

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

2007

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



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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

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Chapter III

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

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

1. Membership of the United Nations

As of 31 December 2007, the number of Member States of the United Nations remained at 192.

2. Peace and security

(a) Peacekeeping missions and operations

(i) *Peacekeeping operations and missions established in 2007*

a. The Sudan

On 31 July 2007, the Security Council adopted resolution 1769 (2007) by which it decided to authorize and mandate the establishment, for an initial period of 12 months, of an African Union/United Nations Hybrid operation in Darfur (UNAMID). The Council further decided that the mandate of UNAMID should be as set out in paragraphs 54 and 55 of the report of the Secretary General and the Chairperson of the African Union Commission of 5 June 2007.¹

Accordingly, the mandate of UNAMID would be, *inter alia*, to contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur and to contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan. UNAMID would also have to monitor and verify the implementation of various ceasefire agreements signed since 2004, and to assist with the implementation of the Darfur Peace Agreement and any subsequent agreements. The new mission was also mandated to assist the political process in order to ensure that it is inclusive and to support the African Union-United Nations joint mediation in its efforts to broaden and deepen commitment to the peace process, as well as to

¹ Report of the Secretary General and the Chairperson of the African Union Commission of 5 June 2007 (S/2007/307/Rev.1).

contribute to a secure environment for economic reconstruction and development, and the sustainable return of internally displaced persons and refugees to their homes. Further, UNAMID would have to contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur, to assist in the promotion of the rule of law in Darfur, including through support for strengthening an independent judiciary and the prison system, in consultation with relevant Sudanese authorities as well as to monitor and report on the security situation at the Sudan's borders with Chad and the Central African Republic.²

Moreover, the Council decided that UNAMID should monitor whether any arms or related material are present in Darfur in violation of the Agreements and the measures imposed by Security Council resolution 1556 (2004) of 30 July 2004.

The Security Council further decided that UNAMID, which should incorporate the African Mission in the Sudan (AMIS) personnel and the United Nations Heavy and Light Support Package to AMIS, should consist of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each.

The Council also decided that no later than October 2007, UNAMID should establish an initial operational capability for the headquarters through which operational directives would be implemented, and should establish financial arrangements to cover troops costs for all personnel deployed to AMIS. It also decided that as of October 2007, UNAMID should complete preparations to assume operational command authority over the Light and Heavy Support Package and hybrid personnel in order to perform such tasks under its mandate as its resources and capabilities permit, immediately upon transfer of authority. The Council decided that the transfer of authority should take place as soon as possible and no later than 31 December 2007, after UNAMID had completed all remaining tasks necessary to permit the implementation of all the elements of its mandate.

Finally, acting under Chapter VII of the Charter of the United Nations, the Security Council decided that UNAMID was authorized to take the necessary action in the areas of deployment of its forces, as it deems within its capabilities in order to protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers as well as to support an early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of the Sudan.

b. Chad and the Central African Republic

The Security Council adopted on 25 September 2007 resolution 1778 (2007), in which it approved the establishment in Chad and the Central African Republic of a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, and decided that this

² For further details on the operation's tasks see paragraph 55 the report of the Secretary General and the Chairperson of the African Union Commission of 5 June 2007 (S/2007/307/Rev.1).

multidimensional presence should include, for a period of one year, a United Nations Mission in the Central African Republic and Chad (MINURCAT).³

The Security Council decided that MINURCAT should have the mandate to select, train, advise and facilitate support to elements of the “*police tchadienne pour la protection humanitaire*”⁴ and to liaise with the national army, the gendarmerie and police forces, the nomad national guard, the judicial authorities and prison officials in Chad and the Central African Republic with the view to contribute to the creation of a more secure environment. MINURCAT would also have to liaise with the Chadian Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) in support of their efforts to relocate refugee camps which are in close proximity to the border, and to liaise closely with the Sudanese Government, the African Union, the African Union Mission in the Sudan (AMIS), the African Union/United Nations Hybrid operation in Darfur (UNAMID) which will succeed it, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), the Multinational Force of the Central African Economic and Monetary Community (FOMUC) and the Community of Sahelo-Saharan States (CEN-SAD) to exchange information on emerging threats to humanitarian activities in the region.

The Security Council also decided to mandate MINURCAT to contribute to the monitoring and to the promotion and protection of human rights, with particular attention to sexual and gender-based violence, and to recommend action to the competent authorities in order to fight impunity. MINURCAT was also mandated to support efforts aimed at strengthening the capacity of the Governments of Chad and the Central African Republic and civil society through training in international human rights standards, as well as to put an end to recruitment and use of children by armed groups, and to assist the Governments of Chad and, notwithstanding the mandate of BONUCA, the Central African Republic, in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system.

The Security Council furthermore decided that MINURCAT should include a maximum of 300 police and 50 military liaison officers and an appropriate number of civilian personnel.

(ii) *Changes in the mandate and/or extensions of time limits of ongoing peacekeeping operations or missions in 2007*

a. 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 resolution 1739 (2007) of 10 January 2007, resolution 1763 (2007) of 29 June 2007 and resolution 1765 (2007) of 16 July 2007, the Security Council extended the mandate of UNOCI and of the French forces which support it,⁵ until 30 June 2007, 16 July 2007 and 15 January 2008, respectively.

³ See paragraph 36 of the report of the Secretary-General of 10 August 2007 on the recommendations for the deployment of an international presence in the regions of eastern Chad and the north-eastern Central African Republic (S/2007/488).

⁴ See also paragraph 5 of Security Council resolution 1778 of 25 September 2007.

⁵ See also section d) ii) a. of this chapter.

In its resolution 1739 (2007), the Security Council, having taken note of the report of the Secretary-General dated 4 December 2006,⁶ decided that the mandate of UNOCI should also include its contribution to the security of the operations of identification of the population and registration of voters, within its capabilities and its areas of deployment, and that UNOCI should also assist in formulating a plan on the restructuring of the Defence and Security Forces and in preparing possible seminars on security sector reform to be organized by the African Union and ECOWAS.

Furthermore, the Security Council decided that UNOCI should provide as necessary, within its capabilities and its areas of deployment, in close cooperation with the United Nations Programme for Development, logistical support for the Independent Electoral Commission, in particular for the transportation of electoral material, and that the mandate of UNOCI should be expanded to include the support of the Government of Côte d'Ivoire in ensuring the neutrality and impartiality of public media by providing, as necessary, security of the premises of the Radio Télévision Ivoirienne (RTI).

In resolution 1761 (2007) of 20 June 2007, the Security Council decided to extend the mandate of the Group of Experts⁷ until 31 October 2007. The Group of Experts would, as set out in resolution 1727 (2006) of 15 December 2006, report, *inter alia*, on the implementation of the measure imposed by Security Council resolutions 1572 (2004) of 15 November 2004 and 1643 (2005) of 15 December 2005.

b. Ethiopia and Eritrea

The United Nations mission in Ethiopia and Eritrea (UNMEE) was established pursuant to Security Council resolution 1312 (2000) of 31 July 2000. The Security Council by resolution 1741 (2007) of 30 January 2007 and resolution 1767 (2007) of July 2007 extended UNMEE's mandate until 31 July 2007 and 31 January 2008, respectively.

In resolution 1741 (2007), the Council approved the reconfiguration of the military component of UNMEE, as described in paragraphs 24 and 25 of the Special report of the Secretary-General,⁸ which included a decrease in the number of military personnel, including military observers.

c. 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. The Security Council adopted resolutions 1742 (2007) of 15 February 2007, 1751 (2007) of 13 April 2007, 1756 (2007) of 15 May 2007 and 1794 (2007) of 21 December 2007, by which it extended the mandate and personnel strength of MONUC until 15 April 2007, 15 May 2007, 31 December 2007 and 31 December 2008, respectively.

⁶ The eleventh progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire dated 4 December 2006 (S/2006/939).

⁷ Established pursuant to Security Council resolution 1643 (2005) of 15 December 2005.

⁸ Special report of the Secretary-General on Ethiopia and Eritrea dated 15 December 2006 (S/2006/992).

In its resolution 1756 (2007), the Security Council, taking note of the report of the Secretary-General on MONUC dated 20 March 2007,⁹ and of its recommendations, decided that MONUC would have the mandate, *inter alia*, to ensure the protection of civilians, humanitarian personnel and United Nations personnel and facilities, as well as to observe and report on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility. It would also have to monitor the implementation of the measures imposed by resolution 1493 (2003) of 28 July 2003 concerning the prevention of the direct or indirect supply, sale or transfer of arms and any related materials, as amended and expanded by resolution 1596 (2005) of 18 April 2005, and to seize or collect the arms and any related material whose presence in the territory of the Democratic Republic of the Congo violates these measures, and to assist the Government in enhancing its demining capacity.

The Security Council, furthermore, decided that the mandate of MONUC should include the deterrence of any attempt at the use of force to threaten the political process from any armed group, foreign or Congolese, particular in the Eastern part of the Democratic Republic of the Congo, as well as the support of operations led by the integrated brigade of *Forces Armées de la République Démocratique du Congo* (FARDC) deployed in the eastern part of the Democratic Republic of the Congo. MONUC should also facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependents, and contribute to the implementation of the national programme of disarmament, demobilization and reintegration (DDR) of Congolese combatants and their dependents.

Also, the Council decided to mandate MONUC to provide in the short term basic training to the FARDC integrated brigades, with a view to enhancing their capacity to carry out missions; and to continue to develop the capacity of the Congolese national police and related law enforcement agencies by providing technical assistance, training and mentoring support. MONUC was further mandated to advise the Government in strengthening the capacity of the judicial and correctional systems and to contribute to the efforts of the international community to assist the Government in the initial planning process of the reform of the security sector.

Finally, the Security Council decided that MONUC would also have the mandate, *inter alia*, to provide advice to strengthen democratic institutions and process at all levels, to promote national reconciliation and internal political dialogue, to assist in the promotion and protection of human rights, investigate human rights violations with a view to putting an end to impunity, as well as to provide preliminary assistance to the Congolese authorities in the organization, preparation and conduct of local elections and keep the Security Council closely informed of progress in this regard; including by establishing a secure and peaceful environment for the holding of free and transparent elections.

With regard to carrying out the tasks listed in the above-mentioned resolution, the Security Council authorized MONUC to use all necessary means, within the limits of its capacity and in the areas where its units were deployed.

⁹ Twenty-third report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo dated 20 March 2007 (S/2007/156).

In resolution 1794 (2007) the Security Council, taking note of the report of the Secretary-General on MONUC dated 14 November 2007,¹⁰ requested MONUC to attach the highest priority to addressing the crisis in the Kivus in all its dimensions, in particular through the protection of civilians and support for the implementation of the Nairobi Joint Communiqué.

d. Haiti

The United Nations Stabilization Mission in Haiti (MINUSTAH) was established by the Security Council in its resolution 1542 (2004) of 30 April 2004. By the adoption of resolution 1743 (2007) of 15 February 2007 and resolution 1780 (2007) of 15 October 2007, the Security Council decided to extend the mandate of MINUSTAH until 15 October 2007 and 15 October 2008, respectively.

In resolution 1780 (2007) the Security Council also took into account the need to adjust the composition of MINUSTAH and decided that it would now consist of a military component of up to 7,060 troops of all ranks and of a police component of a total of 2,091 officers.¹¹

e. Timor-Leste

The United Nations Integrated Mission in Timor-Leste (UNMIT) was established by Security Council in its resolution 1704 (2006) of 25 August 2006. The Security Council, in resolution 1745 (2007) adopted on 22 February 2007, decided to extend the mandate of UNMIT until 26 February 2008.

The Council further decided to increase the authorized force strength of UNMIT by up to 140 police personnel in order to permit the deployment of an additional formed police unit to supplement the existing Formed Police Units particularly during the pre- and post-electoral period.¹²

f. Liberia

The Security Council established the United Nations Mission in Liberia (UNMIL) by its resolution 1509 (2003) of 19 September 2003. On 30 March 2007, the Council adopted resolution 1750 (2007) and on 20 September 2007 resolution 1777 (2007), by which it extended the mandate of UNMIL until 30 September 2007 and 30 September 2008, respectively.

In resolution 1777 (2007), the Security Council endorsed the Secretary-General's recommendations for a reduction of 2,450 in the number of personnel deployed as part of the military component of UNMIL during the period October 2007 to September 2008, and of

¹⁰ Twenty-fourth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo dated 14 November 2007 (S/2007/671).

¹¹ See the recommendations made in the report of the Secretary-General on the United Nations Stabilization Mission in Haiti dated 22 August 2007 (S/2007/503).

¹² See joint letter dated 7 December 2006 addressed to the Secretary-General, (S/2006/1022) from President Gusmao, Prime Minister Ramos-Horta and National Parliament President Guterres, requesting that the UNMIT be reinforced with an additional Formed Police Unit.

498 in the number of officers deployed as part of the police component of UNMIL during the period April 2008 and December 2010.¹³

g. Georgia

The United Nations Observer Mission in Georgia (UNOMIG) was established by Security Council resolution 858 (1993) of 24 August 1993. The Council, by resolution 1752 (2007) adopted on 13 April 2007 and resolution 1781 (2007) adopted on 15 October 2007, extended the mandate of UNOMIG until 15 October 2007 and 15 April 2008, respectively.

h. 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 resolution 1754 (2007) adopted on 30 April 2007 and resolution 1783 (2007) adopted on 31 October 2007, extended the mandate of MINURSO until 31 October 2007 and 30 April 2008, respectively.

i. The Sudan

The United Nations Mission in the Sudan (UNMIS) was established by Security Council resolution 1590 (2005) of 24 March 2005. The Council adopted resolution 1755 (2007) of 30 April 2007 and resolution 1784 of 31 October 2007, by which it extended the mandate of UNMIS until 31 October 2007 and 30 April 2008, respectively.

The Council also requested the Secretary-General to appoint urgently a new Special Representative for the Sudan and to report to the Council every three months on the implementation of the mandate of UNMIS.

In Security Council resolution 1769 (2007) of 31 July 2007, the Council decided that the authorized strength of UNMIS should revert to that specified in resolution 1590 (2005) of 24 March 2005 upon the transfer of authority from AMIS to UNAMID.¹⁴

j. Cyprus

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established by Security Council resolution 186 of 4 March 1964. The Council, by resolution 1758 (2007) adopted on 15 June 2007 and resolution 1789 (2007) adopted on 14 December 2007, extended the mandate of UNFICYP until 15 December 2007 and 15 June 2008, respectively.

k. 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 1759 (2007) adopted on 20 June 2007 and resolution 1788 (2007) adopted

¹³ See section XI of the fifteenth progress report of the Secretary-General on the United Nations Mission in Liberia dated 8 August 2007 (S/2007/479).

¹⁴ See section (a) sub-paragraph (i) a.

on 14 December 2007, renewed the mandate of UNDOF until 31 December 2007 and 30 June 2008, respectively.

1. Lebanon

The United Nations Interim Force in Lebanon (UNIFIL) was established by Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978. Responding to the request of the Government of Lebanon¹⁵ and the recommendation of the Secretary General¹⁶ the Security Council adopted resolution 1773 (2007) on 24 August 2007 and decided to extend the mandate of UNIFIL until 31 August 2008.

(iii) *Other ongoing peacekeeping operations or missions in 2007*

During 2007, there were a number of other ongoing peacekeeping operations or missions, 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 (UNMOGIP) in India and Pakistan, 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 operations or missions concluded in 2007*

No peacekeeping operations or missions were concluded in 2007.

(b) Political and peacebuilding missions

(i) *Political and peacebuilding missions established in 2007*

a. Nepal

On 23 January 2007, the Security Council adopted resolution 1740 (2007) in which it decided to establish the United Nations Political Mission in Nepal (UNMIN)¹⁷ for an initial period of twelve months under the leadership of a Special Representative of the Secretary-General.

The Council further decided that the mandate of UNMIN would be to monitor the management of arms and armed personnel of both sides, in line with the provisions of the Comprehensive Peace Agreement and to assist the parties in implementing their agreement on the management of arms and armed personnel of both sides through a Joint Monitoring Coordinating Committee, as well as to assist in the monitoring of the cease-fire arrangement. Furthermore, UNMIN would have to provide technical support for the

¹⁵ Letter from the Lebanese Prime Minister to the Secretary-General of 25 June 2007 (S/2007/396).

¹⁶ Letter from the Secretary-General addressed to the President of the Security Council dated 2 August 2007 (S/2007/470).

