;
- (b) promoting coordination of all food standards work undertaken by international governmental and nongovernmental organizations;

- (c) determining priorities and initiating and guiding the preparation of draft standards through and with the aid of appropriate organizations;
- (d) finalizing standards elaborated under (c) above and publishing them in a *Codex Alimentarius* either as regional or worldwide standards, together with international standards already finalized by other bodies under (b) above, wherever this is practicable;
- (e) amending published standards, as appropriate, in the light of developments.”

(iii) *Amendments to Basic Documents*

The Fifty-ninth World Health Assembly decided on 27 May 2006 to amend rule 14 of the Rules of Procedure of the Health Assembly, in accordance with rule 121 of those same rules, so that rule 14 shall now read as follows:

“Rule 14—Copies of all reports and other documents relating to the provisional agenda of any session shall be made available on the Internet and sent by the Director-General to Members and Associate Members and to participating intergovernmental organizations at the same time as the provisional agenda or not less than six weeks before the commencement of a regular session of the Health Assembly; appropriate reports and documents shall also be sent to nongovernmental organizations admitted into relationship with the Organization in the same manner.”

(iv) *Intergovernmental Working Group on Public Health, Innovation and Intellectual Property*

In May 2006, the World Health Assembly decided to establish an intergovernmental working group pursuant to resolution WHA 59.24 and in accordance with Rule 42 of the Rules of Procedure of the Health Assembly. This Intergovernmental Working Group on Public Health, Innovation and Intellectual Property held its first session from 4 to 8 December 2006 in Geneva. The task of the Working Group was to draw up a draft global strategy and plan of action in order to provide a medium-term framework based on the recommendations of the Commission on Intellectual Property Rights, Innovation and Public Health. The framework would aim, *inter alia*, at securing an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries.

The Working Group considered eight elements of a draft plan of action: prioritizing research and development needs; promoting research and development; building and improving innovative capacity; transfer of technology; management of intellectual property; improving delivery and access; ensuring sustainable financing mechanisms; and establishing monitoring and reporting systems. It also discussed elements of a global strategy based on the Constitution of WHO, the Commission’s report, resolution WHA59.24 and other recent resolutions and previous work in relevant subject areas. A recommendation was made for a process to allow nongovernmental organizations which met the requirements for admission into official relations with WHO, but have not yet been so admitted, to participate in the second session of the Working Group.

(v) *WHO Conference of the Parties to the Framework Convention on Tobacco Control*⁵¹⁸

The first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control was held in Geneva from 6 to 17 February 2006. By the end of the session, the Convention had entered into force for 113 Parties. During this session, the Rules of Procedure and Financial Rules for the Conference of the Parties were adopted by consensus.

A number of other substantive decisions were made by the Conference, such as to initiate the development of possible protocols on cross-border advertising, promotion and sponsorship and on illicit trade in tobacco products and to initiate the elaboration of guidelines on Articles 8 (protection from exposure to tobacco smoke) and 9 (regulation of the contents of tobacco products) of the Convention. A draft reporting instrument was adopted for provisional use by Parties in order to meet their obligations under Article 21 of the Convention. In addition, the Conference adopted the budget and work plan for the period 2006–2007, financed through voluntary assessed contributions from Parties.

The Conference of the Parties also decided that a permanent secretariat, the Convention Secretariat, shall be established within WHO and located in Geneva. The head of the Convention Secretariat would be responsible and accountable to the Conference of the Parties for technical and treaty activities and also to the Director-General of WHO for administrative and staff management matters, as well as for technical activities where appropriate. At its 59th session, the World Health Assembly requested the Director-General of WHO to establish a permanent secretariat of the Convention within WHO and located in Geneva (resolution WHA59.17).

8. International Atomic Energy Agency

(a) Membership

In 2006, Belize, Malawi, Montenegro and Mozambique became Member States of the International Atomic Energy Agency (IAEA). By the end of the year, there were 143 Member States.

(b) Privileges and immunities

In 2006, Portugal and Senegal became party to the Agreement on Privileges and Immunities of the International Atomic Energy Agency, 1959.⁵¹⁹ By the end of the year, there were 75 parties.

⁵¹⁸ United Nations, *Treaty Series*, vol. 2302, p. 166.

⁵¹⁹ United Nations, *Treaty Series*, vol. 374, p. 147.

(c) Legal instruments

(i) *Convention on the Physical Protection of Nuclear Material, 1979*⁵²⁰

In 2006, Andorra, Cambodia, Georgia, Togo and the United Republic of Tanzania became party to the Convention. By the end of the year, there were 121 parties.

(ii) *Amendment to the Convention on the Physical Protection of Nuclear Material, 2005*

In 2006, Austria, Bulgaria, Croatia, Libyan Arab Jamahiriya and Seychelles adhered to the Amendment. By the end of the year, there were 6 Contracting States.

(iii) *Convention on Early Notification of a Nuclear Accident, 1986*⁵²¹

In 2006, Cameroon and EURATOM became party to the Convention. By the end of the year, there were 99 parties.

(iv) *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1986*⁵²²

In 2006, Cameroon, Iceland and EURATOM became party to the Convention. By the end of the year, there were 97 parties.

(v) *Convention on Nuclear Safety, 1994*⁵²³

In 2006, Estonia, Kuwait and the former Yugoslav Republic of Macedonia became party to the Convention. By the end of the year, there were 59 parties.

(vi) *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, 1997*⁵²⁴

In 2006, Brazil, China, Estonia, Iceland, Italy, the Russian Federation, Uruguay and EURATOM became party to the Joint Convention. By the end of the year, there were 42 parties.

(vii) *Vienna Convention on Civil Liability for Nuclear Damage, 1963*⁵²⁵

In 2006, the status of the Convention remained unchanged with 33 parties.

⁵²⁰ United Nations, *Treaty Series*, vol. 1456, p. 101.

⁵²¹ United Nations, *Treaty Series*, vol. 1439, p. 275.

⁵²² United Nations, *Treaty Series*, vol. 1678, p. 201.

⁵²³ United Nations, *Treaty Series*, vol. 1963, p. 293.

⁵²⁴ United Nations, *Treaty Series*, vol. 1063, p. 265.

⁵²⁵ United Nations, *Treaty Series*, vol. 2153, p. 303.

(viii) *Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage, 1997*⁵²⁶

In 2006, the status of the Protocol remained unchanged with 5 parties.

(ix) *Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention, 1988*⁵²⁷

In 2006, the status of the Joint Protocol remained unchanged with 24 parties.

(x) *Convention on Supplementary Compensation for Nuclear Damage, 1997*⁵²⁸

In 2006, the status of the Convention remained unchanged with 3 Contracting States.