¹⁷ See the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process dated 9 January 2007, (S/2007/7).

planning, preparation and conduct of the election of a Constituent Assembly in a free and fair atmosphere, in consultation with the parties, and to provide a small team of electoral monitors to review all technical aspects of the electoral process, and report on the conduct of the election.

b. Lebanon

On 8 February 2007, in a letter addressed to the President of the Security Council, the Secretary-General informed the Council of his intention to establish the Office of the United Nations Special Coordinator for Lebanon. The Special Coordinator for Lebanon would be the Secretary-General's representative in Lebanon responsible for coordinating the work of the United Nations in the country and representing the Secretary-General on all political aspects of the United Nations work there. Among other functions, the Special Coordinator for Lebanon would ensure that the activities of the United Nations country team in Lebanon are well coordinated with the Government of Lebanon, donors and international financial institutions in line with the overall objectives of the United Nations in Lebanon. The Council took note of the Secretary-General's intention.¹⁸

(ii) Changes in the mandate and/or extensions of the time limits of ongoing political and peacebuilding missions in 2007

a. Afghanistan

The United Nations Assistance Mission in Afghanistan (UNAMA) was established by Security Council resolution 1401 (2002) of 28 March 2002. In resolution 1746 (2007) of 23 March 2007, the Security Council decided to extend the mandate of UNAMA until 23 March 2008.

b. Somalia

The United Nations Political Office in Somalia (UNPOS) was established by the Secretary-General on 15 April 1995.¹⁹ On 25 April 2007, in a letter addressed to the President of the Security Council, the Secretary-General informed the members of the Council of his intention to extend the mandate of his Special Representative for Somalia until 8 May 2008, and the Council took note of the Secretary-General's intention while underlining that the Secretary-General might revisit the mandate in, for example, six months, given the possibility that the United Nations might decide to change the nature of its presence in Somalia during this period.²⁰

In a letter dated 27 August 2007 addressed to the President of the Security Council,²¹ the Secretary-General informed Council members of his intention to upgrade the post

¹⁸ See the exchange of letters from the Secretary-General and the President of the Security Council, dated 8 and 13 February 2007, (S/2007/85 and S/2007/86).

¹⁹ 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).

²⁰ See the exchange of letters between the Secretary-General and the President of the Security Council, dated 25 and 30 April 2007 (S/2007/243 and S/2007/244).

²¹ S/2007/522.

of Head of UNPOS to the level of Under-Secretary-General. In a subsequent letter dated 20 September 2007²², the Secretary-General recommended that UNPOS be provided with the necessary resources to implement an integrated United Nations approach for Somalia leading to a common United Nations peacebuilding strategy.

Therefore, the main objectives of UNPOS would be to help to strengthen the Transitional Federal Institutions and foster inclusive dialogue between all Somali parties, coordinate United Nations political, security, electoral, humanitarian and development support to the Somali Transitional Federal Institutions, and work with external partners. UNPOS would also support the development of a road map for the Somali peace process in concert with the Transitional Federal Government, the United Nations country team and the international community. UNPOS would work closely with United Nations Headquarters on contingency planning for a possible United Nations peacekeeping mission. Given the crucial role of UNPOS during this critical juncture of the Somali peace process, the Secretary-General informed the members of the Security Council, that it was his intention to continue those above described activities for the biennium 2008–2009. The Security Council took note of the Secretary-General's intention.²³

c. Iraq

The United Nations Assistance Mission for Iraq (UNAMI) was established by Security Council in its resolution 1500 (2003) of 14 August 2003. On 10 August 2007, the Security Council, adopted resolution 1770 (2007), in which it decided to extend the mandate of UNAMI for another period of twelve months from the date of the resolution.

Welcoming the letter of 6 August 2007 from the Minister of Foreign Affairs of Iraq to the Secretary-General,²⁴ expressing the view of the Government of Iraq requesting UNAMI to assist Iraqi efforts to build a productive and prosperous nation at peace with itself and its neighbours, the Security Council decided to expand the mandate of UNAMI and decided that it should, *inter alia*, advise, support and assist the Government of Iraq on development of process for holding elections and referendums, on Constitutional review and implementation of constitutional provisions, as well as on facilitating regional dialogue.

The Council furthermore decided that UNAMI should promote, support and facilitate, in coordination with the Government of Iraq, the coordination and delivery of humanitarian assistance and the safe, orderly and voluntary return of refugees and displaced persons; the coordination and implementation of programmes to improve Iraq's capacity to provide essential services for its people; economic reform, capacity-building and the conditions for sustainable development and the promotion of the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq.

On 18 December 2007, the Security Council adopted resolution 1790 (2007) and noted that the presence of the multinational force in Iraq was at the request of the Government of Iraq and, therefore, acting under Chapter VII of the Charter of the United Nations, reaffirmed the authorization for the multinational force as set forth in resolution 1546

²² S/2007/566.

²³ See the exchange of letters between the Secretary-General and the President of the Security Council dated 27 December and 27 December 2007 (S/2007/762 and S/2007/763).

²⁴ S/2007/481, annex.

(2004) of 8 June 2004. The Council also decided to extend the mandate of the multinational force as set forth in that resolution until 31 December 2008, taking into consideration the Iraqi Prime Minister's letter dated 7 December 2007²⁵ and the United States Secretary of State's letter dated 10 December 2007.²⁶ It 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 2008, and declared that it will terminate the mandate earlier if requested by the Government of Iraq.

In that same resolution, the Security Council decided to extend until 31 December 2008 the arrangements established in resolution 1483 (2003) of 22 May 2003 for the depositing of proceeds from export sales of petroleum, petroleum products, and natural gas into the Development Fund for Iraq and the arrangements referred to in resolutions 1483 (2003) and 1546 (2004) of 8 June 2004 for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board, and 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 2008.

d. Sierra Leone

The United Nations Integrated Office in Sierra Leone (UNIOSIL) was established by Security Council resolution 1620 (2005) of 31 August 2005.

On 18 October 2007, in a letter addressed to the President of the Security Council, the Secretary-General requested that the Council approve the request of UNIOSIL to retain the five additional military liaison officers and 10 civilian police officers, provided for in Security Council resolution 1734 (2006) of 22 December 2006, for a further period of two months, from 31 October to 31 December 2007. The Council approved the request of the Secretary-General.²⁷

On 31 December 2007, the Security Council adopted resolution 1793 (2007) and decided to extend the mandate UNIOSIL until 30 September 2008. The Council further requested the Secretary-General to submit by 31 January 2008 a completion strategy for UNIOSIL including at least a 20 per cent reduction in staff numbers by 31 March 2008, a continued mission at 80 per cent of the current strength until 30 June 2008 and the termination of the mandate of UNIOSOL by 30 September 2008.

e. 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.²⁸ On 28 November 2007, in a letter addressed to the President of the Security Council, the Secretary-General recommended that the mandate of UNOGBIS be extended

²⁵ Annexed to Security Council resolution 1790 (2007) of 18 December 2007.

²⁶ Annexed to Security Council resolution 1790 (2007) of 18 December 2007.

²⁷ See the exchange of letters between the Secretary-General and the President of the Security Council, dated 9 and 18 October 2007 (S/2007/613 and S/2007/614).

²⁸ 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).

for an additional year until 31 December 2008. The Council took note of the Secretary-General's recommendation.²⁹

f. The Central African Republic

The United Nations Peacebuilding Office in the Central African Republic (BONUCA) was established by the Secretary-General on 15 February 2000.³⁰ On 28 November 2007, in a letter addressed to the President of the Security Council, the Secretary-General recommended that the mandate of BONUCA be extended for an additional year until 31 December 2008. The Council took note of the Secretary-General's recommendation.³¹

g. West Africa

The United Nations Office for West Africa (UNOWA) was established by the Secretary-General for a period of three years from January 2002.³² The mandate of UNOWA was later extended, first for a further period of three years until 31 December 2007³³ and then for another period of three years until 31 December 2010.³⁴

The Office's mandate included the development of better knowledge and awareness about cross-border and sub-regional problems confronting West Africa, as well as the facilitation by the Special Representative of the Secretary-General, in his capacity of chairman of the Cameroon-Nigeria Mixed Commission, of the implementation of the work plan approved by Cameroon and Nigeria towards the implementation of the 10 October 2002 ruling of the International Court of Justice on the land and maritime boundary dispute between the two countries³⁵ and helping with the demarcation process.

On 30 November 2007, in a letter addressed to the President of the Security Council, the Secretary-General informed the members of the Security Council of his intention to ask for additional resources from the regular budget for 2008 for the United Nations support team of the Mixed Commission to help advance the peaceful implementation of the ruling of the International Court of Justice. The Council took note of the Secretary-General's intention.³⁶

²⁹ See the exchange of letters between the Secretary-General and the President of the Security Council dated 28 November and 3 December 2007 (S/2007/700 and S/2007/701).

³⁰ See the 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).

³¹ See the exchange of letters between the Secretary-General and the President of the Security Council dated 28 November and 3 December 2007 (S/2007/702 and S/2007/703).

³² 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).

³³ See the exchange of letters between the Secretary-General and the President of the Security Council, dated 6 and 25 October 2004 (S/2004/797 and S/2004/858).

³⁴ See the exchange of letters between the Secretary-General and the President of the Security Council dated 28 November and 21 December 2007, (S/2007/753 and S/2007/754).

³⁵ *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, Judgment, I.C. J. Reports 2002, p. 303.

³⁶ See the exchange of letters between the Secretary-General and the President of the Security Council dated 30 November and 5 December 2007 (S/2007/695 and S/2007/710).

h. Burundi

The United Nations Integrated Office in Burundi (BINUB) was initially established pursuant to Security Council resolution 1719 (2006) of 25 October 2006, in which it decided to establish, for an initial period of 12 months commencing on 1 January 2007.³⁷ On 19 December 2007, the Council adopted resolution 1791 (2007), by which it decided to extend the mandate of BINUB until 31 December 2007.

(iii) *Other ongoing political and peacebuilding missions in 2007*

The Office of the United Nations Special Coordinator for the Middle East (UNSCO), established by the Secretary-General on 1 October 1999,³⁸ continued operating through 2007.

(iv) *Political and peacebuilding missions concluded in 2007*

a. Tajikistan

The United Nations Tajikistan Office of Peacebuilding (UNTOP) was established by the Secretary-General on 1 June 2000.³⁹ On 15 May 2007, in a letter addressed to the President of the Security Council, the Secretary-General informed the members of the Council of his intention to phase down and close UNTOP, whose mandate would expire on 31 May 2007. Given the time period required for this process, and in response to the request of the Government of Tajikistan, it was his intention to continue the activities of UNTOP for a period of two months, until 31 July 2007. The Council took note of the Secretary-General's intention.⁴⁰

b. Côte d'Ivoire

The mandate of the High Representative for the Elections in Côte d'Ivoire, designated pursuant to Security Council resolution 1603 (2005) of 3 June 2005, was terminated by the adoption of Security Council resolution 1765 (2007) of 16 July 2007.

³⁷ See also the seventh report of the Secretary-General on the United Nations Operation in Burundi dated 21 June 2006 (S/2006/429) and the addendum thereto dated 14 August 2006 (S/2006/429/Add.1).

³⁸ 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).

³⁹ 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).

⁴⁰ See the exchange of letters from the Secretary-General and the President of the Security Council, dated 15 and 18 May 2007 (S/2007/296 and S/2007/297).

(c) Other peacekeeping matters

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

On 24 July 2007, at its sixty-first session, the General Assembly adopted its resolution 61/291 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,⁴¹ endorsed the proposals, recommendations and conclusions of the Special Committee, contained in paragraphs 15 to 232 of its report,⁴² 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*

At its sixty-first session, on 16 May 2007 and 24 July 2007, the General Assembly adopted resolutions 61/267[A] and [B], both entitled “Comprehensive review of a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations.” The Assembly reaffirmed the need for United Nations to implement its policy of zero tolerance of sexual exploitation and abuse in its peacekeeping operations, as recommended by the Special Committee on Peacekeeping Operations,⁴³ and 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 on its second 2006 resumed session⁴⁴ and its 2007 resumed session,⁴⁵ and endorsed the proposals, recommendations and conclusions of the Special Committee contained in these reports.

On 21 December 2007, the General Assembly adopted resolution 62/214, in which it adopted the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel. The purpose of the Strategy was to ensure that victims of sexual exploitation and abuse by United Nations staff and related personnel would receive appropriate assistance and support in a timely manner, as it was imperative that the Organization respond quickly

⁴¹ For the final text, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 19 (A/61/19 (Parts I–III))*.

⁴² For the final text, see *ibid.*, (Part II), chap. III.

⁴³ See *ibid.*, *Fifty-ninth Session, Supplement No. 19 (A/59/19/Rev.1)*, (Part I), chap. III, para. 55).

⁴⁴ For the final text, see *ibid.*, *Sixty-first Session, Supplement No. 19 (A/61/19 (Part I))*.

⁴⁵ For the final text, see *ibid.*, (Part III).

and effectively when sexual exploitation and abuse occur. The Strategy would also enable the United Nations system to facilitate, coordinate and provide assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel. The Strategy should be implemented to assist and support complainants, victims and children born as a result of sexual exploitation and abuse by United Nations staff and related personnel in a manner appropriate to the relevant circumstances of each location and with due respect to host country legislation.

The General Assembly called upon relevant organizations of the United Nations system to engage in an active and coordinated manner in the implementation of the Strategy, with the support of civil society working closely with Member States. It also decided to examine, in two years, progress made in the implementation of the Strategy under the agenda item entitled "Follow-up to the outcome of the Millennium Summit".

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

On 6 December 2007, the General Assembly adopted resolution 62/63. The Assembly, having considered the report of the Group of Legal Experts established by the Secretary-General pursuant to resolution 59/300,⁴⁶ the report of the Ad Hoc Committee on the issue,⁴⁷ and the note by the Secretariat on criminal accountability of United Nations officials and experts on mission,⁴⁸ strongly urged States to take all appropriate measures to ensure that crimes by United Nations officials and experts on mission do not go unpunished, and that the perpetrators of such crimes are brought to justice, without prejudice to the privileges and immunities of such persons and the United Nations under international law, and in accordance with international human rights standards, including due process.

Furthermore, the General Assembly, *inter alia*, decided that the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission should reconvene from 7 to 9 and on 11 April 2008 with the purpose of continuing the consideration of the report of the Group of Legal Experts, in particular its legal aspects, taking into account the views of Member States and the information contained in the note by the Secretariat, and that the work should continue during the sixty-third session of the General Assembly within the framework of a working group of the Sixth Committee.

Lastly, the General Assembly requested the Secretary-General to bring credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the States against whose nationals such allegations are made, and to request from those States an indication of the status of their efforts to investigate and prosecute crimes of a serious nature, as well as the types of appropriate assistance States may wish to receive from the Secretariat for the purposes of such investigations and prosecutions.

⁴⁶ A/60/980.

⁴⁷ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 54 (A/62/54)*.

⁴⁸ A/62/329.

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

(i) Action of Member States authorized in 2007

a. Somalia

The Security Council adopted resolution 1744 (2007) on 21 February 2007 and decided to authorize member States of the African Union to establish for a period of six months a mission in Somalia (AMISOM), with the authorization to take all necessary measures as appropriate to carry out its mandate.

The Council decided that AMISOM would have the mandate to support dialogue and reconciliation in Somalia by assisting with the free movement, safe passage and protection of all those involved in a national reconciliation congress, as well as to provide protection to the Transnational Federal Institutions to help them carry out their functions of government, and security for key infrastructure and to assist with implementation of the National Security and Stabilization Plan, in particular the effective re-establishment and training of all-inclusive Somali security forces.

Furthermore, the Security Council mandated AMISOM to contribute to the creation of the necessary security conditions for the provision of humanitarian assistance and to protect its personnel, facilities, installations, equipment and mission, and to ensure the security and freedom of movement of its personnel.

The Security Council also requested the Secretary-General to send a Technical Assessment Mission to the African Union headquarters and Somalia to report on the political and security situation and the possibility of a UN Peacekeeping Operation following the African Union's deployment.

b. Chad and the Central African Republic

In its resolution 1778 (2007) of 28 September 2007 establishing the United Nations Mission in the Central African Republic and Chad (MINURCAT), the Security Council, acting under Chapter VII of the Charter of the United Nations, authorized the European Union to deploy, for a period of one year from the date that its initial operating capability was declared by the European Union in consultation with the Secretary-General, an operation aimed at supporting the elements of the MINURCAT mandate. The functions of the European Union operation would be to contribute to protecting civilians in danger, particularly refugees and displaced persons; to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations and to contribute to protecting United Nations personnel, facilities, installations and equipment, and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel.

The Security Council also decided that the European Union operation should be authorized to take all necessary measures, within its capabilities and its area of operation in eastern Chad and the north-eastern Central African Republic, to fulfil the above mentioned functions.

(ii) *Changes in authorization and/or extension of time limits in 2007*

a. Côte d'Ivoire

The Security Council adopted resolutions 1739 (2007) on 10 January 2007, 1763 (2007) on 29 June 2007 and 1765 (2007) on 16 July 2007, by which it extended the mandate of the French forces supporting UNOCI until 30 June 2007, 16 July 2007 and 15 January 2008, respectively.

b. Somalia

In resolution 1744 (2007) of 21 February 2007, the Security Council decided that, having regard to the establishment of African Union Mission to Somalia (AMISOM)⁴⁹, the authorization of the Intergovernmental Authority on Development (IGAD) and member States of the African Union to establish a protection and training mission in Somalia and the further measures contained in resolution 1725 (2006) of 6 December 2006 should no longer apply.

AMISOM was authorized by Security Council resolution 1744 (2007) of 21 February 2007. On 20 August 2007, the Security Council adopted resolution 1772 (2007) and decided to authorize member States of the African Union to maintain the mission in Somalia for a further period of six months.

c. Afghanistan

In its resolution 1776 (2007) adopted on 19 September 2007, the Security Council, decided to extend the authorization of the International Security Assistance Force (ISAF), as defined in resolutions 1386 (2001) of 20 December 2001 and 1510 (2003) of 13 October 2003, for a period of 12 months beyond 13 October 2007, and it further authorized the Member States participating at ISAF to take all necessary measures to fulfil its mandate.

d. Bosnia and Herzegovina

The Security Council, in resolution 1785 (2007) of 21 November 2007, authorized the Member States acting through or in cooperation with the European Union to establish for a further period of twelve months, a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control. The Council decided that EUFOR would fulfil its missions in relation to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto⁵⁰ (the Peace Agreement) in cooperation with the North Atlantic Treaty Organization (NATO) presence in accordance with the arrangements agreed between NATO and the European Union, as communicated to the Security Council in their respective letters of

⁴⁹ See section (d), subparagraph (i) a.

⁵⁰ General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (S/995/999, annex).

19 November 2004,⁵¹ which recognized that EUFOR would have the main peace stabilization role under the military aspects of the Peace Agreement.

The Security Council further authorized the Member States to take all necessary measures to effect the implementation of and to ensure compliance with Annexes 1-A and 2 of the Peace Agreement, in defence of the EUFOR and NATO presence and to defend themselves from attack or threat of attack and to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic

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

(i) *Somalia*

In resolution 1744 (2007) of 21 February 2007, the Security Council decided that the general and complete embargo on all deliveries of weapons and military equipment to Somalia, imposed by resolution 733 (1992) of 23 January 1992 and further elaborated in resolution 1425 (2002) of 22 July 2002, should no longer apply to supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by AMISOM.⁵² Nor should it apply to such supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions consistent with the political process set out in resolution 1744 (2007), and in the absence of a negative decision by the Committee established pursuant to resolution 751 (1992) of 24 April 1992, within five working days of receiving a notification from a State wishing to provide such supplies or technical assistance.

In resolution 1766 (2007) adopted on 23 July 2007, the Security Council, acting under Chapter VII of the Charter, stressed the obligation of all States to comply fully with the measures imposed by resolution 733 (1992) and requested the Secretary-General to reestablish, in consultation with the Committee established pursuant to resolution 751 (1992), for a period of six months, the Monitoring Group referred to in resolution 1558 (2004) of 17 August.

(ii) *Iran*

In resolution 1747 (2007) of 24 March 2007, the Security Council, acting under Chapter VII of the Charter of the United Nations, called upon all States to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems. In this regard, it decided that all States should notify the Committee established pursuant to resolution 1737 (2006) of 23 December 2006 of the entry into or transit through their territories of the persons designated in the Annex to

⁵¹ See the exchange of letters between the Permanent Representative of the Netherlands to the United Nations and the President of the Security Council dated 19 November 2004 and the exchange of letters between Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations (S/2004/915 and S/2004/916).

⁵² See section (d), subparagraph (i) a.

resolution 1737 (2006) or annex I to this resolution, as well as of additional persons designated by the Security Council or the Committee.

The Security Council further decided that the measures specified in resolution 1737 (2006) concerning the freezing of funds, financial assets and economic resources, should also apply to the persons and entities listed in Annex I to this resolution.

Also, the Council decided that Iran should not supply directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft, any arms or related materiel, and that all States should prohibit the procurement of such items from Iran.

Furthermore, the Security Council called upon all States to exercise vigilance and restraint in the supply, from their territories or by their nationals or using their flag vessels or aircraft of any battle tanks, armoured combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms to Iran, and in the provision to Iran of any technical assistance or training, financial assistance related to the supply, manufacture or use of such items in order to prevent a destabilizing accumulation of arms.

The Security Council, finally, called upon all States and international financial institutions not to enter into new commitments for grants, financial assistance, and concessional loans, to the Government of the Islamic Republic of Iran, except for humanitarian and developmental purposes.

(iii) *Rwanda*

The Security Council adopted on 28 March 2007 resolution 1749 (2007) by which it decided to terminate with immediate effect the measures imposed by resolution 1011 (1995) of 16 August 1995 concerning States' obligation to notify all exports from their territories of arms or related materiel to Rwanda to the Committee established by resolution 918 (1994) of 17 May 1994, as well as the obligation of the Government of Rwanda to mark, register and notify to the Committee all imports made by it of arms and related materiel.⁵³

(iv) *Liberia*

On 27 April 2007, the Security Council adopted resolution 1753 (2007) by which it decided to terminate the measures on diamonds imposed by resolution 1521 (2003) of 22 December 2003 and renewed by resolution 1731 (2006) of 20 December 2003.

The Security Council also decided to review the termination of the above mentioned measures after consideration of the report of the United Nations Panel of Experts as requested in resolution 1731 (2006) and of the report on the Kimberly Process, with particular focus on the compliance of Liberia with the Kimberly Process Certification Scheme.

On 19 December 2007 the Security Council adopted resolution 1792 (2007) and decided to renew the measures on arms imposed by resolution 1521 (2003) and modified by resolutions 1683 (2006) of 13 June 2006 and 1731 (2006), as well as to renew the meas-

⁵³ See letter dated 2 March 2007 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council (S/2007/121) requesting the termination of the measures imposed by paragraph 11 of resolution 1011 (1995).

ures on travel imposed by resolution 1521 (2003) for a further period of 12 months from the date of the adoption of the resolution.

Also, the Security Council decided that Member States should notify the Committee established by resolution 1521 (2003) upon delivery of all arms and related materiel supplied in accordance with resolutions 1521 (2003), 1683 (2006), and 1731 (2006).

Furthermore, the Security Council, adopted resolution 1760 (2007) on 20 June 2007, in which it requested the Secretary-General to establish, for a period of six months, a Panel of Experts consisting of up to three members, drawing as much as possible on the expertise of the members of the Panel of Experts reappointed pursuant to resolution 1731 (2006).

The Council further decided that the Panel of Experts was to undertake the tasks, *inter alia*, of conducting a follow-up assessment mission to Liberia and neighbouring States, in order to investigate the implementation, and any violations, of the measures imposed by resolution 1521 (2003), as well as assessing the impact of and effectiveness of the measures imposed by resolution 1532 (2004) concerning the prevention of former Liberian President Charles Taylor, his family, senior officials or other close allies or associates from using misappropriate funds or property to interfere in the restoration of peace and stability in Liberia and the sub-region. The Panel was also to assess the implementation of forestry legislation, the Government of Liberia's compliance with the Kimberly Process Certification Scheme and the cooperation with other relevant groups of experts

The Council decided, by the adoption of resolution 1792 (2007) of 19 December 2007, to extend the mandate of the Panel of Experts for a further period until 20 June 2008 and requested to Secretary-General to reappoint the current members of the Panel of Experts in all the aspects of its mandate.

(v) *Democratic Republic of the Congo*

The Security Council adopted resolution 1768 (2007) on 31 July 2007 and resolution 1771 (2007) on 10 August 2007, by which it, acting under Chapter VII of the Charter of the United Nations, decided to extend the measures on arms imposed by resolution 1493 (2003) of 28 July 2003, as amended and expanded by resolution 1596 (2005) of 18 April 2005, until 10 August 2007 and 15 February 2008, respectively.⁵⁴

In both resolutions 1768 (2007) and 1771 (2007), the Security Council decided to extend the measures on transport imposed by resolution 1596 (2005), and the financial and travel measures imposed by resolutions 1596 (2005), 1649 (2005) of 21 December 2005 and 1698 (2006) of 31 July 2006, until 10 August 2007 and February 2008, respectively.

In resolution 1768 (2007), the Security Council also decided to extend the mandate of the Group of Experts referred to in resolution 1698 (2006).

In resolution 1771 (2007), the Security Council decided that the measures on arms, mentioned above, should not apply to technical training and assistance agreed to by the Government and intended solely for support of units of the army and police of the Democratic Republic of the Congo that are in process of their integration in the provinces of North and South Kivu and the Ituri district.

⁵⁴ See also the report of the Security Council mission which visited Kinshasa on 20 June 2007 dated 11 July 2007 (S/2007/421).

Still in resolution 1771 (2006), the Council further decided that the conditions specified in resolution 1596 (2005), should not apply to supplies of arms and related materiel as well as technical training and assistance which were consistent with such exemptions noted in the resolution in question.

The Council further requested the Secretary-General to re-establish for a period expiring on 15 February 2008 the Group of Experts established pursuant to resolution 1533 (2004) of 12 March 2004, and expanded pursuant to resolution 1596 (2005). It also requested the Group of Experts to fulfil its mandate as defined in resolution 1698 (2006), to update the Committee⁵⁵ on its work as appropriate, and to report to the Council in writing, through the Committee, by January 2008.

(vi) *The Sudan*

The Security Council adopted resolution 1779 (2007) on 28 September 2007, in which it decided to extend the mandate of the Panel of Experts, appointed pursuant to resolution 1591 (2005) of 29 March 2005, for a further period until 15 October 2008.

(vii) *Côte d'Ivoire*

On 29 October 2007, the Security Council adopted resolution 1782 (2007) by which it decided to renew until 31 October 2008 the provisions contained in resolutions 1572 (2004) of 15 November 2004 and 1643 (2005) of 15 December 2005. The Council further decided to review the measures imposed by the end of the period mentioned above and also to carry out a review of the measures during the period mentioned above, once the parties had fully implemented the Ouagadougou political Agreement and after the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, or no later than 30 April 2008.⁵⁶

Furthermore, the Security Council underlined that it was fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things, a threat to the peace and national reconciliation process in Côte d'Ivoire; attacking or obstructing the action of UNOCI or responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire.

(viii) *Sierra Leone*

The Security Council adopted resolution 1793 (2007) on 31 December 2007 and decided to exempt from the measures imposed by resolution 1171 (1998) of 15 June 1998 concerning travel restrictions, the travel of any witnesses whose presence at trial before the Special Court for Sierra Leone was required.

⁵⁵ Established pursuant to paragraph 8 of resolution 1533 (2004) of 12 March 2004, as expanded pursuant to paragraph 18 of resolution 1596 (2005) of 18 April 2005, paragraph 4 of resolution 1649 (2005) of 21 December 2005 and paragraph 14 of resolution 1698 (2006) of 31 July 2006

⁵⁶ See the fourteenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire dated 1 October 2007 (S/2007/593), and the reports of the United Nations Group of Experts on Côte d'Ivoire dated 11 June 2007 (S/2007/349, annex) and 21 September 2007 (S/2007/611, annex).

(f) Terrorism

(i) Security Council Committees

a. Lebanon

The Security Council, in the resolution 1595 (2005) of 7 April 2005, decided to establish an international independent investigation Commission (“the Commission”) based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of the 14 February 2005 terrorist act, including to help to identify its perpetrators, sponsors, organizers and accomplices. On 15 March 2007, in a letter addressed to the President of the Security Council,⁵⁷ the Secretary-General welcomed the request of the Lebanese Government transmitted in Prime Minister’s letter of 21 February 2007⁵⁸ for a further extension of the mandate of the Commission for a period of up to one year, from 15 June 2007. On 27 March 2007, the Security Council, having examined the report of the International Independent Investigation Commission,⁵⁹ adopted resolution 1748 (2007) by which it decided to extend the mandate of the Commission until 15 June 2008.

b. Counter-Terrorism Committee (CTC)

The Security Council adopted resolution 1787 (2007) on 10 December 2007 and decided to extend the initial period of the Counter-Terrorism Committee Executive Directorate, referred to in paragraph 2 of resolution 1535 (2004) of 26 March 2004, until 31 March 2008.

The Council further requested the Executive Director of the Counter-Terrorism Committee Executive Directorate, within 60 days of the adoption of this resolution and in consultation with Council members, to recommend such changes as he deemed appropriate to the organizational plan referred to in resolution 1535 (2004), and to submit them to the Counter-Terrorism Committee for its consideration and endorsement prior to the expiration of the period referred to above.

(ii) *Establishment of a special Tribunal for Lebanon*

Pursuant to Security Council resolution 1664 (2006) of 29 March 2006, the United Nations and the Lebanese Republic negotiated an agreement on the establishment of the Special Tribunal for Lebanon. Further to Security Council resolution 1757 (2007) of 30 May 2007, the provisions of the document annexed to it and the Statute of the Special Tribunal thereto attached, entered into force on 10 June 2007.

The mandate of the Special Tribunal for Lebanon is to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of former Prime Minister Rafiq Hariri and in the death or injury of other persons. The Tribunal’s jurisdiction could be extended beyond the 14 February 2005 bombing if the Tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005 are connected

⁵⁷ S/2007/150.

⁵⁸ S/2007/159.

⁵⁹ S/2007/150.

in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005.

**(g) Human rights and humanitarian questions considered
by the Security Council**

(i) Women and peace and security

In a Presidential Statement dated 7 March 2007,⁶⁰ the Security Council reaffirmed its commitment to the full and effective implementation of resolution 1325 (2000) of 31 October 2000 on Women and Peace and Security and recalled the relevant statements of its President as reiterating that commitment.

The Security Council further reaffirmed the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stressed the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution.

Also, the Security Council recognized that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security.

The Council reaffirmed also the need to implement fully international human rights and humanitarian law including the four Geneva Conventions that protect the rights of women and girls during and after conflicts.

The Council remained deeply concerned by the pervasiveness of all forms of violence against women and girls in armed conflict, including killing, maiming, grave sexual violence, abductions and trafficking in persons. The Council reiterated its utmost condemnation of such practices and called on all parties to armed conflict to take specific measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.

Furthermore, the Council stressed the need to end impunity for acts of gender-based violence in situations of armed conflict and emphasized the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stressed the need to exclude these crimes, where feasible, from amnesty provisions.

Lastly, the Security Council requested the Secretary-General to ensure that disarmament, demobilization and reintegration programmes take specific account of the situation of women and girls associated with armed forces and armed groups, as well as their children, and provide for their full access to these programmes.

⁶⁰ S/PRST/2007/5.

(h) Missions of the Security Council

(i) *Kosovo*

On 19 April 2007, in a letter addressed to the Secretary-General, the President of the Security Council informed the Secretary-General that the members of the Security Council had decided to send a mission to Kosovo from 24 to 29 April 2007.⁶¹ The mission, which would give the members of the Council the opportunity to inform themselves of the situation on the ground, would travel to Belgrade, Kosovo, Brussels and Vienna and have the objectives to obtain first-hand information on progress made in Kosovo since the adoption of Security Council resolution 1244 (1999) of 12 October 1999. They would receive information directly from the leadership of Serbia and the Provisional Institutions for Self-Government of Kosovo and from representatives of Kosovo's ethnic minority communities on the current political, social and economic situation in Kosovo and on the regional situation, as well as information directly from representatives of the international community, in Brussels and on the ground, on the current political, social and economic situation in Kosovo and on the regional situation.

(ii) *Africa*

On 11 June 2007, in a letter addressed to the Secretary-General, the President of the Security Council informed the Secretary-General that the members of the Security Council had decided to send a mission to Africa from 14 to 21 June 2007, which would travel to Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa.⁶²

The terms of references for the mission to Addis Ababa and Accra would be to exchange views on how best to maximize the relationship between the United Nations Security Council and regional organizations, in particular the African Union, including in respect of Chapter VIII of the Charter of the United Nations, and to discuss mechanisms for elaborating closer ties in the fields of conflict prevention, mediation and good offices, peacekeeping and post-conflict reconstruction, including peacebuilding. It would also be an opportunity to identify areas where particular focus is needed to make further progress, to discuss ways and means of supporting and improving in a sustained way the resource base and capacity of the Peace and Security Architecture of the African Union, as well as to exchange views on wider African situations of interest to both the United Nations Security Council and the African Union Peace and Security Council, welcoming enhanced cooperation between the United Nations and the African Union on issues related to, *inter alia*, Sudan, Somalia and the Democratic Republic of Congo. Lastly the mission would commend the efforts of the African Union to achieve lasting peace in Africa, and consider how best to develop closer relations between the United Nations and the African Union, in line with the 10-year plan for capacity-building with the African Union.

The terms of reference for the mission to the Sudan would be to reaffirm the Security Council's commitment to the sovereignty, unity and territorial integrity of the Sudan and

⁶¹ See letter dated 19 April 2007 from the President of the Security Council addressed to the Secretary-General (S/2007/220).

⁶² See letter dated 11 June 2007 from the President of the Security Council addressed to the Secretary-General (S/2007/347).

the international community's determination to help the Sudan achieve a peaceful and prosperous development, and to review the implementation of the Comprehensive Peace Agreement. It would also aim to encourage the Government of the Sudan and the non-signatory parties to engage constructively in the Darfur Peace Process with a view to finding lasting peace in the Sudan, in particular support for the forthcoming talks to be convened by the United Nations and African Union special envoys on Darfur. Furthermore it would be mandated to encourage the efforts of the African Union, the United Nations in consultation with the Government of the Sudan to achieve without delay full agreement on and full implementation of the Addis Ababa Outcome that provided for a re-energized political process, a strengthened ceasefire and a three-phased approach to peacekeeping: the Light Support Package (phase I), the Heavy Support Package (phase II) and the Hybrid Operation (phase III). Lastly the mission would encourage all parties to fully implement the ceasefire agreement and underscore the need for full implementation by all parties of international obligations, in the political, security and humanitarian fields.