(xi) *Optional Protocol Concerning the Compulsory Settlement of Disputes to the Vienna Convention on Civil Liability for Nuclear Damage, 1963*⁵²⁹

In 2006, the status of the Protocol remained unchanged with 2 parties.

(xii) *Revised Supplementary Agreement Concerning the Provision of Technical Assistance by IAEA*⁵³⁰

In 2006, Belize, Botswana, Kyrgyzstan, Seychelles, Slovenia and South Africa concluded the Revised Supplementary Agreement Concerning the Provision of Technical Assistance by IAEA (RSA). By the end of the year, there were 107 Member States which concluded the RSA Agreement with the Agency.

(xiii) *Third Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology*⁵³¹

In 2006, the status of the Agreement remained unchanged with 16 parties.

⁵²⁶ INFCIRC/566.

⁵²⁷ United Nations, *Treaty Series*, vol. 1672, p. 293.

⁵²⁸ INFCIRC/567.

⁵²⁹ INFCIRC/500/Add.1.

⁵³⁰ INFCIRC/267.

⁵³¹ INFCIRC/167 and Add.20 (Third Extension).

(xiv) *African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology—(Third Extension)*⁵³²

In 2006, the Sudan and Zimbabwe became party to the Third Extension. By the end of the year, there were 26 parties.

(xv) *Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean*⁵³³

In 2006, Bolivia and Brazil became party to the Agreement. By the end of the year, there were 13 parties.

(xvi) *Co-operative Agreement for Arab States in Asia for Research, Development and Training Related to Nuclear Science and Technology*⁵³⁴

In 2006, the status of the Agreement remained unchanged with 7 parties.

(xvii) *Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*⁵³⁵

China, India, Japan, Republic of Korea, the Russian Federation, the United States of America and EURATOM signed the Agreement on 21 November 2006.

(xviii) *Agreement on the Privileges and Immunities of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*⁵³⁶

China, India, Japan, Republic of Korea, the Russian Federation and EURATOM signed the Agreement on 21 November 2006.

(d) IAEA legislative assistance activities

During 2006, the Agency provided assistance by means of written comments and advice in drafting national nuclear legislation to 12 Member States. In addition, at the request of Member States, individual training on issues related to nuclear legislation was provided to 17 fellows. As a new initiative to provide legislative assistance to Member States in Africa, a fellowship programme was established in 2006 for individuals from these States to receive training at Agency Headquarters in order to acquire practical and international nuclear law experience.

⁵³² INFCIRC/377 and Add.18 (Third Extension).

⁵³³ INFCIRC/582.

⁵³⁴ INFCIRC/613/Add.1.

⁵³⁵ INFCIRC/702.

⁵³⁶ INFCIRC/703.

A training course for lawyers, held in April, provided information on the Agency's nuclear security activities, as well as the relevant international nuclear security instruments, with the aim of establishing a pool of legal experts that would be available to participate in the Agency's various nuclear security advisory, evaluation and response missions and reviews.

At a workshop held in October, diplomats were provided with an introduction to nuclear law that included presentations on international law for nuclear safety and security, as well as safeguards and non-proliferation. In addition, participants were given an overview of the Agency's legislative assistance programme and its safety, security and safeguards missions.

A regional meeting for senior government officials, held in November in Kuala Lumpur, Malaysia, provided an overview of nuclear law and legislation, as well as information on the international instruments concerning nuclear safety, security and safeguards, including recent developments in these areas. The meeting was attended by representatives from 12 Member States in the Asia-Pacific region, as well as participants from non-Member States in the region.

A Regional Seminar on the Assessment of National Nuclear Legislation was held in December, at IAEA Headquarters for Member States of the Africa region. The purpose of the seminar was to provide further assistance to, and allow for an in-depth self-assessment of the national nuclear legislation of, the participating Member States. The seminar was attended by 46 participants from 26 French and English speaking Member States of the region.

A new IAEA International Law Series was established in 2006. The first two publications in this series bring together in a more convenient format the official records and other relevant documents relating to the negotiations of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and the Amendment to the Convention on the Physical Protection of Nuclear Material.

(e) Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, 1997

The Second Review Meeting of the Contracting Parties of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (the Joint Convention), in which 41 Contracting parties participated, including 8 for the first time, was held from 15 to 24 May 2006.⁵³⁷

During the meeting, Contracting Parties conducted a thorough peer review of the national reports which Contracting Parties had submitted in 2005. The Contracting Parties shared the view that progress had been made since the First Review Meeting, held in November 2003. Moreover, they noted improvements in and a commitment to, improving policies and practices in the areas of national strategies for spent fuel and radioactive waste management, engagement with stakeholders and the public, and the control of disused sealed sources. Further, the Contracting Parties recognized the need to ensure that their financial commitments are consistent with the extent of liabilities. Finally, Contracting

⁵³⁷ For the summary report of the Second Review Meeting, see Doc. JC/RM.2/03/Rev.1.

Parties saw the benefit of enhancing international cooperation through the exchange of information, experience and technology. In particular, Contracting Parties with limited radioactive waste management and research programmes emphasised the need to share knowledge and assistance.

(f) Code of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources⁵³⁸

The Code of Conduct on the Safety and Security of Radioactive Sources (the Code of Conduct) is a non-binding international legal instrument which applies to civilian radioactive sources that may pose a significant risk to individuals, society and the environment. The Code of Conduct's objectives are to achieve and maintain a high level of safety and security of radioactive sources. Further to IAEA General Conference resolution GC(47)/RES/7.B, the number of commitments by States to work towards following the Code of Conduct increased to 88 States as of the end of 2006.

Throughout 2006, work has continued to facilitate the implementation of the Code's supplementary Guidance on the Import and Export of Radioactive Sources. Further to General Conference resolution GC(48)/RES/10.D, 37 States had written to the IAEA Director General by the end of 2006, indicating their commitment to follow the Guidance.

In September 2006, the IAEA Board of Governors endorsed and the General Conference recognized the value of the agreement reached at the open-ended meeting of technical and legal experts held from 31 May to 2 June 2006, for a formal mechanism for a voluntary, periodic exchange of information for all Member States to share experiences and lessons learned in implementing the Code of Conduct and its supplementary Guidance. The first such international meeting open to all States, will be held from 25 to 29 June 2007.

(g) Code of Conduct on the Safety of Research Reactors

The Code of Conduct on the Safety of Research Reactors (the Code of Conduct) was approved by the Board of Governors in March 2004⁵³⁹ and subsequently endorsed by the General Conference in September 2004.⁵⁴⁰

In response to the request of the Third Review Meeting of the Contracting Parties to the Convention on Nuclear Safety, the Secretariat convened in December 2005 an Open-Ended Meeting on Effective Application of the Code of Conduct. At that meeting it was, *inter alia*, recommended that the Secretariat organize triennial meetings to exchange experience and lessons learned, identify good practices and discuss plans, difficulties and assistance needed in applying the Code of Conduct.