The terms of reference for the mission to Côte d'Ivoire would be, *inter alia*, to welcome the ownership of the peace process by the Ivorian parties in the framework of the Ouagadougou Agreement; to encourage the parties to implement fully and in good faith all the provisions of the Agreement and of the subsequent agreements, and to express the readiness of the Council to help them in this regard. Also, the mission would welcome the fact that Ivorian parties, as well as the Facilitator, stressed that continued United Nations assistance was essential to the peace process and determine with Ivorian parties, and in liaison with the Facilitator, the role of the United Nations in the follow-up of the peace process. Furthermore the mission would reaffirm the commitment of the Security Council to the credibility of the elections, recalling the necessity to implement in a credible manner the operations of disarmament of ex-combatants and militia, of identification of the population and registration of voters, as set out in the Ouagadougou Agreement, and calling upon the parties to ensure an environment favourable to the holding of free, open, fair and transparent elections, in particular by guaranteeing that the media remain neutral. The members of the Security Council would point out that the Council will examine the sanctions regime in order to contribute to the peace process; and encourage the Ivorian parties in implementing the Ouagadougou Agreement, to ensure the protection of vulnerable civilians.

The terms of reference for the mission to the Democratic Republic of the Congo would be, *inter alia*, to reaffirm the commitment of the Security Council to help the Congolese authorities to consolidate peace, democratic governance and the rule of law in the post-transitional period and to stress that the new mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) set out by resolution 1756 (2007), adopted on 15 May 2007, constitutes a significant contribution by the United Nations to this endeavour. Also, the mission would discuss with the Congolese authorities the ways and means of defusing current tensions and engaging in a plan for the long-term stabilization of the eastern part of the country, particularly in the Kivus and Ituri regions, and would call on the Congolese authorities to step up their efforts to put an end to impunity and to ensure effective protection of the population throughout the territory. Lastly, the mission, welcoming the signing in Nairobi on 15 December 2006 of the Security, Stability and Development Pact for the Great Lakes region would encourage the Government of the Democratic Republic of the Congo to ratify the Stability Pact and to fully resume diplomatic relations with all neighbours.

(iii) *Timor-Leste*

On 31 October 2007, in a letter addressed to the Secretary-General, the President of the Security Council informed the Secretary-General that the members of the Security Council had decided to send a mission to Timor-Leste from 24 to 30 November 2007.⁶³ The terms of reference for the mission would be, *inter alia*, to reaffirm the Security Council's commitment to the sovereignty, independence, territorial integrity and national unity of Timor-Leste and the promotion of long-term stability in the country. Also, the mission would reaffirm the commitment of the Security Council to assist the Timorese people to consolidate peace, democratic governance and the rule of law, in the post-electoral period in Timor-Leste, to support and encourage efforts to ensure accountability and justice and implementation of United Nations recommendations in that regard, and to stress that the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) set out in Security Council resolution 1745 (2007) constitutes a significant contribution by the United Nations to this endeavour. Lastly the mission would discuss and exchange views with the Timorese authorities on ways and means to assist the country in developing capacities necessary to build on security and democratic and other gains achieved thus far.

3. Disarmament and related matters⁶⁴

(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 the only body composed of all Member States of the United Nations for in-depth deliberation on relevant disarmament issues.

At its 2007 substantive session in New York, held from 9 to 27 April, the Commission began the second year of its three-year cycle considering two main agenda items: recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons, and practical confidence-building measures in the field of conventional weapons, as agreed upon the previous year.⁶⁵ The Commission was not able to significantly narrow the gap of discord to set the stage for a successful outcome the following year at its closing session of the three-year cycle. The two working groups were, however, encouraged by their respective chairs to continue consultations on proposed texts. At the final plenary meeting of UNDC on 27 April, the Commission adopted its final report to the General Assembly.⁶⁶

⁶³ See letter dated 11 June 2007 from the President of the Security Council addressed to the Secretary-General (S/2007/647).

⁶⁴ For detailed information, see *The United Nations Disarmament Yearbook*, vol. 32 (Part I): 2007 and vol. 32 (Part II): 2007 (United Nations publication, Sales No. E.08.IX.1).

⁶⁵ See Report of the Disarmament Commission 2005, *Official Records of the General Assembly, Sixtieth Session, Supplement No. 42 (A/60/42)*.

⁶⁶ *Ibid.*

(ii) *Conference on Disarmament*⁶⁷

The Conference on Disarmament held three sessions in 2007, respectively on 22 January to 30 March, 14 May to 29 June and 30 July to 14 September, during which two rounds of informal deliberations were held. Based on the outcome of two rounds of deliberations, the Conference tabled a presidential draft decision,⁶⁸ which included a mandate to negotiate an agreement banning the production of fissile material for nuclear weapons use and other explosive devices. It also provided for substantive discussions on other core issues, namely nuclear disarmament, negative security assurances and prevention of an arms race in outer space.⁶⁹ However, the Conference was unable to agree on a substantive programme of work. On 13 September, the Conference adopted its report on the 2007 session for consideration by the General Assembly.⁷⁰

(iii) *General Assembly*

On 5 December 2007 the General Assembly adopted, on the recommendation of the First Committee, two resolutions and one decision concerning the institutional make-up of the United Nations' efforts in the field of disarmament, particularly concerning the Disarmament Commission and the Conference on Disarmament, which are highlighted below.

In resolution 62/55, entitled "Report of the Conference of Disarmament", the Assembly requested all States to cooperate with the current and successive Presidents of the Conference to achieve an early commencement of substantive work in 2008.

In resolution 62/54, entitled "Report of the Disarmament Commission", the General Assembly recommended that the Commission consider at its 2008 substantive session recommendations for achieving the objectives of nuclear disarmament and non-proliferation of nuclear weapons, and practical confidence-building measures in the field of conventional weapons.

In decision 62/512, entitled "Review of the implementation of the Declaration on the Strengthening of International Security", the General Assembly decided to include in the provisional agenda of its sixty-fourth session the item entitled "Review of the implementation of the Declaration on the Strengthening of International Security".

⁶⁷ The Conference on Disarmament, established in 1979 as the single multilateral disarmament negotiating forum of the international community, was a result of the First Special Session on Disarmament of the United Nations General Assembly in 1978.

⁶⁸ CD/2007/L.1. See also CD/PV.1048.

⁶⁹ The three documents constituting the Presidential proposal, CD/2007/L.1, CD/2007/CRP.5 and CD/2007/CRP.6, are annexed to document CD/1828.

⁷⁰ CD/1831.

(b) Nuclear disarmament and non-proliferations issues

The Conference on Disarmament focused its discussions on the issue of nuclear disarmament. During two rounds of informal deliberations, the Conference did not reach a consensus on its programme of work and no progress was made on the substance.⁷¹

The first session of the Preparatory Committee for the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons was held from 30 April to 11 May 2007 in Vienna. The agenda, which would also guide remaining sessions of the Preparatory Committee in the review cycle until the Review Conference in 2010, was adopted on 8 May 2007. The Committee held a number of meetings, discussing substantive issues. The issues, consisting of three clusters and three specific blocs, included the implementation of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),⁷² relating to non-proliferation of nuclear weapons, disarmament and international peace and security; the implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguard and nuclear-weapon-free zones; the implementation of the provisions of the Treaty relating to the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with Articles I and II, nuclear disarmament and security assurances; regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution;⁷³ and other provisions of the Treaty, including Article X.

The Fifth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) was held from 17 to 18 September 2007 in Vienna. The Conference provided States with an opportunity to review the overall progress made during the past eleven years, with a particular focus on the time elapsed since the last Conference in September 2005. Since the fourth Conference, the Treaty had been ratified by 15 additional States with one new signature, bringing the total number to 140 ratifications and 177 signatures. The participants adopted a Final Declaration and Measures to promote the Entry into Force of CTBT⁷⁴ and reaffirmed the determination to end nuclear test explosions or any other nuclear explosions. The Declaration furthermore called upon States to continue their voluntary adherence to a nuclear-weapon-test moratorium and to refrain from acts contrary to the object and purpose of the Treaty prior to its entry into force.

In 2007, the focus of consultations and training by the International Atomic Energy Agency (IAEA) was the conclusion of such legal instruments as the comprehensive safeguard agreements pursuant to the NPT and the additional protocols thereto. Comprehensive safeguard agreements entered into force for one additional State bringing the total number of States with IAEA safeguard agreements to 163.⁷⁵ Additional Protocols to safeguard agreements entered into force for five States.

⁷¹ For more detailed information on the work of the Conference on Disarmament see section (a) above.

⁷² United Nations, *Treaty Series*, vol. 729, p. 161.

⁷³ NPT/CONF.1995/32 (Part I), annex.

⁷⁴ Adopted on 18 September 2007 and annexed to the Report of the Conference (CTBT—Art. XIV/2007/6).

⁷⁵ At the end of 2006, 30 non-nuclear-weapon States parties to the NPT had yet to bring IAEA agreements into force as required under article III of the Treaty.

The IAEA had, from December 2002 to June 2007, been unable to carry out verification activities in the Democratic People's Republic of Korea (DPRK). In February 2007, an agreement was reached with the DPRK at the Six-Party Talks, and IAEA inspectors were subsequently able to visit DPRK nuclear facilities in June 2007. Discussions concerning the shutdown of the Yongbyon reactor were initiated. By the end of the year the Agency verified the shutdown status of the Yongbyon nuclear facility and, with the cooperation of the DPRK, continued to implement the *ad hoc* monitoring and verification arrangement agreed upon in March of that year.

Four reports were submitted in 2007 by the IAEA Director General to the IAEA Board of Governors on the implementation of its NPT Safeguards Agreement with the Islamic Republic of Iran. According to these reports, IAEA had been provided with access to declared nuclear material and facilities, but had however not, since early 2006, received the type of information that Iran had previously been providing, pursuant to the Agreement and as a transparency measure.

On 21 August 2007, an agreement was reached, between Iran and IAEA, on a workplan entitled "Understanding of the Islamic Republic of Iran and IAEA on the Modalities of Resolution of the Outstanding Issues", aiming at the clarification of outstanding issues relevant to Iran's past nuclear activities. During the year, the Agency was able to conclude that answers provided by Iran, in accordance with the workplan, were either consistent or not inconsistent with its findings.

The Subscribing States⁷⁶ to the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)⁷⁷ held their Sixth Regular Conference in Vienna from 31 May to 1 June. Amongst the issues discussed by the Conference was the strengthening of confidence-building measures, such as the pre-launch notifications and annual declarations of ballistic missiles, space-launch vehicles and the importance of outreach activities to foster the universalization of HCOC, and thereby, increasing the number of Subscribing States.

(i) *General Assembly*

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, 18 resolutions and 2 decisions concerning nuclear weapons and non-proliferation concerns,⁷⁸ of which five are highlighted below.

In resolution 62/19, entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", the General Assembly recommended that further intensive efforts be devoted to the search for a common approach to include in an international, legally-binding instrument, and that the various alternative approaches, particular those discussed in the Conference on Disarmament, be further explored.

⁷⁶ By the end of 2007, the HCOC had 128 subscribing States.

⁷⁷ A/57/724.

⁷⁸ General Assembly resolutions 62/15, 62/16, 62/18, 62/19, 62/24, 62/25, 62/31, 62/32, 62/34, 62/35, 62/36, 62/37, 62/39, 62/42, 62/46, 62/51, 62/56 and 62/59 and decisions 62/513 and 62/514 of 5 December 2007.

In resolution 62/24, entitled “Follow-up to nuclear disarmament obligations agreed to at the 1995 and 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”, the General Assembly, *inter alia*, called for further efforts to be made by nuclear-weapon States to reduce their nuclear arsenals unilaterally; further reduction of non-strategic nuclear weapons; and a diminishing role for nuclear weapons in security policies.

In resolution 62/25, entitled “Towards a nuclear-weapons-free world: accelerating the implementation of nuclear disarmament commitments”, the Assembly welcomed the first session of the Preparatory Committee for the 2010 NPT Review Conference.⁷⁹ Also, the General Assembly urged DPRK to rescind its announced withdrawal from NPT.

In resolution 62/37, entitled “Renewed determination towards the total elimination of nuclear weapons”, the General Assembly recognized the importance of implementing Security Council resolution 1718 (2006) of 14 October 2006 with regard to the nuclear test proclaimed by DPRK, while welcoming the recent progress achieved by the Six-Party Talks. Furthermore, the Assembly encouraged States to continue to pursue efforts contributing to the reduction of nuclear-weapons related materials; and urged all States that have not yet done so to sign and ratify CTBT.

In resolution 62/59, entitled “Comprehensive Nuclear-Test-Ban Treaty”, the General Assembly urged all States to maintain their moratoriums on nuclear weapons test explosions or any other nuclear explosions, and to refrain from acts that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.

(ii) *Security Council*

On 24 March 2007, the Security Council adopted resolution 1747 (2007) and reaffirmed that Iran should without further delay take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14 of 4 February 2006, which were essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions, and, in this context, affirmed its decision that Iran should without further delay take the steps required in paragraph 2 of resolution 1737 (2006) of 23 December 2006.

Also, the Security Council expressed the conviction that the suspension set out in paragraph 2 of resolution 1737 (2006) as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors would contribute to a diplomatic, negotiated solution that guarantees Iran’s nuclear programme is for exclusively peaceful purposes, underlined the willingness of the international community to work positively for such a solution, encouraged Iran, in conforming to the above provisions, to re-engage with the international community and with IAEA, and stressed that such engagement would be beneficial to Iran.

Finally, the Council reiterated its determination to reinforce the authority of IAEA, strongly supported the role of the IAEA Board of Governors, commended and encouraged the Director General of IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all outstanding issues in Iran within the framework of IAEA,

⁷⁹ See section (b) above.

underlined the necessity of IAEA, which is internationally recognized as having authority for verifying compliance with safeguards agreements, including the non-diversion of nuclear material for non-peaceful purposes, in accordance with its Statute, to continue its work to clarify all outstanding issues relating to Iran's nuclear program.

(c) Biological and chemical weapons issues

Following the 2006 Sixth Review Conference, the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC)⁸⁰ began in 2007 a new cycle of annual meetings that will lead in 2011 to the Seventh Review Conference.

In accordance with the decision of the Review Conference,⁸¹ the 2007 Meeting of Experts was held in Geneva from 20 to 24 August and the Meeting of States Parties was held from 10 to 14 December. As decided by the Review Conference, States parties considered two main topics in 2007, which are the ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions and the regional and subregional cooperation on implementation of BWC.

The Meeting of Experts heard an interim report from the Chairman on activities to secure universal adherence to the Convention. It adopted its own Report by consensus.⁸² At their following meeting, the States Parties agreed they could, depending on their particular situation, take it into account when pursuing the goals established at the Meeting. Having recognised the importance of developing a coordinated and harmonised domestic mechanism to implement the obligations of BWC, the States Parties also agreed on the value of moving from adjacency to synergy. They noted that, where appropriate, the establishment of a central body or lead organisation and the creation of a national implementation plan may be useful.⁸³ Finally, they agreed on the value of promoting international cooperation at all levels, in order to exchange experiences and best practices on the implementation of the Convention.

Further, the Implementation Support Unit (ISU) of BWC was established on 20 August 2007. It presented its first report to the 2007 Meeting of States Parties. Following the Meeting, States parties were urged to inform ISU of their national measures or any updates or changes to them and of any relevant regional and subregional activities, in order to facilitate the sharing of information on national implementation and regional cooperation.

The year 2007 celebrated the tenth anniversary of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC).⁸⁴ The twelfth Session of the Conference of the States Parties to the Convention took place in Hague from 5 to 9 November. The Conference decided to proceed

⁸⁰ United Nations, *Treaty Series*, vol. 1015, p.163.

⁸¹ BWC/CONF.VI/6.

⁸² BWC/MSP/2007/MX/3.

⁸³ BCW/MSP/2007/5, para. 21.

⁸⁴ United Nations, *Treaty Series*, vol. 1974, p. 45.

with the Action Plan on the Universality of the Convention⁸⁵ and to review its implementation results at its Fourteenth Session. The Conference also reaffirmed the urgency for States parties to comply with Article VII of the Convention.

The United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) saw its mandate reviewed by the Security Council on 29 June 2007. Acting under Chapter VII of the Charter of the United Nations, the Council decided in its Resolution 1762 (2007) to terminate the mandate of UNMOVIC. Until then, the Commission pursued its activity. It published its compendium on Iraq's proscribed weapons of mass destruction programmes on 27 June, in compliance with the limits imposed on related confidential information.⁸⁶

General Assembly

During the sixty-second session of the General Assembly, a High-Level Meeting was held on 27 September, in cooperation with the Weapons of Mass Destruction Branch of UNODA. The accomplishments of CWC in the field of disarmament were then recognised by the Secretary-General. Also, a panel discussion was held during the First Committee debate in order to commemorate the 10th anniversary of CWC.

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, resolution 62/23 entitled "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction", in which all States parties to CWC were urged to meet in full and on time their obligations under the Convention. The Assembly also adopted on the same day resolution 62/60 entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction", in which the Assembly called upon States parties to BWC to participate in the implementation of the decisions reached at the Sixth Review Conference.

(d) Conventional weapons issues

Following the decisions⁸⁷ of the Third Review Conference of the States Parties to 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),⁸⁸ the 2007 session of the Group of Governmental Experts (GGE) took place at Geneva from 19 to 22 June.

The Meeting of the High Contracting Parties to CCW was held at Geneva from 7 to 13 November 2007. At the first plenary meeting, the Meeting adopted its agenda and confirmed the Rules of Procedure as adopted and used by the Third Review Conference.⁸⁹ The Chairperson of the Group of Governmental Experts of the High Contracting Parties to the

⁸⁵ Adopted at the 23rd Meeting of the Executive Council, on 24 October 2003.

⁸⁶ See <http://www.unmovic.org/> for the full compendium.

⁸⁷ CCW/CONF.III/11 (Part II), decisions 1 and 6, pp. 6–7.

⁸⁸ See United Nations, *Treaty Series*, vol. 1341, p. 137.

⁸⁹ CCW/CONF.III/11, Part III.

Convention reported on the work of GGE to the Meeting for its consideration.⁹⁰ The Meeting had before it, among others, the following documents: Position on Cluster Munitions,⁹¹ Observations on Implementing the Decisions on a Compliance Mechanism⁹² of CCW and Prospects for the Work of GGE on the problem of cluster munitions.⁹³

The Meeting stressed the importance of accomplishing universal adherence to and compliance with CCW and its annexed Protocols. It requested the Chairperson to consider reporting his endeavours in pursuing this goal of universality to the sixty-third session of the United Nations General Assembly.⁹⁴ The Meeting also adopted Reporting Forms⁹⁵ and recommended their use by States Parties for the submission of their national reports. It encouraged the submission of such reports on an annual basis.

Also, the First Conference of High Contracting Parties to Protocol V on Explosive Remnants of War to CCW was held on 5 November 2007 in Geneva.

(i) *General Assembly*

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, five resolutions relating to conventional weapons,⁹⁶ of which three are listed below.

In resolution 62/22 entitled “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them”, the General Assembly commended the United Nations and international, regional and other organizations for their assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them.

The General Assembly, in resolution 62/47, entitled “The illicit trade in small arms and light weapons in all its aspects”, called upon all States to implement an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,⁹⁷ through the provision of information to the Secretary-General.

Also, in resolution 62/57, entitled “Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects”, the General Assembly called upon all States that had not yet done so to become parties to CCW and the Protocols thereto, as amended, and express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character.

⁹⁰ CCW/MSP/2007/5, para. 24.

⁹¹ CCW/MSP/2007/3, as submitted by the UN Mine Action Team.

⁹² CCW/MSP/2007/WP.1, as submitted by the International Committee of the Red Cross.

⁹³ CCW/MSP/2007/WP.2, as submitted by the Russian Federation.

⁹⁴ CCW/MSP/2007/5, para. 29.

⁹⁵ CCW/MSP/2007/5, annex VI.

⁹⁶ General Assembly resolutions 62/22, 62/40, 62/41, 62/47 and 62/57.

⁹⁷ General Assembly resolution 62/47, A/60/88 and Corr.2, annex; see also decision 60/519.

(ii) *Security Council*

At the 5709th meeting of the Security Council, on 29 June 2007, the President of the Security Council made a statement in connection to the Council's consideration of the item entitled "Small arms".⁹⁸ On behalf of the Council, he requested the Secretary-General to submit to it a report on small arms on a biennial basis, starting in 2008. He also stressed the need to implement the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the international instrument to enable States to identify and trace, in a timely manner, illicit small arms and light weapons.

At the 5776th meeting of the Security Council, on 6 November 2007, the President of the Council made a statement in consideration of the item "The role of regional and subregional organizations in the maintenance of international peace and security" on behalf of the Council.⁹⁹ He addressed the issue of illicit trade in small arms and light weapons while stressing the role regional and subregional organizations could potentially play in order to enable States to identify and trace efficiently such arms and weapons.

(e) **Regional disarmament activities of the United Nations**

(i) *Africa*

The United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) provided throughout the year assistance to African States and regional and subregional organizations in their work on disarmament. Following a workshop organized by UNREC in collaboration with the Togolese government, a proposed national action plan related to the implementation of United Nations Security Council resolution 1325 (2000), adopted on 31 October 2000, was drafted and submitted to the government for its consideration.

In 2007, UNREC carried out the collection of data on small arms and light weapons and kept a regional database and register in accordance with the Small Arms Transparency and Control Regime in Africa project. Also, UNREC and the conventional arms branch of the United Nations Office for Disarmament Affairs (UNODA) organized a regional workshop in Nairobi, Kenya, from 10 to 11 December, on implementing the International Tracing Instrument. Finally, a regional workshop on the implementation of UNSCR 1540 was held by the Centre and the Branch concerned with weapons of mass destruction of UNODA, in Gaborone, Botswana, from 27 to 28 November.

Successfully terminating their work, States parties to the Consultative Mechanism for the reorganization of UNREC¹⁰⁰ adopted the Chairman's report.¹⁰¹ Following the recommendations it contained, the General Assembly adopted on 22 December 2007 its resolution 62/216 entitled "United Nations Regional Centre for Peace and Disarmament in Africa".

⁹⁸ S/PRST/2007/24.

⁹⁹ S/PRST/2007/42.

¹⁰⁰ Established following General Assembly resolution 60/86.

¹⁰¹ See the Secretary-General's report on UNREC of 26 July 2007, A/62/140.

(ii) *Latin America and the Caribbean*

The year 2007 celebrated the commemoration of the fortieth anniversary of the Treaty for the Prohibition of Nuclear Weapons in Latin America.¹⁰² Succeeding the Oslo Conference, a conference on the main elements and scope of a new treaty in connection with cluster munitions was held in Lima from 23 to 25 May.

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) celebrated in 2007 its twentieth anniversary. Throughout the year, UN-LiREC promoted adherence to international disarmament instruments, assisted in the revision of firearms legislation and provided technical assistance to capacity-building initiatives and weapons destruction events.

In cooperation with the Organization of American States, the United Nations Office on Drugs and Crime and the United Nations Development Programme, UN-LiREC developed the 2007 comparative analysis of firearms legislation. This instrument has been created to allow a better harmonization within the existing legislations on firearms and to enable the removal of outdated legislation. Also, the UN-LiREC legislation tool has been used by regional States in order to elaborate national implementation reports of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects¹⁰³ and the Inter-American Convention Against the Illicit Manufacturing and Trafficking of Firearms, Ammunition, Explosives and Related Materials.¹⁰⁴

(iii) *Asia-Pacific*

In 2007, the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (RCDP) held two meetings to enhance regional dialogue on disarmament and security-related matters in the region.

RCDP held in Sapporo, Japan, the Nineteenth United Nations Conference on Disarmament issues from 27 to 29 August. Among the discussed topics, there were the revitalization of NPT and regional security, Iran's nuclear programme, the effectiveness of Security Council sanctions and the threat of nuclear terrorism.

In cooperation with the Republic of Korea, RCDP convened the Sixth United Nations-ROK Joint Conference on disarmament and non-proliferation issues in Seoul, from 3 to 5 December. The Conference focused its work on the future of NPT, the international disarmament and non-proliferation machinery, threats posed by missile proliferation and regional efforts in disarmament and non-proliferation.

¹⁰² Treaty for the Prohibition of Nuclear Weapons in Latin America, United Nations, *Treaty Series*, vol. 634, p. 281.

¹⁰³ A/CONF.192/15.

¹⁰⁴ United Nations, *Treaty Series*, vol. 2029, p. 55.

(iv) *General Assembly*

On 5 December 2007, the General Assembly adopted 15 resolutions, on the recommendation of the First Committee, relating to the issue of regional disarmament,¹⁰⁵ of which one is highlighted below.

In resolution 62/44, entitled “Conventional arms control at the regional and sub-regional level”, the General Assembly requested the Conference on Disarmament to consider the formulation of principles that could serve as a framework for regional agreements on conventional arms control.

(f) **Other issues**(i) *Terrorism and disarmament*

A new online Counter-Terrorism Handbook was launched by the Secretary-General on 16 February 2007. This instrument was created to provide assistance to Member States to counter terrorism within the framework of the Global Counter-Terrorism Strategy. Also, the Counter-Terrorism Committee focused its work programme on three main areas from 1 January to 30 June 2007, which are monitoring and promoting the implementation of Security Council resolution 1373 (2001),¹⁰⁶ facilitating Technical Assistance to States in a two-fold and proactive way and maintaining dialogue with States on the implementation of Security Council 1624 (2005).¹⁰⁷

General Assembly

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, resolution 62/33 entitled “Measures to prevent terrorists from acquiring weapons of mass destruction”, in which it welcomed the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism¹⁰⁸ and called upon all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery.

(ii) *Outer space*

The Outer Space Treaty¹⁰⁹ celebrated the fortieth anniversary of its entry into force in 2007. The year was also marked by the fiftieth anniversary of the launch of Sputnik I, the first artificial satellite to orbit the Earth.

The 2007 Conference on Disarmament addressed the issue of the prevention of an arms race into outer space (PAROS). The improvement of transparency and confidence-

¹⁰⁵ General Assembly resolutions 62/14, 62/15, 62/16, 62/18, 62/31, 62/35, 62/38, 62/44, 62/45, 62/49, 62/50, 62/52, 62/53, 62/58 and 62/216 of 5 December 2007.

¹⁰⁶ Security Council resolution 1373 (2001) of 28 September 2001.

¹⁰⁷ Security Council resolution 1624 (2005) of 14 September 2005.

¹⁰⁸ General Assembly resolution 59/290 of 13 April 2005.

¹⁰⁹ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies. United Nations, *Treaty Series*, vol. 610, p. 205.

building measures and the negotiation of a new treaty to prevent placement of weapons in outer space have been discussed.¹¹⁰

Also, the First Committee of the General Assembly held a thematic debate on outer space. Different suggestions were presented, including proposals to enhance transparency and confidence-building measures, the creation of a Code of Conduct on space objects and activities and the establishment of a United Nations Coordination Committee to monitor outer space activities.

General Assembly

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, resolution 62/20 entitled “Prevention of an arms race in outer space”, in which it reiterated that the Conference on Disarmament has the primary role in the negotiation of a multilateral agreement on the prevention of an arms race in outer space in all its aspects. It also invited the Conference to establish an *ad hoc* committee as early as possible during its 2008 session, as outlined by the mandate contained in its decision of 13 February 1992.

On the same day, in resolution 62/43, entitled “Transparency and confidence-building measures in outer space activities” and adopted on the recommendation of the First Committee, the General Assembly took note of the report of the Secretary-General containing concrete proposals from Member States on international outer space transparency and confidence-building measures and invited all Member States to continue to submit such proposals.

(iii) *Relationship between disarmament and development*

General Assembly

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, resolution 62/27 entitled “Relationship between disarmament and development”, in which it urged the international community to devote part of its resources from the implementation of disarmament and arms limitation agreements to economic and social development, and also encouraged the international community to achieve the Millennium Development Goals.

(iv) *Multilateralism and disarmament*

General Assembly

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, resolution 62/27 entitled “Promotion of multilateralism in the area of disarmament and non-proliferation”, in which it urged the participation of all interested States in multilateral negotiations on arms regulation, non-proliferation and disarmament in a non-discriminatory and transparent manner. The General Assembly also requested the States parties to the relevant instruments on weapons of mass destruction to consult

¹¹⁰ For detailed information, see CD/1815, CD/1818 and CD/1829.

and cooperate among themselves in resolving their concerns with regard to cases of non-compliance as well as on implementation and to refrain from resorting or threatening to resort to unilateral actions or directing unverified non-compliance accusations against one another to resolve their concerns.

(v) *Environmental norms and disarmament agreements*

General Assembly

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, resolution 62/28 entitled “Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control”. In the said resolution, the Assembly reaffirmed that international disarmament forums should take fully into account the relevant environmental norms in negotiating treaties and agreements on disarmament and arms limitation. It further called upon States to contribute to ensuring the application of scientific and technological progress within the framework of international security, disarmament and other related spheres, without detriment to the environment or to sustainable development.

4. Legal aspects of peaceful uses of outer space

(a) Committee on the Peaceful Uses of Outer Space

The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its forty-sixth session in Vienna from 26 March to 5 April 2007.¹¹¹

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,¹¹² the Subcommittee took note of their status and also noted with satisfaction that an updated document providing information on the status of treaties and international agreements related to the outer space had been distributed by the Secretariat.¹¹³ The Subcommittee also reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space. At its 761st meeting, it endorsed the report of the Working Group, which contained, among others, recommendations with regard to adherence to the Convention on Registration of Objects Launched into Outer Space and to the harmonization of practices.¹¹⁴

¹¹¹ For the report of the Legal Subcommittee, see A/AC.105/891.

¹¹² 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).

¹¹³ See ST/SPACE/11/Rev.1/Add.1/Rev.1.

¹¹⁴ For the report of the Working Group, see A/AC.105/891, annex I.

Under the agenda item concerning information on the activities of international organizations relating to space law, the Subcommittee noted with satisfaction the Secretariat invited different international organizations to report to it on their activities relating to space law. For its forty-seventh session, it agreed such invitation should be extended.

Regarding the item relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit,¹¹⁵ the Subcommittee had before it, among other things, a note by the Secretariat entitled “Questionnaire on possible legal issues with regard to aerospace objects: replies from member States”¹¹⁶ and an analytical summary of the replies received.¹¹⁷ In accordance with the agreement reached at its thirty-ninth session, the Subcommittee reconvened the Working Group on this item to consider only matters relating to the definition and delimitation of outer space. It subsequently endorsed the report of the Working Group.¹¹⁸

In connection with the agenda item entitled “Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment”, the Legal Subcommittee received a report from the observer Unidroit on developments concerning the draft space assets protocol. The Subcommittee noted that the Protocol on Matters Specific to Railway Rolling Stock to the Convention had been adopted and opened for signature in Luxembourg on 23 February 2007. It also noted Unidroit was fully committed to the timely completion of work on the draft space assets protocol and that efforts were made to reconvene by the end of 2007 the Unidroit Committee of Governmental Expert. Finally, the Subcommittee agreed that the item should stay on the agenda for its forty-seventh session in 2008.

The Committee on the Peaceful Uses of Outer Space held its fiftieth session in Vienna from 6 to 15 June 2007. The Committee took note with appreciation of the Legal Subcommittee’s report and a number of views were expressed concerning the work of the Subcommittee.¹¹⁹

(b) General Assembly

On 5 December 2007, the General Assembly adopted, on the recommendation of the First Committee, two resolutions relating to the legal uses of outer space, resolution 62/20 entitled “Prevention of an arms race in outer space,” and resolution 62/43 entitled “Transparency and confidence-building measures in outer space activities”.

Furthermore, on the same day, on the recommendation of the Fourth Committee, the Assembly adopted resolution 62/101 entitled “Recommendations on enhancing the practice of States and international intergovernmental organizations in registering space

¹¹⁵ 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”.

¹¹⁶ A/AC.105/635 and Add.1–15, Add.7/Corr.1 and Add.11/Corr.1.

¹¹⁷ A/AC.105/C.2/L.249 and Corr.1 and Add.1 and 2.

¹¹⁸ A/AC.105/891, annex II.

¹¹⁹ For the report of the Committee on the Peaceful Uses of Outer Space, see *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20)*.

objects” and resolution 62/217 entitled “International cooperation in the peaceful uses of outer space”. In the former resolution, the Assembly took note of the report of the Legal Subcommittee on its forty-sixth session. It also made recommendations with regard to adherence to the Registration Convention,¹²⁰ to the harmonization of practices and in order to achieve the most complete registration of space objects.

5. Human Rights¹²¹

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

(i) *Human Rights Council*

The Human Rights Council was established in 2006 to replace the Commission on Human Rights.¹²² The Council meets as a quasi-standing body in three annual regular sessions and additional special sessions as needed. Reporting to the General Assembly, its agenda and programme of work provide the opportunity to discuss all thematic human rights issues and situations that require the attention of the Assembly. Furthermore, the Council’s mandate includes the review on a periodic basis of the fulfilment of the human rights obligations of all countries, including the members of the Council, over a cycle of four years through the newly-established universal periodic review.¹²³ The Council also decided to assume the thirty-eight country and thematic special procedures existing under the Commission on Human Rights while reviewing the mandate and criteria for the establishment of these special procedures.¹²⁴ Moreover, based on the previous “1503 procedure”,

¹²⁰ Convention on Registration of Objects Launched into Outer Space, 1975. United Nations, *Treaty Series*, vol. 1023, p. 15.

¹²¹ 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, in particular activities of Special Rapporteurs and selected resolutions on specific human rights issues. Other legal developments in human rights may be found under the section in the present chapter entitled “Peace and security”. The present section does not cover resolutions addressing human rights issues arising in particular States, nor does it cover in detail the legal activities of the treaty bodies (namely, the Human Rights Committee, 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, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Committee on the Rights of Persons with Disabilities). Detailed information and documents relating to human rights are available on the website of the Office of the United Nations High Commissioner for Human Rights at <http://www.ohchr.org>. For a complete list of signatories and States parties to international instruments relating to human rights that are deposited with the Secretary-General, see chapter IV of *Multilateral Treaties Deposited with the Secretary-General*, available on the website <http://treaties.un.org/Pages/ParticipationStatus.aspx>.

¹²² General Assembly resolution 60/251 of 15 March 2006. For further details on its establishment, see the *United Nations Juridical Yearbook* for 2006, chapter III, section 6.

¹²³ The 1st session of review cycle 2008–2011 is 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 homepage of the Human Rights Council, www.ohchr.org/EN/HRBodies/UPRmain.aspx.