During 2006 and further to the December 2005 meeting's recommendations, the Secretariat organized, with the aim of assisting States prepare for participation in periodic international meetings, regional meetings on the Code of Conduct in Morocco and Roma-

⁵³⁸ IAEA/CODEOC/2004 (2004).

⁵³⁹ GC(48)/7.

⁵⁴⁰ GC(48)/RES/10, A 8.

nia. These meetings provided an opportunity to explain the background, content and legal status of the Code of Conduct and to provide the Secretariat's views on the benefits to be derived from applying it. The meetings also examined the status of research reactor safety in the participating States.

(h) Safeguards Agreements

During 2006, Safeguards Agreements pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) with Botswana⁵⁴¹, Haiti⁵⁴², Moldova⁵⁴³, Oman⁵⁴⁴, Turkmenistan⁵⁴⁵, and Uganda⁵⁴⁶ have entered into force. In addition, Slovenia⁵⁴⁷ acceded to the Safeguards Agreement between the IAEA, EURATOM and the Non-Nuclear-Weapon States of the European Community. A Safeguards Agreement with Central African Republic pursuant to the NPT was approved by the IAEA Board of Governors. In addition, an agreement with Pakistan⁵⁴⁸ for the application of safeguards in connection with the supply of a nuclear power station was approved by the Board on 23 November 2006 and it entered into force on 22 February 2007.

In 2006, Protocol Additional to the Safeguards Agreements between IAEA and Botswana⁵⁴⁹, Fiji⁵⁵⁰, Haiti⁵⁵¹, Libya⁵⁵², Turkmenistan⁵⁵³, Uganda⁵⁵⁴ and Ukraine⁵⁵⁵, entered into force. In addition, Slovenia⁵⁵⁶ acceded to the Protocol Additional to the Safeguards Agreement between IAEA, EURATOM and the non-nuclear-weapon States of the European Community. Additional Protocol were signed by Liechtenstein and Senegal but had not entered into force as of December 2006. Additional Protocol with the Central African Republic, the Dominican Republic, the Kyrgyz Republic⁵⁵⁷, Malawi and Moldova were approved by the IAEA Board of Governors in 2006.

⁵⁴¹ Reproduced in IAEA Document: INFCIRC/694.

⁵⁴² Reproduced in IAEA Document: INFCIRC/681.

⁵⁴³ Reproduced in IAEA Document: INFCIRC/690.

⁵⁴⁴ Reproduced in IAEA Document: INFCIRC/691.

⁵⁴⁵ Reproduced in IAEA Document: INFCIRC/673.

⁵⁴⁶ Reproduced in IAEA Document: INFCIRC/674.

⁵⁴⁷ Reproduced in IAEA Document: INFCIRC/193/Add.11.

⁵⁴⁸ Reproduced in IAEA Document: INFCIRC/705.

⁵⁴⁹ Reproduced in IAEA Document: INFCIRC/694/Add.1.

⁵⁵⁰ Reproduced in IAEA Document: INFCIRC/192/Add.1.

⁵⁵¹ Reproduced in IAEA Document: INFCIRC/681/Add.1.

⁵⁵² Reproduced in IAEA Document: INFCIRC/282/Add.1.

⁵⁵³ Reproduced in IAEA Document: INFCIRC/673/Add.1.

⁵⁵⁴ Reproduced in IAEA Document: INFCIRC/674/Add.1.

⁵⁵⁵ Reproduced in IAEA Document: INFCIRC/550/Add.1.

⁵⁵⁶ Reproduced in IAEA Document: INFCIRC/193/Add.12.

⁵⁵⁷ Additional Protocol signed on 29 January 2007.

9. United Nations Industrial Development Organization

(a) Membership

With the accession of Montenegro to the Constitution of the United Nations Industrial Development Organization (UNIDO), 172 States were Members of UNIDO by the end of 2006.

(b) Agreements and other arrangements

(i) *Agreements with States*⁵⁵⁸

Belgium

Agreement between the United Nations Industrial Development Organization and the Kingdom of Belgium on the establishment in Belgium of a Liaison Office of this Organization, signed on 20 February 2006.

Burundi

Agreement between the United Nations Industrial Development Organization and the Government of the Republic of Burundi regarding the settlement of outstanding assessed contributions under a payment plan, signed on 7 and 26 June 2006.

China

Memorandum of understanding between the United Nations Industrial Development Organization and the Ministry of Commerce of the People's Republic of China on enhancing South-South industrial cooperation, signed on 11 September 2006.

Congo

Integrated Programme for post-conflict industrial rehabilitation in the Republic of the Congo, signed on 17 March 2006.

Ecuador

Amendment to the trust fund agreement between the United Nations Industrial Development Organization and the Government of Ecuador, revising the Integrated Programme by including an additional "Component 5: Trade Capacity-Building Programme for Industrial Competitiveness", signed on 7 and 10 August 2006.

Egypt

Agreement between the United Nations Industrial Development Organization and the Government of the Arab Republic of Egypt regarding arrangements for convening the seventeenth meeting of the Conference of African Ministers of Industry, 19–21 June 2006, Cairo, Egypt, signed on 10 May 2006.

⁵⁵⁸ This list contains signed Agreements deposited with the Legal Service of UNIDO for safekeeping.

Guinea

Memorandum of understanding between the United Nations Industrial Development Organization and the Ministry of Social Affairs and the Promotion of Women and Children for the development and implementation of training programmes in appropriate technologies for the textile industry, signed on 10 October 2006.

Italy

Agreement between the United Nations Industrial Development Organization and the Directorate General for Development Cooperation of the Italian Ministry of Foreign Affairs, signed on 10 May 2006.

Liberia

Memorandum of understanding between the United Nations Industrial Development Organization and the Government of Liberia, signed on 25 October 2006.

Mongolia

Integrated Programme of Technical Cooperation between the United Nations Industrial Development Organization and the Government of Mongolia regarding a programme entitled “Contributing to poverty reduction through the development of a competitive and sustainable export-oriented agro-industrial sector”, signed on 29 November 2006.

Norway

Framework agreement on financing of technical cooperation between the United Nations Industrial Development Organization and the Norwegian Agency for Development Cooperation, signed on 16 and 20 March 2006.

Russian Federation

Cooperation arrangement between the United Nations Industrial Development Organization and the Federal Agency for Management of Special Economic Zones, Ministry of Economic Development and Trade, Russian Federation, signed on 1 February 2006.

Trust fund agreement between the United Nations Industrial Development Organization and the Government of the Republic of Bashkortostan, Russian Federation, regarding the implementation of a project in the Republic of Bashkortostan, entitled “Enhancing industrial performance and competitiveness in the global market”, signed on 26 April 2006.

Rwanda

Trust fund agreement between the United Nations Industrial Development Organization and the Government of Rwanda—Ministry of Infrastructure regarding the implementation of a project in Rwanda entitled “Rural energy development: Mini hydro demonstration projects—Learning by doing, promoting an affordable approach to rural energy”, signed on 29 January 2006.

South Africa

Agreement between the United Nations Industrial Development Organization and the Government of the Republic of South Africa on establishing a subregional office in South Africa, signed on 19 April 2006.

Switzerland

Letter of agreement between the United Nations Industrial Development Organization and the State Secretariat of Economic Affairs (SECO) concerning project US/LEB/06/002 "Increase access to export markets for Lebanese products and improvement of its quality infrastructure to increase TBT/SPS compliance", signed on 7 and 20 July 2006.

Letter of agreement between the United Nations Industrial Development Organization and the State Secretariat of Economic Affairs (SECO) concerning project UE/BUL106/001 "Programme for the sustainable development of enterprises in Bulgaria with a focus on enhancing the local expertise in CP, EST and CRS methodologies", signed on 14 December 2006.

Letter of agreement between the United Nations Industrial Development Organization and the State Secretariat of Economic Affairs (SECO) concerning project UE/EGY/06/005 "Support to the Egyptian Cleaner Production Centre", signed on 14 December 2006.

Letter of agreement between the United Nations Industrial Development Organization and the State Secretariat of Economic Affairs (SECO) concerning project US/GHA/06/005 "Trade capacity-building in Ghana", signed on 14 December 2006.

Letter of agreement between the United Nations Industrial Development Organization and the State Secretariat of Economic Affairs (SECO) concerning project UE/ROM/06/006 "Programme for the sustainable development of enterprises in Romania with a focus on enhancing the local expertise in CP, EST and CSR methodologies", signed on 14 December 2006.

Uruguay and the Ibero-American General Secretariat

Letter of intent between the United Nations Industrial Development Organization, the Government of the Eastern Republic of Uruguay and the Ibero-American General Secretariat, signed on 6 April 2006.

Yemen

Trust fund agreement between the United Nations Industrial Development Organization and the Ministry of Industry and Trade of the Republic of Yemen regarding the implementation of the Integrated Programme for Yemen entitled "Creating sustainable sources of livelihoods and employment in an internationally competitive environment: An industrial agenda for achieving the Millennium Development Goals 1, 3 and 8", signed on 17 March and 30 April 2006.

(ii) *Agreements within the United Nations system***Economic and Social Commission for Western Asia**

Inter-agency agreement on cooperation between the United Nations Industrial Development Organization and the Economic and Social Commission for Western Asia on the Smart Community Project in Iraq, signed on 14 December 2005 and 17 March 2006.

Food and Agriculture Organization of the United Nations

Inter-agency letter of agreement between the United Nations Industrial Development Organization and the Food and Agriculture Organization of the United Nations regarding the implementation of a project in Iraq entitled “Community livelihoods and micro-industry support project in rural and urban areas of North Iraq”, signed on 13 June and 19 July 2006.

Memorandum of understanding on working arrangements between the United Nations Industrial Development Organization and the Food and Agriculture Organization of the United Nations, signed on 6 November 2006.

Food and Agriculture Organization of the United Nations (and the World Health Organization)

Inter-agency agreement among the World Health Organization, the United Nations Industrial Development Organization and the Food and Agriculture Organization of the United Nations regarding the implementation of the United Nations Development Group Iraq Trust Fund funded project No. D2-17 entitled “Rebuilding food safety and food processing industry capacity in Iraq”, signed on 25 August and 25 October 2006.

International Finance Corporation

Administration Agreement between the United Nations Industrial Development Organization and the International Finance Corporation for the Financial Support of the Activities undertaken by the Donor Committee for Enterprise Development, signed on 7 December 2006.

International Fund for Agricultural Development

Financing agreement between the United Nations Industrial Development Organization and the International Fund for Agricultural Development regarding the participatory control of desertification and poverty reduction in the arid and semi-arid high plateau ecosystems of Eastern Morocco, signed on 18 May 2006.

United Nations

Agreement between the United Nations Industrial Development Organization and the United Nations regarding the funding of a project in Sri Lanka, entitled “Support for sustainable livelihood recovery among the conflict affected population in the North and East regions through improved agricultural productivity and community-based entrepreneurship”, signed on 24 August and 4 September 2006.

Agreement between the United Nations Industrial Development Organization and the United Nations regarding the funding of a project in Ghana entitled “Assistance to the refugees of the UNHCR settlements in Buduburam and Krisan for their repatriation, local integration and resettlement through micro- and small-scale enterprise development”, signed on 24 November and 12 December 2006.

Agreement between the United Nations Industrial Development Organization and the United Nations regarding the funding of a project in the Lao People’s Democratic Republic entitled “Social and economic rehabilitation of former opium poppy-growing communities—Alternative livelihood development in Lao People’s Democratic Republic”, signed on 24 November and 15 December 2006.

United Nations Department for Safety and Security

Memorandum of understanding between the United Nations Industrial Development Organization and the United Nations Department for Safety and Security, signed on 21 June 2006.

United Nations High Commissioner for Refugees

Memorandum of understanding between the United Nations Industrial Development Organization and the Office of the United Nations High Commissioner for Refugees on the joint project for empowerment of returnees and other communities in the Sardauna Local Government, signed on 14 December 2006.

United Nations Institute for Training and Research

Memorandum of understanding between the United Nations Industrial Development Organization and the United Nations Institute for Training and Research, signed on 10 May 2006.

(iii) Agreements with intergovernmental organizations

African Union

Agreement between the United Nations Industrial Development Organization and the Commission of the African Union, signed on 21 June 2006.

Economic Community of West African States

Memorandum of understanding between the United Nations Industrial Development Organization and the Economic Community of West African States, signed on 22 September 2006.

Gulf Organization for Industrial Consulting

Trust fund agreement between the United Nations Industrial Development Organization and the Gulf Organization for Industrial Consulting regarding the implementation of a project entitled “Assistance in strengthening the Gulf Organization for Industrial

Consulting, Phase II: Industrial subcontracting and partnership exchange”, signed on 17 February 2006.

Ibero-American General Secretariat

Memorandum of understanding between the United Nations Industrial Development Organization and the Ibero-American General Secretariat, signed on 6 April 2006.