¹²⁴ See Human Rights Council decision 1/102 of 30 June 2006.

the new confidential complaint procedure of the Council allows individuals and organizations to continue to bring complaints revealing a consistent pattern of gross and reliably attested violations of human rights to the attention of the Council.¹²⁵

In 2007, the Human Rights Council held three regular sessions and one special session dedicated to the human rights situation in Myanmar.¹²⁶

(ii) *Human Rights Council Advisory Committee*

The Human Rights Council Advisory Committee was established pursuant to General Assembly resolution 60/251, adopted on 15 March 2006, to replace the Sub-Commission for the Promotion and Protection of Human Rights as the main subsidiary body of the Human Rights Council. Pursuant to Human Rights Council resolution 5/1 of 18 June 2007, the Human Rights Council Advisory Committee, composed of 18 experts, was established to function as a think-tank for the Council, to work under its direction and to provide expertise in the manner and form requested by the Council, focusing mainly on studies and research-based advice, suggestions for further enhancing its procedural efficiency, as well as further research proposals within the scope of the work set out by the Council. The Advisory Committee is to convene for up to two sessions per year in Geneva, for a maximum of 10 working days. No session was held during 2007.

(iii) *Human Rights Committee*

The Human Rights Committee was established under the International Covenant on Civil and Political Rights of 1966,¹²⁷ to monitor the implementation by its State parties of the Covenant and its Optional Protocols. In 2007, the Committee held its eighty-ninth session from 12 to 30 March in New York, and its ninetieth and ninety-first sessions from 9 to 27 July and from 15 October to 2 November, respectively, in Geneva.¹²⁸

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

The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council¹²⁹ to monitor the implementation of the International Covenant

¹²⁵ More detailed information on the mandate, work and methods of the Human Rights Council is available online at <http://www2.ohchr.org/english/bodies/hrcouncil>.

¹²⁶ See Report of the Human Rights Council, Fourth session (12 to 30 March 2007), and Fifth session (11 to 18 June 2007), *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53 (A/62/53)*, and Report of the Human Rights Council, Sixth session (first part: 10 to 28 September 2007, resumed session: 10 to 14 December 2007), and Fifth special session, *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*.

¹²⁷ United Nations, *Treaty Series*, vol. 999, p. 171.

¹²⁸ The reports of the eighty-ninth and ninetieth sessions can be found in *Official Records of the General Assembly, Sixty-second Session, Supplement No. 40 (A/62/40)* and the report of the ninety-first session can be found in *Official Records of the General Assembly, Sixty-third Session, Supplement No. 40 (A/63/40)*.

¹²⁹ Economic and Social Council resolution 1985/17 of 28 May 1985.

on Economic, Social and Cultural Rights of 1966¹³⁰ by its States parties. In 2007, the Committee held its thirty-eighth and thirty-ninth sessions from 30 April to 18 May and from 5 to 23 November respectively, in Geneva.¹³¹

(v) *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 of 1966,¹³² to monitor the implementation of the Convention by its States parties. In 2007, the Committee held its seventieth and seventy-first sessions from 19 February to 9 March and from 30 July to 17 August in Geneva.¹³³

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

The Committee on the Elimination of Discrimination against Women was established under the Convention on the Elimination of All Forms of Discrimination against Women of 1979,¹³⁴ to monitor the implementation of the Convention by its States parties. In 2007, the Committee held in New York its thirty-seventh session from 15 January to 2 February, its thirty-eighth session from 14 May to 1 June and its thirty-ninth session from 23 July to 10 August.¹³⁵

(vii) *Committee against Torture*

The Committee against Torture was established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,¹³⁶ to monitor the implementation of the Convention by its States parties. In 2007, the Committee held its thirty-eighth and thirty-ninth sessions from 30 April to 18 May and from 5 to 23 November, respectively, in Geneva.¹³⁷ The Subcommittee on Prevention of Torture established in October 2006 under the Optional Protocol to the Convention against Tor-

¹³⁰ United Nations, *Treaty Series*, vol. 993, p. 3.

¹³¹ The reports of the sessions can be found in *Official Records of the Economic and Social Council, 2008, Supplement No. 2 (E/2008/22- E/C.12/2007/3)*.

¹³² United Nations, *Treaty Series*, vol. 660, p. 195.

¹³³ The respective reports can be found in *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18 (A/62/18)*.

¹³⁴ United Nations, *Treaty Series*, vol. 1249, p. 13.

¹³⁵ The respective reports can be found in *Official Records of the General Assembly, Sixty-second Session, Supplement No. 38 (A/62/38)*.

¹³⁶ United Nations, *Treaty Series*, vol. 1465, p. 85.

¹³⁷ The respective reports can be found in *Official Records of the General Assembly, Sixty-first Session, Supplement No. 44 (A/61/44)* and *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44)*.

ture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹³⁸ met for the first time in Geneva on 19 February 2007.

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

The Committee on the Rights of the Child was established under the Convention on the Rights of the Child of 1989,¹³⁹ to monitor the implementation of this Convention by its States parties. In 2007, the Committee held its forty-fourth, forty-fifth, and forty-sixth sessions in Geneva, from 15 January to 2 February, from 21 May to 8 June, and from 17 September to 5 October, respectively.¹⁴⁰ The Committee on the Rights of the Child adopted during its forty-fourth session, General Comment No. 10, on the children's rights in Juvenile Justice, in which the Committee specified the interpretation of relevant provisions of the Convention of the Right of the Child.¹⁴¹

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

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was established under the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990,¹⁴² to monitor the implementation of the Convention by its States parties in their territories. In 2007, the Committee held its sixth and seventh sessions from 23 to 27 April and from 26 to 30 November, respectively, in Geneva.¹⁴³

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

On 30 March 2007, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, which had been adopted on 13 December 2006 at the United Nations Headquarters in New York, was opened for signature. The Convention was signed by 82 States and ratified by one State, and the Optional Protocol was signed by 44 States, making it the highest number of signatories in history to a United Nations Convention on its opening day. The Committee on the Rights of Persons with Disabilities is the body of independent experts established under the Convention, which has the mandate to monitor

¹³⁸ The Optional Protocol was adopted in General Assembly resolution 57/199 on 18 December 2002. For further information on the mandate of the Subcommittee, see the *United Nations Juridical Yearbook* for 2006, chapter III, section 6.

¹³⁹ United Nations, *Treaty Series*, vol. 1577, p. 3.

¹⁴⁰ The reports can be found respectively in documents CRC/C/44/3, CRC/C/45/3 and CRC/C/46/3.

¹⁴¹ For more detail on General Comment No. 10 refer to the section on the rights of the child, chapter 6. (h) (i) Rights of the Child. 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>).

¹⁴² General Assembly resolution 45/158 of 18 December 1990.

¹⁴³ The reports can be found in Official Records of the General Assembly, Sixty-second Session, Supplement No. 48 (A/62/48) and *ibid.*, Sixty-third Session, Supplement No. 48 (A/63/48).

its implementation by the States Parties, once the Convention has entered into force. The Committee shall meet in Geneva and normally hold two sessions per year.

Under the Convention, all States parties have the obligation to submit regular reports to the Committee on how they implement the rights contained therein, initially within two years of accepting the Convention, and thereafter every four years. The Committee is to examine each report and make such suggestions and general recommendations on the report, as it considers appropriate, and forward them to the State party concerned.

Furthermore, under the Optional Protocol to the Convention, the Committee has competence to examine individual complaints relating to alleged violations of the Convention by States parties to the Protocol.

(b) Racism, racial discrimination, xenophobia and all forms of discrimination

(i) Human Rights Council

During 2007, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, submitted his annual report to the Human Rights Council,¹⁴⁴ which included an updated study on the issue of political platforms which promote or incite racial discrimination,¹⁴⁵ and a report on the manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights.¹⁴⁶

In his annual report, among other things, the Special Rapporteur recommended that the Human Rights Council remind member States of the link between efforts to combat racism, racial discrimination and xenophobia and the construction of democratic, interactive and egalitarian multiculturalism. In a similar vein, he invited the Human Rights Council to draw the attention of member States to the historical and cultural depth of racism and recalled that efforts to combat racism must involve economic, social and political measures and relate to the question of identity, namely the dialectic between respect for the cultural and religious identities of minority groups and communities and the promotion of cross-fertilization and interaction between all national communities. To this end, the Special Rapporteur recommended that the Council draw the attention of member States to the importance of developing an intellectual front against racism and, consequently, of combating, through education and information, ideas and concepts likely to incite or legitimize racism, racial discrimination or xenophobia, in particular via the Internet.

(ii) General Assembly

On 18 December 2007, the General Assembly adopted resolution 62/142 on the “Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, and on 22 December 2007, it adopted resolution 62/220 entitled “Global efforts for the total elimination of racism, racial

¹⁴⁴ A/HRC/4/19.

¹⁴⁵ A/HRC/5/10.

¹⁴⁶ A/HRC/6/6.

discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”.

In the former resolution, the Assembly, after taking into account the report of the Special Rapporteur,¹⁴⁷ reaffirmed the condemnation of the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances. It also expressed deep concern about the glorification of the Nazi movement, as well as about recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War. Furthermore, the Assembly stressed that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups.

In the latter resolution, the Assembly, *inter alia*, expressed deep concern at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urged States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting the victims. Furthermore, the Assembly reaffirmed that universal adherence to, and full implementation of, the International Convention on the Elimination of All Forms of Racial Discrimination¹⁴⁸ were of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world.

(c) Right to development and poverty reduction

(i) *Human Rights Council*

In 2007, Mr. Arjun Sengupta, the Independent Expert on the question of human rights and extreme poverty, submitted his third report to the Human Rights Council,¹⁴⁹ in which he further explored the link between human rights and extreme poverty and the value added of viewing extreme poverty in terms of violation or denial of human rights.

Still in 2007, the Working Group on the right to development also submitted its report on its eighth session to the Council.¹⁵⁰ In the said report, the Working Group recognized that the right-to-development criteria would benefit from further review of their structure, coverage of aspects of international cooperation identified under the Eight Millennium Development Goals and of the methodology for their application. The current objective of such elaboration should be to enhance the criteria as a practical tool for evaluating global development partnerships from the perspective of the right to development, including by actors in the relevant partnerships themselves.

¹⁴⁷ A/63/306.

¹⁴⁸ United Nations, *Treaty Series*, vol. 660, p. 195.

¹⁴⁹ A/HRC/5/3.

¹⁵⁰ A/HRC/4/47.

(ii) *General Assembly*

The General Assembly adopted on 18 December 2007 resolution 62/151 entitled “Globalization and its impact on the full enjoyment of all human rights”, in which it underlined the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting. Moreover, the Assembly affirmed that globalization was a complex process of structural transformation, with numerous interdisciplinary aspects, which had an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development and also that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all.

In its resolution 62/161 on “The right to development”, which was adopted on the same day, the General Assembly, *inter alia*, stressed that the primary responsibility for the promotion and protection of all human rights lies with the State, reaffirmed that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies could not be overemphasized. It also reaffirmed the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end, and recognized the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility.

(d) **Right of peoples to self-determination**(i) *Universal realization of the right of peoples to self-determination***General Assembly**

On 18 December 2007, the General Assembly adopted the resolution 62/144 on the “Universal realization of the right of peoples to self-determination”, in which it reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights. It also declared its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world.

(ii) *Mercenaries***a. Human Rights Council**

The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination submitted its report to the Human Rights Council,¹⁵¹ in which it recommended that States regulate the structure and transnational nature of the private military and private security companies (PMSC)

¹⁵¹ A/HRC/4/42.

industry and its global reach, as well as the exponential growth of the numbers and activities of PMSCs in different regions. Therefore, it recommended thresholds of permissible activities, enhanced regulation and oversight of PMSCs at the national level, including the establishment of regulatory systems of registration and licensing of PMSCs and individuals working for them. Such regulation should include defining minimum requirements for transparency and accountability of firms, screening and vetting of personnel, and establish a monitoring system including parliamentary oversight. States should impose a specific ban on PMSCs intervening in internal or international armed conflicts or actions aiming at destabilizing constitutional regimes. The Working Group further recommended human rights components in education and training programmes to be offered to the staff of PMSCs, including on international humanitarian law, international human rights law, and United Nations standards on the use of force.

b. General Assembly

On 18 December 2007, the General Assembly adopted resolution 62/145 entitled “Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”. The Assembly, after having taken note of the report¹⁵² of the Working Group on the use of mercenaries and the recommendations therein, encouraged States that import the military assistance, consultancy and security services provided by private companies, to establish regulatory national mechanisms for the registering and licensing of those companies, in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country. The Assembly also called upon States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition. Furthermore, it condemned any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urged all States, in accordance with their obligations under international law, to bring them, without distinction, to justice.

(e) Economic, social and cultural rights

(i) *Right to food*

a. Human Rights Council

The Special Rapporteur on the right to food, Mr. Jean Ziegler, submitted his report¹⁵³ to the Council, in which he expressed his grave concern for the rise of hunger around the world despite commitments made to improve the situation, and focused especially on the children and their human right to food. In this context, the Rapporteur recommended among other things, that governments adopt an adequate legal framework to ensure the right to food for all, including and in particular for the most vulnerable. This framework should include a clear definition of the right to food and the obligations of the government to respect, protect and fulfil this right, without discrimination, as well as provisions for

¹⁵² A/62/301.

¹⁵³ A/HRC/4/30.

strong, independent and adequately financed monitoring mechanisms. He also suggested that school meal programmes should be universalized and should ensure adequate nutrition for all children, and that governments should recognize that refugees from hunger have the right to seek asylum and the right to temporary refuge during famine episodes.

b. General Assembly

The Special Rapporteur on the right to food submitted his seventh report¹⁵⁴ to the General Assembly, where he focused on the possible negative impact of biofuels on the right to food, as and the risk of creating a battle between food and fuel that would leave the poor and hungry in developing countries at the mercy of rapidly rising prices for food, land and water. Therefore, the Special Rapporteur strongly recommended that instead of using food crops, biofuels should be made exclusively from non-food plants and agricultural wastes.

The Assembly adopted resolution 62/164, dated 18 December 2007 and entitled “The right to food”, in which, among other things, it stressed the importance of international development cooperation and assistance for the realization of the right to food and the achievement of sustainable food security, in particular in activities related to disaster risk reduction and in emergency situations such as natural and man-made disasters, diseases and pests. The Assembly also called upon Member States, the United Nations system and other relevant stakeholders, to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, and expressed its deep concern that funding shortfalls were forcing the World Food Programme to cut operations across different regions, including in Southern Africa. Furthermore, it invited all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food.

(ii) *Right to education*

Human Rights Council

In 2007, Mr. Vernor Muñoz Villalobos, the Special Rapporteur on the right to education decided to focus in his annual report to the Human Rights Council,¹⁵⁵ on the right of persons with disabilities to inclusive education. The Special Rapporteur observed that the paradigm of inclusive education was a response to the limitations of traditional education, described as patriarchal, utilitarian and segregational, as well as to the shortcomings of special education and policies to integrate learners with special needs into mainstream educational systems. In his report, he recommended a series of legislative, policy and financial measures that need to be adopted in order to give effect to this right and he also identified some of the obstacles that prevent the fulfilment of the right to inclusive education.

¹⁵⁴ A/62/289.

¹⁵⁵ A/HRC/4/29.

The Human Rights Council adopted resolution 6/10 on 28 September 2007, entitled “United Nations declaration on human rights education and trainings”, in which the Council requested the Human Rights Council Advisory Committee to prepare a draft declaration on human rights education and training, to be presented for its consideration by the Council.

- (iii) *Right to adequate standard of living, including adequate housing and to be free of adverse effects of toxic waste*

Human Rights Council

In his 2007 report to the Human Rights Council,¹⁵⁶ Mr. Miloon Kothari, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, aimed at providing practical and operational tools to promote, monitor and implement the human right to adequate housing, as well as identifying a normative gap—the non-recognition in international human rights law of the human right to land. He therefore suggested to States to recognize the right to land as a human right and strengthen its protection in international human rights law, as such recognition would promote the right to adequate housing, including protection against forced evictions. Furthermore, he urged States to give priority to agrarian reform, to land and wealth redistribution and also urged them to enact and implement legislation to check forced evictions and segregation, growth of the land mafia and cartels, as well as uncontrolled property speculation.

On 14 December 2007, the Human Rights Council adopted resolution 6/27 on the “Adequate housing as a component of the right to an adequate standard of living”, based on some of the recommendations presented by the Special Rapporteur.

Still the same year, 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, presented his report to the Human Rights Council,¹⁵⁷ in which he dealt with the adverse effect on the enjoyment of human rights of the voluntary or incidental release of toxic and dangerous products in contemporary armed conflicts. Therefore, the Rapporteur recommended that parties to armed conflicts respect international humanitarian law, notably by taking into account the potential consequences of the release of toxic and dangerous products on the life and health of the civilian population and on the environment, and be fully aware of their responsibility in this regard when evaluating the lawfulness of an attack.

- (iv) *Right to health*

a. Human Rights Council

Mr. Paul Hunt, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, submitted his report to the Council,¹⁵⁸

¹⁵⁶ A/HRC/4/18.

¹⁵⁷ A/HRC/5/5.

¹⁵⁸ A/HRC/4/28.

in which he chose to focus on the progress made in the health and human rights movement to integrate human rights into health policies at the national and international levels.

b. General Assembly

In 2007, the Special Rapporteur also presented a report to the General Assembly,¹⁵⁹ in which he concluded that the right to the highest attainable standard of health not only encompassed medical care but also underlying determinants of health, such as safe water, adequate sanitation, healthy occupational and environmental conditions, and freedom from discrimination. He also observed that too often, a disproportionate amount of attention was devoted to medical care at the expense of the underlying determinants of health.