Islamic Corporation for the Insurance of Investment and Export Credit

Memorandum of understanding between the United Nations Industrial Development Organization and the Islamic Corporation for the Insurance of Investment and Export Credit, signed on 17 July 2006.

OPEC Fund for International Development

Grant agreement between the United Nations Industrial Development Organization and the OPEC Fund for International Development, signed on 3 and 28 April 2006.

(iv) Agreements with other entities

Alexander von Humboldt Biological Resources Research Institute

Agreement between the United Nations Industrial Development Organization and the Alexander von Humboldt Biological Resources Research Institute, Colombia, regarding the implementation of a project in Colombia entitled “UNIDO collaboration programme for biosafety training capacity building in Colombia”, signed on 4 October 2006.

African Business Roundtable

Memorandum of understanding between the United Nations Industrial Development Organization and the African Business Roundtable, signed on 22 September 2006.

Austrian Development Agency

Agreement between the United Nations Industrial Development Organization and the Austrian Development Agency regarding the implementation of a project in Nicaragua entitled “Promoting ‘sustainable industrial resource management’ in selected national priority sectors”, signed on 17 and 24 March 2006.

Crans Montana Forum SAM

Memorandum of understanding between the United Nations Industrial Development Organization and the Crans Montana Forum SAM, signed on 27 November 2006.

Livestock, Meat and Fish Economic Commission (CEBEVIHRA)

Trust fund agreement between the United Nations Industrial Development Organization and the Livestock, Meat and Fish Economic Commission, regarding the implementa-

tion of a project entitled “Technical assistance for a feasibility study on a support centre for the fishing industry”, signed on 24 April 2006.

Microsoft Corporation

Memorandum of understanding between the United Nations Industrial Development Organization and Microsoft Corporation, signed on 9 July 2006.

Renewable Energy and Energy Efficiency Partnership

Grant agreement between the United Nations Industrial Development Organization and the Renewable Energy and Energy Efficiency Partnership, signed on 24 and 27 February 2006.

University of Wales, Aberystwyth

Memorandum of understanding between the United Nations Industrial Development Organization and the University of Wales, Aberystwyth, signed on 4 October 2006.

10. World Intellectual Property Organization

(a) Introduction

In the year 2006, the World Intellectual Property Organization (WIPO) continued to address its activities on the implementation of substantive work programs through three sectors: Cooperation with Member States, the international registration of intellectual property rights, and intellectual property treaty formulation and normative development.

(b) Cooperation for development activities

In 2006, WIPO Technical Assistance and Capacity Building activities were directed towards the integration of Intellectual Property in national development policies and programs in accordance with Strategic Goal Two of WIPO, created within the framework of the United Nations Millennium Development Goals. In this respect a reorientation of the approach to development activities of WIPO was initiated in order to face the changing Intellectual Property rights environment and for responding to the new development expectation and strategic needs of developing countries. In this direction a close cooperation was maintained with Member States, International Organizations and Non-Governmental Organizations and a particular attention was given to new and specific needs of the Least Developed Countries (LDCs).

During the period under review, legislative advice was provided to countries that were in the process of upgrading their legislative framework and several countries have included Intellectual Property in national public policies. Awareness raising programs were organized in cooperation with the World Trade Organization (WTO) for the LDCs in relation to the importance of Intellectual Property and its use for the promotion of trade as well as

promoting the various flexibilities offered by the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement).⁵⁵⁹

In 2006, substantive legislative and technical assistance was provided in different areas such as: Intellectual Property infrastructure and exploitation of Intellectual Property systems; human resources development; information technology; genetic resources; traditional knowledge and folklore and protection of traditional cultural expressions; small and medium-sized enterprises (SMEs); and the establishment of collective management societies.

The WIPO Worldwide Academy's major challenge consisted in responding to more sophisticated and diverse training demands which considerably increased in 2006, registering a growth of 5,000 new participants to the programs proposed in eight new languages. In this context, four additional advanced courses were completed (Patents, Patent Search, Patent Drafting, and Arbitration and Mediation) and the development of four new courses (Copyright Licensing, Trademarks, SMEs and Intellectual Property and Intellectual Property for Kids) was initiated.

(c) Norm-setting activities

One of the principal tasks of WIPO is to promote the harmonization of intellectual property laws, standards and practices among its Member States through the progressive development of international approaches in the protection and administration of intellectual property rights. In this respect, three WIPO Standing Committees on legal matters—one dealing with copyright and related rights, one dealing with patents and one dealing with trademarks, industrial designs and geographical indications—help Member States to centralize the discussions, coordinate efforts and establish priorities in these areas.

(i) *Standing Committee of the Law of Patents*

In line with the decision taken by the Member States in 2005 to continue the efforts at enhancing international cooperation in the area of patent law and practice, the Standing Committee of the Law of Patents held in April 2006 a three-day informal session before its ordinary session. The scope of this informal meeting was mainly to consider the diverse options and proposals made by the delegations and the proposals of the Member States for the future work plan of the Committee on the draft of the Substantive Patent Law Treaty.

In this respect, the discussions on the draft Substantive Patent Law Treaty were constructive and enabled the delegations to reach a clear understanding of the respective objectives for the work program. Nonetheless, the debate revealed that some existing differences could not be resolved and thus the negotiations to finalize the future program of the Committee continue.

⁵⁵⁹ United Nations, *Treaty Series*, vol. 1869, p. 299 (annex I C).

(ii) *Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications*

On 27 March 2006, the Diplomatic Conference for the Adoption of a Revised Trade-mark Law Treaty adopted the Singapore Treaty on the Law of Trademarks and the resolution supplementary to the Singapore Treaty.

The Standing Committee at its sixteenth session, held in November 2006, decided to concentrate its work in the area of new types of marks, focusing on the trademark opposition procedure, the trademarks and their relation with literary and artistic works, and on industrial design protection issues. These new objectives established by the Committee aim to modernize the international legal framework for trademark office administrative procedures and find a common working field from diverging national and regional approach in the area of trademark industrial designs and geographical indications law, including the law of unfair competition.

(iii) *Standing Committee on Copy Right and Related Rights*

In view of the preparation of a possible diplomatic conference on the protection of broadcasting organizations, the Standing Committee, held in May and September 2006, its fourteenth and its fifteenth session, respectively.

On this occasion the Standing Committee decided to report at a later time the discussions concerning the question of a possible protection of webcasting (or netcasting) as well as simultaneous transmission over the air and the Internet (simulcasting). The Standing Committee submitted to the Assemblies of WIPO Member States, at their 2006 sessions, the request of a recommendation on the eventual convening of a Diplomatic Conference. The Assemblies responded in turn requesting the Standing Committee to schedule two special sessions to agree and finalize, on a signal-based approach, the objectives, the scope and the object of protection to be integrated in a revised basic proposal.

(iv) *Standing Committee on Information Technologies*

The Standards and Documentation Working Group of the Standing Committee on Information Technologies held its seventh session from 19 May to 22 June 2006,⁵⁶⁰ and adopted certain revisions to WIPO standards facilitating access to and use of publicly available industrial property information associated with the grant of patents, trademarks and industrial designs.

(d) **International registration activities**

(i) *Patents*

The year 2006 was significantly marked by the entry into force, on 1 April 2006, of the amendments to the Patent Cooperation Treaty⁵⁶¹ (PCT) Regulations, adopted by the PCT

⁵⁶⁰ For the report of the Working Group, see SCIT/SDWG/7.

⁵⁶¹ United Nations, *Treaty Series*, Vol. 1160, p. 231.

Assembly in September 2004, in order to harmonize and streamline formal procedures in respect of national and regional patent applications and patents.

At its eighth session held in May 2006, the Working Group on Reform of PCT approved a number of amendments to the PCT Regulations, proposed and finally adopted by the PCT Union Assembly, with effect from 1 April 2007. Eleven Rules were amended.

During the period under review, a total of 148,772 international patent applications were received and processed reporting an increase of 11.4 per cent compared to the previous year. Significant growth came from East Asian countries, which represented 25 per cent of applications filed.

Eight new States adhered in 2006 to PCT, namely Bahrain, El Salvador, Guatemala, Honduras, Lao People's Democratic Republic, Malaysia, Malta and Montenegro, bringing the total number of contracting parties to 137.

(ii) *Trademarks*

The demand for services under the international trademark registration system continued to significantly grow in 2006. The Secretariat received 36,471 new international trademark applications (an increase of 8.6 per cent over the previous year). While international registrations recorded, notified and published were 37,224 (reporting an increase of 12.2 per cent), the number of renewals processed reached 15,205 units (with a growth of 102.8 per cent) together with 10,978 subsequent designations.

In 2006, with the adherence of Botswana, Montenegro, Uzbekistan and Viet Nam to the Madrid Protocol, the number of contracting parties rose to 71.

(iii) *Industrial Designs*

In 2006, 5,949 new international registrations were filed under The Hague System reporting a small decrease compared to the previous year when the total number of designs amounted to 6,806.

During the same year, Botswana, Mali and Montenegro became party to the Geneva Act of the Hague Agreement, bringing the total number of contracting parties to 47.

(iv) *Appellations of origin*

In 2006, the Secretariat received two new appellations of origins, which brought to 869 the total number of appellations of origin registered under the Lisbon Agreement for the Protection of Appellations of Origins and their International Registration, 795 of which were still in force in 2006.

The electronic database of appellations of origin "Lisbon express" made available online at the beginning of 2005 was expanded during 2006 with additional information provided to the users concerning the refusals as recorded in the International Register.

The adherence of Montenegro and Nicaragua to the Lisbon Agreement brought the total number of contracting parties to 26.

(e) **Intellectual property and global issues**

(i) *Genetic resources, traditional knowledge and folklore*

The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, at its ninth session held in April 2006, consolidated ongoing work on two sets of draft provisions on policy objectives and core principles for capacity building, legal and policy guidance and defensive protection against illegitimate patenting of Traditional Knowledge. In particular, the work of the Committee focused mainly on cooperation with other international and regional organizations, national authorities and other stakeholders.

In this respect, following the decision of the General Assemblies of WIPO Member States taken at their thirty-second session in 2005 to establish a WIPO Voluntary Fund, the Intergovernmental Committee successfully launched the activities of the Voluntary Fund to further facilitate the participation of indigenous and local communities. The United Nations Permanent Forum on Indigenous Issues welcomed the WIPO Voluntary Fund to which over 150 organizations were accredited during the period under review.

(ii) *The WIPO Arbitration and Mediation Center*

In June 2006, the WIPO Arbitration and Mediation Center (the Center) received its 10,000th case under the Uniform Domain Name Dispute Resolution Policy.

The Center continued its tasks as the leading Internet domain name dispute resolution provider. The core domain name policy administered by the Center remained the Uniform Domain Name Dispute Resolution Policy with procedures administered in 12 languages involving parties from 137 countries. In addition to its work in the generic top-level domains in 2006, the Center administered 38 new cases involving names registered in country code top-level domains. During the period under review, the total number of country code top-level domains registration authorities designating the Center as a dispute resolution provider rose to 47. The Center also drafted start-up dispute policies for the new “.mobi” generic top-level domains,⁵⁶² pursuant to which the Center has already processed 123 new cases.

The WIPO Electronic Case Facility, a WIPO-developed case management tool, introduced by the Center in 2005 to further enhance the time and cost efficient administration of WIPO mediation and arbitration proceedings, has reported a substantial success, and a customized version has also begun to be used under Jury procedure.

(iii) *New members and accessions*

In 2006, 60 new instruments of ratification and accession were received and processed in respect of WIPO-administered treaties.

The following figures show the new country adherences to the treaties, with the second figure in brackets being the total number of States parties to the corresponding treaty by the end of 2006.

⁵⁶² Compared to the most commonly-used “.com” generic top-level domains.

- Convention Establishing the World Intellectual Property Organization: 1 (184);
- Paris Convention for the Protection of Industrial Property: 1 (171);
- Berne Convention for the Protection of Literary and Artistic Works: 3 (163);
- Patent Cooperation Treaty: 4 (137);
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks: 4 (71);
- Trademark Law Treaty: 4 (38);
- Patent Law Treaty: 1 (14);
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods: 1 (35);
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks: 3 (80);
- Locarno Agreement Establishing an International Classification for Industrial Designs: 3 (49);
- Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks: 3 (23);
- WIPO Copyright Treaty: 6 (64);
- WIPO Performances and Phonograms Treaty: 5 (62);
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration: 3 (26);
- Strasbourg Agreement Concerning the International Patent Classification: 2 (57);
- Nairobi Treaty on the Protection of the Olympic Symbol: 2 (46);
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure: 5 (67);
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations: 3 (86);
- The Hague Agreement Concerning the International Registration of Industrial Designs: 3 (19);
- Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite: 2 (30);
- Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms: 1 (76).

11. Organization for the Prohibition of Chemical Weapons

(a) Membership

During 2006, six States became party to the Convention on the Prohibition of the Development, Production and Stockpiling and Use of Chemical Weapons and on their

Destruction of 1992 (CWC)⁵⁶³: the Central African Republic, Comoros, Djibouti, Haiti, Liberia and Montenegro. At the end of the year, there were 181 States parties.