(v) *Cultural rights*

Human Rights Council

On 27 September 2007, the Human Rights Council adopted resolution 6/1 entitled “Protection of cultural rights and property in situation of armed conflicts”, in which it emphasized that each party to an armed conflict is committed under international law to take all necessary steps to protect cultural property through safeguarding of and respect for such property, including cultural property situated in occupied territories.

Further, on 28 September 2007, the Council adopted resolution 6/11 on the “Protection of cultural heritage as an important component for the promotion and protection of cultural rights”. In the said resolution, the Council recognized that intentional destruction of cultural heritage may constitute advocacy and incitement to national, racial or religious hatred and thereby violate fundamental principles of international human rights law, and further underlined that States bear responsibility for intentional destruction or failure to take appropriate measures to prohibit, prevent, stop and punish any such destruction of cultural heritage of great importance for humanity, to the extent provided for by international law.

(f) Civil and political rights

(i) *Torture*

a. Human Rights Council

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, submitted his report to the Human Rights Council.¹⁶⁰ In his report, the Rapporteur called on States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁶¹ to make use of their rights and obligations under the Convention to exercise universal jurisdiction. Further, he proposed that consideration be given to devising mechanisms to hold accountable those States in which torture is systematic or widespread, for example by requiring that those States contribute adequate funds to the United Nations Voluntary Fund for Victims of Torture. In addition,

¹⁵⁹ A/62/214.

¹⁶⁰ A/HRC/4/33.

¹⁶¹ United Nations, *Treaty Series*, vol. 1465, p. 85.

he suggested that the respective costs for treatment of torture victims should ideally be borne by the individual perpetrators, their superiors and the authorities directly responsible. He observed that if States provided effective remedies ensuring that the individual perpetrators would be held accountable to pay all the costs of long-term rehabilitation for torture victims, this may have a stronger deterrent effect than criminal punishments.

b. General Assembly

The Special Rapporteur also submitted a report to the General Assembly,¹⁶² in which he drew the attention of the Assembly to his observations relating to the role of forensic expertise in combating impunity. He noted that notwithstanding binding obligations to fight impunity under the Convention against Torture, authorities were often reluctant to carry out criminal investigations and prosecutions into torture allegations, with the result that impunity was allowed to continue unchecked. A major obstacle was the lack of independent, thorough and comprehensive investigations, including effective documentation of the evidence of torture. Thus, he viewed forensic science as indispensable to correlate medical findings with a victim's allegations.

On 18 December 2007, the General Assembly adopted its resolution 62/148, entitled "Torture and other cruel, inhuman or degrading treatment or punishment", in which it condemned all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified. Further, it called upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and stressed that all allegations of torture or other cruel, inhuman or degrading treatment or punishment must be promptly and impartially examined by the competent national authority. He added that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible, brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act was found to have been committed. Furthermore, the Rapporteur encouraged all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment, have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty.

(ii) *Enforced disappearances*

Human Rights Council

The Working Group on Enforced or Involuntary Disappearances submitted its 2007 report to the Human Rights Council.¹⁶³ In March 2007, the Working Group adopted a general comment to provide a construction of the definition of enforced disappearance, in which it is specified that according to the Declaration on the Protection of All Persons from Enforced Disappearance,¹⁶⁴ such disappearances occur when persons are arrested, detained or abduct-

¹⁶² A/62/218.

¹⁶³ A/HRC/7/2.

¹⁶⁴ General Assembly resolution 47/133 of 18 December 1992.

ed against their will, or otherwise deprived of their liberty by officials of different branches of government, or by organized groups (e.g. paramilitary groups) or private individuals acting on behalf of, or with the support, consent or acquiescence of the government, followed by a refusal to disclose the fate or whereabouts of the persons concerned, or a refusal to acknowledge the deprivation of their liberty, placing such persons outside the protection of the law.

(iii) *Freedom of opinion and expression*

Human Rights Council

Mr. Ambeyi Ligabo, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression presented his fifth general report,¹⁶⁵ in which, among other things, he recommended that all States guarantee freedom of opinion and expression on the Internet by extending to websites contributors and bloggers the same legal protection as media professionals and that Internet providers and websites registration with national authorities should not be subject to any specific requirement other than necessary legislative provisions protecting against child pornography. Further, the Special Rapporteur recommended to governments to decriminalize defamation and similar offences, which should only be dealt with under civil law. He also urged States to release immediately and unconditionally all journalists detained because of their media-related activities and emphasized that under no circumstances should criticism of the nation, its symbols, the government, its members or their actions be seen as an offence.

(iv) *Freedom of religion or belief*

a. Human Rights Council

The Special Rapporteur on the freedom of religion or belief, Ms. Asma Jahangir, submitted her annual report to the Human Rights Council on the activities she undertook in 2007.¹⁶⁶ In her report, she highlighted worrying situations where the freedom to adopt, change or renounce a religion or belief has been infringed, for example when State agents try to convert, reconvert or prevent the conversion of persons. Furthermore, the Special Rapporteur also stressed that since believers are in a situation of special vulnerability whenever they find themselves in places of worship, States should pay increased attention to attacks on such places and ensure that all perpetrators of this kind of attacks are properly prosecuted and tried.

On 30 March 2007, the Human Rights Council adopted resolution 4/9 entitled “Combating defamations of religions”, in which it expressed concern at negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief.

Further, on 14 December 2007, the Council adopted resolution 6/37 entitled “Elimination of all forms of intolerance and of discrimination based on religion or belief”.

¹⁶⁵ A/HRC/4/27.

¹⁶⁶ A/HRC/6/5.

b. General Assembly

The Special Rapporteur on the freedom of religion or belief also presented an interim report to the General Assembly at its sixty-second session,¹⁶⁷ in which she discussed two substantive issues that arose from some communications received. Firstly, the situation of refugees, asylum-seekers and internally displaced persons showed that these individuals are in a situation of vulnerability that may also have a link to their freedom of religion or belief. Secondly, atheists and non-theists made the Special Rapporteur aware of their concerns relating to blasphemy laws, education issues, equality legislation, as well as official consultations only held with religious representatives. Therefore, the Special Rapporteur reiterated that the right to freedom of religion or belief applied equally to atheistic and non-theistic, as well as atheistic beliefs, and that the right not to profess any religion or belief was also protected.

During its sixty-second session the General Assembly adopted two resolutions relating to this matter, both on 18 December 2007. In resolution 62/154 on “Combating defamation of religions”, the Assembly emphasized that everyone has the right to hold opinions without interference and the right to freedom of expression, and that the exercise of these rights carried with it special duties and responsibilities and may therefore be subject to limitations, as provided for by law, which are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religions and beliefs. It also urged States to take action to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as well as to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions, and to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators respect people regardless of their different religions and beliefs in the course of their official duties.

In resolution 62/157, entitled “Elimination of all forms of intolerance and of discrimination based on religion or belief”, the General Assembly, *inter alia*, urged States to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, including the right to change one’s religion or belief and that no one is deprived of the right to life, liberty or security of person, or subjected to torture, arbitrary arrest or detention because of religion or belief, and ensure to bring to justice all perpetrators of violations of these rights. It also urged States to ensure the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes, as well as the right of all persons to write, issue and disseminate relevant publications in these areas, and the right to establish and maintain religious, charitable or humanitarian institutions.

¹⁶⁷ A/62/280.

(v) *Administration of justice, arbitrary detention and extrajudicial, summary and arbitrary execution*

a. **Human Rights Council**

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, submitted his annual report to the Human Rights Council.¹⁶⁸ In the said report, Mr. Alston reaffirmed his mandate as Special Rapporteur over scrutinizing alleged violations of both human rights and humanitarian law, even if committed in the context of an armed conflict. He also focused on the notion of “the most serious crimes” for which only, under international law, the death penalty may be applied. In this regard, he concluded that this standard should not be interpreted subjectively by each individual country and that the death penalty therefore only could be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life. Moreover, he also considered the issue of mandatory death penalty for certain crimes, and concluded that it was illegal under international human rights law.

The Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, presented his report to the Human Rights Council,¹⁶⁹ in which he recommended that as far as the administration of justice was concerned, it was imperative that legislation relating to states of emergency should prevent in all cases, measures that invalidate the provisions of the Constitution, basic law and legislation, relating to the appointment, mandate and privileges and immunities of members of the judiciary, their independence and impartiality. Any measures limiting the jurisdiction of the courts to consider whether the declaration of a state of emergency is compatible with the laws, Constitution and obligations under international law, and to consider whether any measure adopted by a public authority is compatible with the declaration of the state of emergency or to try criminal cases, including offences relating to the state of emergency, should be also prevented.

b. **General Assembly**

The Special Rapporteur on extrajudicial, summary or arbitrary executions presented a report to the General Assembly,¹⁷⁰ which coincided with the twenty-fifth anniversary of the creation of the mandate on extrajudicial, summary or arbitrary executions. The Special Rapporteur therefore decided to reflect on the functioning of the mandate during this period, and in this context, drew attention to some of the factors which have hindered the effectiveness of the techniques used by the special procedures mandate holders. He recommended to the Human Rights Council and the General Assembly to take steps to complement their recent efforts to “reform” the system with the view to actually strengthen the ability of the special procedures system to prevent and respond to serious violations of human rights, especially to address the problem of States’ non-cooperation in response to requests by special procedures mandate holders for visits.

¹⁶⁸ A/HRC/4/20.

¹⁶⁹ A/HRC/4/25.

¹⁷⁰ A/62/265.

In 2007, the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, submitted his third report to the General Assembly.¹⁷¹ In his report, the Special Rapporteur offered a general panorama of the situations and circumstances that have the most impact on the independence of the judiciary, from the operational to the structural. He observed, for example, that in the majority of countries, judicial actors are unable to discharge their functions independently when their own and their families' protection and safety are jeopardized. He also drew the attention of the General Assembly to the repeated violations of the right to a fair trial and other human rights, which may occur during states of emergency. Finally, in view of the importance of the administration of justice for the rule of law and the democratic system, he stressed that the United Nations should, in its support and technical cooperation activities, promote the theme of justice, especially with respect to countries which are in transition or are recovering from an armed conflict having seriously impacted the nation building.

On 18 December 2007, the General Assembly adopted resolution 62/158 entitled "Human rights in the administration of justice", in which it invited States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice. It also invited governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote particular attention to the issue of women in prison, including the children of women in prison, with the view to identifying and addressing the gender-specific aspects and challenges related to this problem.

(vi) *Integration of human rights of women and gender perspective*

a. **Human Rights Council**

The Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk, presented her first annual thematic report to the Human Rights Council,¹⁷² in which she focused on the question of the intersections between culture and violence against women, and the fact that identity politics and cultural relativist paradigms are increasingly employed to constrain the rights of women. In this context, the Rapporteur suggested a viable strategy in addressing the issue of culture and violence against women, which should include the problematization of culture as historically constructed and representing diverse subject positions and interests, the application of a political-economy perspective to understanding cultural practices and the approach all forms of violence against women as a continuum and intersectional with other forms of inequality.

¹⁷¹ A/62/207.

¹⁷² A/HRC/4/34.

b. General Assembly

The General Assembly adopted on 18 December 2007, seven resolutions under the agenda item “Advancement of women”, among which three are highlighted below.¹⁷³ In resolution 62/132, the Assembly called upon all governments to incorporate a human rights and gender perspective in legislation and policies on international migration and on labour and employment, for the prevention and protection of migrant women from violence and discrimination, exploitation and abuse, and to take effective measures to ensure that these do not reinforce discrimination and bias against women. It also called upon them to adopt or strengthen measures to protect the human rights of women migrant workers, regardless of their immigration status, including in policies that regulate the recruitment and deployment of women migrant workers, as well as to put in place penal and criminal sanctions to punish perpetrators and intermediaries of violence against women migrant workers, and redress and justice mechanisms that victims can access effectively.

By resolution 62/136, entitled “Improvement of the situation of women in rural areas”, the General Assembly called upon States to ensure that the perspectives of rural women are taken into account and that they participate in the policies and activities related to emergencies, including natural disasters, humanitarian assistance, peacebuilding and post-conflict reconstruction. It also urged States to develop specific assistance programmes and advisory services to promote economic skills of rural women in banking, modern trading and financial procedures, to provide microcredit and other financial and business services to a greater number of women in rural areas, as well as to design and revise laws to ensure that, where private ownership of land and property exists, rural women are accorded full and equal rights to own land and other property, including through the right to inheritance.

In resolution 62/134, entitled “Eliminating rape and other forms of sexual violence in all their manifestations, including in conflicts and related situations”, the Assembly urged States to end impunity by ensuring that all rape victims have equal protection under the law and equal access to justice, and by investigating, prosecuting and punishing any person responsible for rape and other forms of sexual violence in the course of achieving political or military objectives, including in detention and in jails, and regardless of the sex or age of the victim. It also urged States to provide victims with access to appropriate health care and to rehabilitation, social reintegration and, as appropriate, effective and sufficient compensation, as well as to conduct public education and awareness campaigns at the national and grass-roots levels in order to raise awareness about the causes and consequences of rape and other forms of sexual violence. Further, the Assembly called upon States to establish reception centres and shelters for victims, to take other appropriate measures to promote and protect women’s rights, and to provide protection, safe shelter, medical assistance, including sexual and reproductive health care, all necessary medications, including antiretroviral drugs and antibiotics, counselling for victims and

¹⁷³ The other resolutions adopted under this agenda item are: 62/133 on the “Intensification of efforts to eliminate all forms of violence against women”, 62/135 “United Nations Development Fund for Women”, 62/137 “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” and 62/218 “Convention on the Elimination of All Forms of discrimination against Women”.

their families, comprehensive information and education, legal aid, rehabilitation, and reintegration of victims and their offspring into society.

(vii) *Victims of trafficking*

Human Rights Council

The Special Rapporteur on trafficking in persons, especially in women and children, Ms. Sigma Huda, presented her report to the Human Rights Council.¹⁷⁴ In her report, she made a thematic study on forced marriages in the context of trafficking in persons, defined what amounts to a forced marriage and listed different forms of existing forced marriages. With the view to prevent such forced marriages, the Rapporteur recommended that States adopt marriage legislation stipulating that 18 years of age was the minimum statutory age for marriage, and ensure that the legislation applies equally to women and men. She further recommended that States amend their immigration legislation so that victims of forced marriages are not dependent upon their spouses for legal immigration status, but can obtain residence permits independently of their continued relation to their husbands. She also suggested that governments should recognize forced marriage, especially in the context of trafficking in persons, as a condition giving rise to a claim of asylum. Furthermore, she called upon States to ensure that persons holding dual nationality, who appear to be more vulnerable to forced marriage in the name of “protecting their individual ethnicity and tradition”, are made aware of the laws on marriages of the countries in which they live. Finally she recommended that States ensure that men who apply for visas for a foreign spouse undergo background and criminal-record checks, and that the issuing of such visas be monitored in order to identify men who have a history of serial forced or broker-facilitated marriages, and that States should consider simplifying the nullification process for a forced marriage.

(g) **Rights of the child**

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

In 2007, the Committee on the Rights of the Child adopted its general comment No. 10 dealing with the issue of children’s rights in juvenile justice.¹⁷⁵ In its comment, the Committee expressed its concern about the lack of information on the measures that States parties have taken to prevent children from coming into conflict with the law. The Committee viewed this situation as a possible result of a lack of a comprehensive policy for the field of juvenile justice and as explaining why many States parties are providing only very limited statistical data on the treatment of children in conflict with the law. It also recalled that in order to have an administration of juvenile justice complying with the Committee’s standards, the juvenile justice should promote the use of alternative measures such as diversion and restorative justice, and that in all decisions taken in this context, the best interests of the child should be a primary consideration. Therefore, the Committee drew

¹⁷⁴ A/HRC/4/23.

¹⁷⁵ A/CRC/C/GC/10.

the attention of States to the core principles and elements to have a comprehensive policy towards juvenile.

(ii) *Human Rights Council*

The Special Representative of the Secretary-General for children and armed conflict, Ms. Radhika Coomaraswamy, presented her report to the Human Rights Council.¹⁷⁶ She encouraged States to strengthen national and international measures to prevent the recruitment of children to the armed forces/groups and their use in hostilities, in particular by signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,¹⁷⁷ and by enacting legislation that explicitly prohibits the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities.

The Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit, presented his report to the Human Rights Council,¹⁷⁸ in which he dealt, among other things, with the issue of the illegal trafficking of children's organs and tissues. Even if the worrying allegations received in this regard remained in most cases unsubstantiated, the Special Rapporteur was of the view that it was important to examine this question so as to better assess it in order to provide better protection for children. Thus, the Rapporteur recommended that States establish a centralized transplant agency in charge of coordinating receivers' needs and donors' situation, establishing transparent and equitable waiting lists for each category of organs, regions and all age groups. He further suggested to clearly prohibit the sale of one's organs and tissues so as to eradicate demand for this traffic, as well as to penalize heavily those who do so, and to ensure that all children under the age of 18 are protected from becoming donors of organ and tissue transplantation. The only exception being in cases where an immediate family member is at a life-threatening risk, no suitable donor has been found, the donor's consent has been given, and this transplant will not cause a threat, immediate or future, to the donor while the transplant will bring substantial health improvement to the receiver.