(b) Destruction of chemical weapons

The Eleventh Session of the Conference of the States Parties of the Organization for the Prohibition of chemical Weapons (OPCW) was held from 5 to 8 December 2006.⁵⁶⁴ At the session the States parties approved requests for extensions of the final date for the destruction of the declare chemical weapons stockpiles, and stipulated that each State party shall eliminate all of the chemical weapons declared to OPCW by no later than 29 April 2012.

(c) Legal status, privileges and immunities and international agreements

During 2006, OPCW signed two international agreements on the privileges and immunities of the Organization. The first agreement, concluded with the State of Kuwait, was signed on the 9 March 2006 and the second agreement, concluded with the Republic of Colombia, was signed on 12 September 2006.

The European Community concluded a Contribution Agreement with OPCW, in support of the OPCW activities within the framework of the implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction. This agreement was signed on 7 March 2006.

A memorandum of understanding on Co-operation between the Technical Secretariat of OPCW and the Commission of the African Union on Co-operation between the two organisations was signed on 29 January 2006.⁵⁶⁵

During the reporting period three memoranda of understanding, concluded between OPCW and three States parties to CWC, entered into force. In addition, pursuant to paragraph 3 of Part III of the Verification annex to CWC, each State party must conclude a facility agreement with OPCW for each facility declared and subject to on-site inspections. During the reporting period two facility agreements regarding on-site inspections at a Schedule 1 protective purposes facility were concluded. The first was signed between OPCW and the Kingdom of Norway on 2 February 2006 and entered into force on the same day. The second facility agreement concluded during 2006 was between OPCW and the Government of Japan; this agreement was signed on 3 May 2006 and entered into force on the same day. A facility agreement regarding on-site inspections at a chemical weapons destruction facility was signed between OPCW and the Government of Albania on 26 July 2006 and entered into force on the same day.

⁵⁶³ United Nations, *Treaty Series*, vol. 1974, p. 45.

⁵⁶⁴ Report of the Eleventh session of the Conference of the States parties, Doc. C-11/5.

⁵⁶⁵ See this publication, Chapter II.B.

(d) Review of the Chemical Weapons Convention

The Conference of the States Parties at its Tenth Session recommended the establishment of an open-ended working group to begin, in cooperation with the Secretariat, preparations for the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, which is to be convened in accordance with Article VIII, paragraph 22. This Article provides that no later than one year after the expiry of the tenth year after the entry into force of the Convention, a review conference shall be convened. The Executive Council of OPCW, at its Forty-Third Session in December 2005, decided to establish such working group.

The Open-Ended Working Group for the Second Review Conference held four meetings in 2006, at which it considered issues including, among others, the contribution of civil society to the review process, the role of CWC in enhancing international peace and security, the importance of the destruction of declared chemical weapons stockpiles within the applicable deadlines, the importance of achieving universal adherence to, and full and prompt implementation of CWC, and its role in responding to the threat of international terrorism.

(e) OPCW legislative assistance activities

Throughout 2006, the Technical Secretariat of OPCW, upon request, continued to render assistance in a tailored and systematic manner to States parties that had yet to adopt measures to implement their obligations under the Convention.

In its implementation support efforts, the Technical Secretariat of OPCW was guided by the decision on the plan of action regarding the implementation of Article VII obligations adopted by the Conference of the States Parties, on 24 October 2003⁵⁶⁶ and its follow-up decision, dated 11 November 2005.⁵⁶⁷ These decisions focused amongst other things on the obligations for States parties to designate or establish a National Authority to serve as a national focal point for effective liaison with OPCW and other States parties, as required by article VII, paragraph 4, of the Convention, and to take the steps necessary to enact national implementing legislation, including penal legislation, as required by article VII, paragraph 1, of the Convention. During its Eleventh Session, the Conference of the States Parties agreed to sustain for a further year the follow-up decision on the plan of action regarding the implementation of article VII obligations.

The Technical Secretariat contributed to training courses, workshops, technical assistance visits and other activities related to national implementation, for officials in 38 States parties, including those from National Authorities, national parliaments and industry. Practical aspects of national implementation have been discussed, including bilaterally with participants in regional and sub-regional meetings and workshops for National Authorities from Africa, Asia, Eastern Europe, and Latin America and the Caribbean. Three drafting workshops on legislation were organised for experts from the Andean Community, the Caribbean, and Central and West Africa, and three training courses were held for customs officials in Latin America and the Caribbean, and in South Asia. Two thematic

⁵⁶⁶ Doc. C-8/DEC.16.

⁵⁶⁷ Doc. C-10/DEC.16.

workshops on industry-verification issues were conducted for Latin America and Asia. Training courses for personnel involved in the national implementation of the Convention were organised in cooperation with the governments of France, Portugal, Spain, and the United Kingdom of Great Britain and Northern Ireland. The Technical Secretariat also reviewed and commented on 64 drafts of implementing legislation that had been submitted by 45 States parties.

In developing its implementation support plan for 2006, the Technical Secretariat took account of the particular requirements of those States parties that had recently joined the Chemical Weapons Convention and had requested such assistance. The Secretariat continued to maintain informal working contacts with States parties with which it had built a relationship through technical assistance visits and consultations, in order to identify additional needs for assistance, to follow up on assistance already provided and to coordinate future assistance activities.

As of 1 November 2006, 172 out of 181 States parties (95 per cent) had designated or established a National Authority (25 more National Authorities than in the previous year) while 72 States parties (40 per cent) had comprehensive implementing legislation in place (13 more States parties than in the previous year).

12. World Trade Organization

(a) Membership

Applications for World Trade Organization (WTO) membership are the subject of individual working parties. Terms and conditions related to market access such as tariff levels and commercial presence for foreign service suppliers are the subject of bilateral negotiations.

(i) *Recently completed accessions*

The General Council approved Viet Nam's accession package on 7 November 2006. Viet Nam became the 150th member of WTO on 11 January 2007. The accession package of the Kingdom of Tonga was adopted at the Sixth WTO Ministerial Conference on 15 December 2006.

(ii) *Accession of Tonga—Extension of time limit for acceptance of protocol of accession*

In a communication,⁵⁶⁸ Tonga indicated that due to unforeseen domestic circumstances, it would not be able to accomplish all of its ratification procedures within the time-limit of 31 July 2006 provided for in paragraph 7 of its Protocol of Accession to the WTO. Accordingly, Tonga requested that the time-limit for accomplishment of all necessary procedures for its ratification of the Protocol of Accession to WTO be extended to 1 July 2007. The General Council adopted the draft decision⁵⁶⁹ in accordance with the

⁵⁶⁸ WT/GC/107.

⁵⁶⁹ Contained in document WT/GC/W/567.

Decision-Making Procedures under articles IX and XII of the WTO Agreement agreed in November 1995.⁵⁷⁰

Tonga will become a member of WTO 30 days after notifying WTO of the domestic ratification of the accession package.

(iii) *Ongoing accessions*

As of the end of the year 2006, the following governments were in the process of accession to WTO (in alphabetical order):

Afghanistan
Algeria
Andorra
Azerbaijan
Bahamas
Belarus
Bhutan
Bosnia and Herzegovina
Cape Verde
Ethiopia
Iran (Islamic Republic of)
Iraq
Kazakhstan
Lao People's Democratic Republic
Lebanon
Libyan Arab Jamahiriya
Montenegro
Russian Federation
Samoa
Sao Tomé and Príncipe
Serbia
Seychelles
Sudan
Tajikistan
Ukraine
Uzbekistan
Vanuatu⁵⁷¹
Yemen

⁵⁷⁰ WT/L/93.

⁵⁷¹ The final meeting of the Working Party on the Accession of Vanuatu was held on 29 October 2001.

(b) Dispute settlement

During 2006, 20 requests for consultations were received pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes.⁵⁷² The Dispute Settlement Body established panels in the following cases:

- Brazil—Measures affecting imports of retreaded tyres (WT/DS332);
- Mexico—Anti-dumping duties on steel pipes and tubes from Guatemala (WT/DS331);
- Turkey—Measures Affecting the Importation of Rice (WT/DS334);
- Japan—Countervailing duties on dynamic random access memories from Korea (WT/DS336);
- United States of America—Anti-dumping measure on shrimp from Ecuador (WT/DS335);
- European Communities and certain member States—Measures affecting trade in large civil aircraft (second complaint) (WT/DS347);
- European Communities—Anti-dumping measure on farmed salmon from Norway (WT/DS337);
- China—Measures affecting imports of automobile parts (WT/DS339, WT/DS340, WT/DS342);
- United States of America—Measures relating to shrimp from Thailand (WT/DS343);
- United States of America—Final anti-dumping measures on stainless steel from Mexico (WT/DS344);
- United States of America—Customs bond directive for merchandise subject to anti-dumping/countervailing duties (WT/DS345);
- United States of America—Measures affecting trade in large civil aircraft (second complaint), (WT/DS353).

During 2006, the Dispute Settlement Body adopted panel and Appellate Body reports in the following cases:

- Mexico—Tax measures on soft drinks and other beverages (WT/DS308) (Appellate Body and Panel reports);
- United States of America—Laws, Regulations and Methodology for Calculating Dumping Margins (“Zeroing”) (WT/DS294) (Appellate Body and Panel reports);
- European Communities—Measures Affecting the Approval and Marketing of Biotech Products WT/DS291/R, WT/DS292/R, WT/DS293/R, Corr.1 and Add.1, 2, 3, 4, 5, 6, 7, 8 and 9 (panel report);
- European Communities—Selected Customs Matters (WT/DS315) (Appellate Body and panel reports).

(c) Waivers under article IX of the WTO Agreement

During the period under review, the General Council granted the following waivers from obligations under the WTO Agreements, which are still in effect.

⁵⁷² United Nations, *Treaty Series*, vol. 1869, p. 401 (annex 2).

MEMBER	TYPE	DECISION OF	EXPIRY	DOCUMENT
Argentina	Introduction of Harmonized System 1996 changes into WTO Schedules of Tariff Concessions—Extension of Time-Limit	28 July 2006	30 April 2007	WT/L/653
European Communities	European Communities' preferences for Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia—Extension of waiver	28 July 2006	31 December 2011	WT/L/654
Panama	Introduction of Harmonized System 1996 changes into WTO Schedules of Tariff Concessions—Extension of Time-Limit	28 July 2006	30 April 2007	WT/L/652
Senegal	Minimum values in regard to the Agreement on the Implementation of Article VII of General Agreement on Tariffs and Trade 1994—Extension of waiver	28 July 2006	30 April 2007	WT/L/655

MEMBER	TYPE	DECISION OF	EXPIRY	DOCUMENT
Argentina; Australia; Brazil; Bulgaria; Canada; China; Costa Rica; Croatia; El Salvador; European Communities; Hong Kong, China; Iceland; India; Republic of Korea; Macao, China; Mexico; New Zealand; Nicaragua; Norway; Romania; Singapore; Switzerland; Chinese Taipei; Thailand; United States of America; Uruguay	Introduction of Harmonized System 2002 changes into WTO Schedules of Tariff Concessions	15 December 2006	15 December 2007	WT/L/674

MEMBER	TYPE	DECISION OF	EXPIRY	DOCUMENT
Argentina; Australia; Brazil; Canada; Costa Rica; Croatia; El Salvador; European Communities; Guatemala; Honduras; Hong Kong, China; India; Republic of Korea; Macao, China; Malaysia; New Zealand; Nicaragua; Norway; Switzerland; United States of America; Uruguay	Introduction of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions	15 December 2006	15 December 2007	WT/L/675
Australia; Botswana, Brazil; Canada; Croatia; India; Israel; Japan; Korea; Mauritius; Mexico; Norway; Philippines; Sierra Leone; Chinese Taipei; Thailand; United Arab Emirates; United States; Venezuela	Kimberley Process Certification Scheme for rough diamonds—Extension of waiver	15 December 2006	31 December 2012	WT/L/676

MEMBER	TYPE	DECISION OF	EXPIRY	DOCUMENT
Canada	CARIBCAN—Extension of waiver	15 December 2006	31 December 2011	WT/L/677
Cuba	Article XV:6 of GATT 1994—Extension of waiver	15 December 2006	31 December 2011	WT/L/678

13. Preparatory Commission for the Comprehensive Nuclear Test-Ban-Treaty

In 2006, the Preparatory Commission decided to allow for access to verification data to be given to tsunami warning organizations approved as such by the Intergovernmental Oceanographic Commission of UNESCO. However, strict conditions of confidentiality apply and the provided data can be used for the purpose of tsunami warning only.

The Secretariat of the Preparatory Commission continued to provide legal support to signature, ratification and national implementation of the Comprehensive Nuclear-Test-Ban Treaty of 1996 (CTBT).⁵⁷³ By the end of 2006, CTBT had 177 States Signatories and 138 ratifications.

Finally, it should be noted that the Preparatory Commission is tasked with arranging for facility agreements for the hosting of the 337 monitoring stations and laboratories foreseen under CTBT. In 2006, facility agreements with Cameroon, Cape Verde, Iceland, Italy, Paraguay, the Russian Federation and Senegal were concluded or entered into force. The status at the end of 2006 was 36 concluded facility agreements, out of which 29 have entered into force.

⁵⁷³ United Nations document A/50/1027.