(iii) *General Assembly*

On 18 December 2007, the General Assembly adopted four resolutions under the agenda item relating to the promotion and protection of the rights of children, of which three are highlighted below.¹⁷⁹ In its resolution 26/138 on "Supporting efforts to end obstetric fistula", the Assembly recognized the interlinkages between poverty, malnutrition, lack of or inadequate or inaccessible health services, early childbearing, early marriage of the girl child and gender discrimination, as root causes of obstetric fistula. It also recognized that as poverty remained the main social risk factor, the eradication of poverty was critical to meeting the needs and protecting and promoting the rights of girls. It stressed the need to address the social issues that contribute to the problem of obstetric fistula, such as

¹⁷⁶ A/HRC/4/45.

¹⁷⁷ Adopted by General Assembly resolution 54/263 of 25 May 2000.

¹⁷⁸ A/HRC/4/31.

¹⁷⁹ The fourth resolution was resolution 62/139 entitled "World Autism Awareness Day".

early marriage of the girl child, early pregnancy, lack of access to sexual and reproductive health, lack of or inadequate education of girls, poverty and low status of women and girls. Further, the Assembly urged States to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage, and to raise the minimum age for marriage where necessary.

The Assembly also adopted resolution 62/140 on “The girl child”, in which it called upon States and the international community to recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available, free to all children, and secondary education generally available and accessible to all, in particular for girls and children from low-income families. It also urged States to improve the situation of girl children living in great poverty, and to enact and enforce legislation to protect girls from all forms of violence and exploitation, including female infanticide and prenatal sex selection, female genital mutilation and early and forced marriage.

In resolution 62/141 entitled “Rights of the child”, the Assembly reaffirmed that the general principles of, *inter alia*, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents. It also urged all States to respect and promote the right of girls and boys to express themselves freely, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them, and to involve children, including children with special needs, in decision-making processes. The Assembly further encouraged States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that where alternative care is necessary, family and community-based care should be promoted over placement in institutions. It also called upon States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child, and in the penal context, it called upon those States in which the death penalty has not been abolished, to abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence.

(h) Migrants

(i) *Human Rights Council*

Mr. Jorge Bustamante, Special Rapporteur on the human rights of migrants, presented his second annual report to the Human Rights Council.¹⁸⁰ In the said report, the Rapporteur summarized responses of Member States to a questionnaire on the “Impact of certain laws and administrative measures on migrants” he had formulated, in particular in regard of the questions of antecedents, border control expulsion, conditions for admission/stay, the rights of migrants and their protection.

¹⁸⁰ A/HRC/4/24.

(ii) *General Assembly*

On 18 December 2007, the General Assembly adopted resolution 62/156 entitled “Protection of migrants”. In the said resolution, the Assembly requested States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including at borders checkpoints, and to train public officials to treat migrants respectfully and in accordance with the law, as well as to prosecute any act of violation of the human rights of migrants including, *inter alia*, arbitrary detention, torture and violations of the right to life as extrajudicial executions, during their transit from their country of origin to the country of destination and *vice versa*. It also urged States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, and take into account the principle of the best interest of the child and family reunification. Furthermore, the Assembly underlined the right of migrants to return to their country of citizenship, and encouraged all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of remittances of migrants to their country of origin or to any other countries, and welcomed immigration programmes, adopted by some countries that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment.

(i) **Internally displaced persons**(i) *Human Rights Council*

On 20 March 2007, Mr. Walter Kälin, the Representative of the Secretary-General on human rights of internally displaced persons, presented his third report to the Human Rights Council, in which he recommended, *inter alia*, that governments develop national policies and strategies dealing with all stages of displacement—measures to prevent displacement, provide protection during displacement and find durable solutions—which are consistent with the Guiding Principles, and take the necessary measures, particularly in the financial sphere, to ensure their effective implementation.¹⁸¹

Furthermore, he recommended that within the framework of any peace processes in which they may be involved, governments should ensure that the specific needs and fundamental rights of displaced persons are taken into consideration, particularly with respect to the freedom to choose whether or not to return to their places of origin, to remain in the place of displacement or to move to a different part of the country. Governments should ensure that they establish and maintain an economic and social environment favourable to the safe and dignified return of such persons, and particularly, that displaced persons are consulted on any issues involving them, at all stages of the process. Furthermore, he added that governments should also devote particular attention to issues relating to community reconciliation and ‘living together again’ in order to allow displaced persons to return home permanently and to ensure that peace is sustainable.

In 2007, as part of his mandate which includes research activities, the Special Representative drafted the “Operational Guidelines on Human Rights and Natural Disasters”, which were drawn on relevant international human rights law, existing standards and

¹⁸¹ A/HRC/4/38 and Corr.1 and Add.1–5.

policies pertaining to humanitarian action, and human rights guidelines on humanitarian standards in situations of natural disaster.¹⁸²

(ii) *General Assembly*

On 18 December 2007, the General Assembly adopted resolution 62/153 entitled “Protection of and assistance to internally displaced persons” in which, *inter alia*, it took note with appreciation of the report of the Representative of the Secretary-General on the human rights of internally displaced persons,¹⁸³ and of his conclusions and recommendations. The Assembly commended him for the activities undertaken so far, and encouraged him to further continue his efforts and his work on the matter. The Assembly also called upon governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons.

(j) **Minorities**

Human Rights Council

The Independent Expert on minority issues, Ms. Gay McDougall, presented her second report to the Human Rights Council,¹⁸⁴ in which she recommended that States establish mechanisms for meaningful dialogue with representatives of minority communities about development policies, particularly at the local government level and that at the national level, and also establish statutory bodies composed of representatives of minority communities mandated to review and monitor government policy that may affect minorities. Further, she stressed the need that governments strengthen the legal and regulatory framework for addressing direct and indirect discrimination in both public and private spheres, as effective non-discrimination laws in key sectors such as employment and education can reduce obstacles that minorities face in overcoming poverty. In her view, governments should also adopt and enforce laws that safeguard the equal rights of minorities to land and property and land laws should recognize a variety of forms of ownership, both individual and collective.

(k) **Indigenous people**

(i) *Human Rights Council*

In 2007, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Dr. Rodolfo Stavenhagen, presented two reports to the Human Rights Council,¹⁸⁵ which were considered by the Council at its fourth and sixth sessions, respectively. In the report considered at the fourth session, among other things, the Special Rapporteur presented a study of “best practices” in the implementation of the

¹⁸² A/HRC/4/38. Add.1.

¹⁸³ A/62/227.

¹⁸⁴ A/HRC/4/9.

¹⁸⁵ A/HRC/4/32 and A/HRC/6/15.

recommendations included in his previous reports. He also noted the continuing trend towards a decline in the resources of indigenous people, reduction of their land and territorial base, and progressive and accelerated loss of control over their natural resources, in particular their forests. In this context, he noted the rise of patterns of criminalization of indigenous social protest, making it harder to achieve a negotiated and democratic solution to their legitimate demands. Furthermore, the growing incidence of migration among indigenous people was viewed as one of the expressions of globalization and of the inequality and poverty it engendered. It was observed that indigenous migrants were particularly subject to violations of their human rights in agricultural and mining work, in the urban environment and at the international level.

In his report considered at the Council's sixth session, the Special Rapporteur focused on the implications of the human rights-based approach to development, as indigenous peoples are identified as human rights holders, the realization of their rights is viewed as the main objective of development. In this regard, he recommended that no development activities should be allowed to run counter to the general principles of the human rights of indigenous peoples. Accordingly, there must be a requirement for the conduct of social, cultural and environmental impact studies for projects to be carried out in the lands and areas occupied by indigenous peoples, and social and development policies and programmes relating to indigenous peoples must be based on the free, prior and informed consent of the communities concerned.

(ii) *General Assembly*

On 13 September 2007, at the end of its sixty-first session, the General Assembly adopted resolution 61/295 entitled "United Nations Declaration on the Rights of Indigenous people", in which it adopted the said Declaration contained in the annex, which had been adopted previously by the Human Rights Council in its resolution 1/2 of 29 June 2006.

On 18 December 2007, the General Assembly adopted decision 62/529, by which it took note of the note of the fourth report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, transmitted by the Secretary-General to the General Assembly.¹⁸⁶

(I) **Terrorism and human rights**

(i) *Human Rights Council*

In 2007, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Martin Scheinin, submitted two reports to the Human Rights Council,¹⁸⁷ to be considered at the fourth and sixth sessions of the Council, respectively. In the report presented at the fourth session, the Special Rapporteur focused on two thematic issues: "profiling" in the context of countering terrorism and "shoot-to-kill" policies in the context of combating suicide attacks. He stressed that terrorist-profiling practices based on "race" were incompatible with human rights and that

¹⁸⁶ A/62/286 and Corr.1.

¹⁸⁷ A/HRC/4/26 and A/HRC/6/17.

differential treatment based on ethnicity, national origin and/or religion was only compatible with the principle of non-discrimination if it was a proportionate means of countering terrorism. He further noted that current profiling practices regularly failed to meet this demanding proportionality requirement. He recommended either universal or random security checks as preferred alternatives that were non-discriminatory and impossible for terrorists to evade. The Rapporteur highlighted that current profiling practices combined with shoot-to-kill policies or other forms of relaxing standards related to the use of firearms could have lethal consequences for totally innocent individuals. He therefore urged States to develop adequate training for all law-enforcement personnel, including private security agencies, and in this way ensure that human rights standards guide counter-terrorism measures and not *vice versa*.

In the report considered by the Council at its sixth session, the Special Rapporteur discussed the negative impact that counter-terrorism measures can have on human rights and fundamental freedoms, and the role of promoting economic, social and cultural rights in preventing terrorism. He also, *inter alia*, urged States not to apply their counter-terrorism laws and measures to social movements or protests by indigenous peoples or minority communities who claim recognition and full protection for their economic, social and cultural rights, including the right to enjoy their own distinctive culture, which is often associated with lands and specific forms of livelihood. He recommended strict adherence to the principle that terrorism should be defined through its inexcusable methods of violence against bystanders and its intention to create fear among the general population rather than through its political or other aims, which often overlap with the aims of social movements that have nothing to do with terrorist acts.

(ii) *General Assembly*

In its resolution 62/159 entitled “Protection of human rights and fundamental freedoms while countering terrorism”, adopted on 18 December 2007, the General Assembly, among other things, reaffirmed that counter-terrorism measures should be implemented in full consideration of the human rights of persons belonging to minorities and must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin. It also urged States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law.

(m) **Promotion and protection of human rights**

(i) *International cooperation and universal implementation of international human rights instruments*

a. **Human Rights Council**

On 23 March 2007, the Human Rights Council adopted resolution 4/1 “Question of the realization in all countries of economic, social and cultural rights”, in which it *inter*

alia, called upon all States to give full effect to economic, social and cultural rights and to consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights.

b. General Assembly

On 18 December 2007, the General Assembly adopted five resolutions relating to international cooperation, universal instruments and transnational cooperation, of which two are highlighted below.¹⁸⁸ In resolution 62/147 on “International Covenants on Human Rights”, the General Assembly called for the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights. The Assembly stressed the importance of avoiding the erosion of human rights by derogation, and recalled that certain rights were recognized as non-derogable in any circumstances, and underlined the exceptional and temporary nature of any such derogations. Further, it urged all States to publish the texts of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to make them known as widely as possible to all individuals within their jurisdiction.

The General Assembly also adopted resolution 62/166 entitled “Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character”, in which, among other things, it reaffirmed that the responsibility for managing worldwide economic and social development, the promotion and protection of human rights and threats to international peace and security must be shared among the nations of the world, and should be exercised multilaterally and that, as the most universal and most representative organization in the world, the United Nations must play the central role. The Assembly also called upon Member States to refrain from enacting or enforcing unilateral coercive measures as tools of political, military or economic pressure against any country, in particular against developing countries, which would prevent those countries from exercising their right to decide of their own free will their own political, economic and social systems.

(ii) *Human rights defenders*

General Assembly

In its resolution 62/152 entitled “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recog-

¹⁸⁸ The other resolutions adopted were: 62/160 on “Enhancement of international cooperation in the field of human rights”, 62/163 entitled “Promotion of peace as a vital requirement for the full enjoyment of all human rights by all” and 62/165 entitled “Strengthening the United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity”.

nized Human Rights and Fundamental Freedoms” dated 18 December 2007, the General Assembly called upon all States to ensure, protect and respect the freedom of expression and association of human rights defenders and to facilitate registration if required. Furthermore, it urged States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. Furthermore, it urged States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner.

(n) Miscellaneous

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

Human Rights Council

Mr. Bernards Mudho, the Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, submitted his annual report to the Human Rights Council.¹⁸⁹ In his report, he reviewed possible human rights implications of standard reform policies promoted by the multilateral financial institutions. While recognizing the importance of broad macroeconomic stability for growth, development and realization of human rights, he underlined the equally important need for country-specific solutions instead of one-size-fits-all stability thresholds and macroeconomic schemes. In examining the reform policy of privatization of State enterprises, the Expert highlighted its possible positive impact on the human rights situation, but cautioned that careful consideration should be given to all the functions and purposes that a public enterprise serve, in particular with regards to accessibility to goods and services that result in the realization of pertinent human rights. Concerning trade reform policies, he further called for sound economic and social impact assessments, allowing for a careful design and scheduling of reform steps, including adequate transition periods, balanced exclusion of strategic products from liberalization, as well as human rights-inspired safeguard clauses. He added that trade liberalization should be combined with measures to improve the productive capacity of the poor country’s economy and to strengthen its competitiveness on the global market. Finally, he addressed the issue of structural reforms in health and education sectors, which should always be guided by countries’ international human rights obligations. For instance, user fees are, in general, an obstacle to the full enjoyment of human rights in these two sectors. Therefore, pertinent reform programmes should take into account both the obligations for a progressive abolition of service fees and avoidance of imposition of user fees or other charges.

On 30 March 2007, the Human Rights Council adopted resolution 4/5 on “Globalization and its impact on the full enjoyment of all human rights”, in which it emphasized that

¹⁸⁹ A/HRC/4/10.

development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments will contribute to the creation of an enabling environment for development, conducive to the full realization of all human rights for all.

(ii) *Human rights and transnational corporations and other business enterprises*

Human Rights Council

The Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Mr. John Ruggie, presented his Report to the Human Rights Council,¹⁹⁰ in which he identified areas of fluidity in the business and human rights constellation that may be seen, in some respects, as hopeful signs. By far, the most consequential legal development was the gradual extension under domestic jurisdiction of liability to companies for international crimes, thus reflecting international standards. Judging from the treaty body commentaries, as well as his questionnaire survey of States, the Special Representative stressed that not all States' structures as a whole appear to have internalized the full meaning of the State's duty to protect, nor its implications with regard to preventing and punishing abuses by non-States actors, including businesses. The Special Representative further observed that States did not seem to be taking full advantage of the many legal and policy tools at their disposal to meet their treaty obligations.

(iii) *Human rights and universal coercive measures*

a. Human Rights Council

On 28 September 2007, the Human Rights Council adopted its resolution 6/7 entitled "Human Rights and unilateral coercive measures".

b. General Assembly

Later, on 18 December 2007, the General Assembly adopted a resolution 62/162 also entitled "Human rights and universal coercive measures", in which the Assembly, similarly to the Council, urged all States not to adopt any unilateral measures that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right to an adequate standard of living, the right to health and right to food, as well as to ensure that food and medicine are not used as tools for political pressure. The Assembly strongly objected to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and called upon all Member States to neither recognize those measures nor to apply them, as well as to take administrative or legislative measures to counteract the extraterritorial applications or effects of unilateral coercive measures.

¹⁹⁰ A/HRC/4/35.

6. Women^{191,192}

(a) Commission on the Status of Women

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

The Commission held its fifty-first session from 26 February to 9 March 2007 in New York. In accordance with the multi-year programme of work adopted by the Economic and Social Council in its resolution 2006/9 of 25 July 2006, the Commission considered as its priority theme "The elimination of all forms of discrimination and violence against the girl child" and evaluated the progress in the implementation of the agreed conclusions from the forty-eighth session of the Commission on the role of men and boys in achieving gender equality.¹⁹³

During its fifty-first session, the Commission adopted a number of resolutions for the attention of the Economic and Social Council, of which two are highlighted below.

In resolution 51/2 entitled "Ending female genital mutilation", the Commission, *inter alia*, urged States to ensure the national implementation of international and regional commitments and obligations, as well as their translation and wide distribution to the population and the judiciary. It further urged States to review, revise, amend or abolish all laws, regulations, policies, practices and customs that discriminate against women or have discriminatory impact on women and girls and to ensure that provisions of multiple legal systems comply with human rights obligations, commitments and principles. It also urged States to take all necessary measures to protect girls and women from female genital mutilation, including by enacting and enforcing legislation to prohibit this form of violence and to end impunity.

In resolution 51/3 entitled "Forced marriage of the girl child", the Commission urged States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses and, in addition, to enact and strictly enforce laws concerning the minimum age for marriage. It also urged States to develop, support and implement initiatives ensuring that the rights of the girl child are not violated by forced marriage, forced early sexual activities or harmful traditional practices.

¹⁹¹ See also the Human rights section of the present chapter.

¹⁹² For a complete list of signatories and States parties to 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 chapters IV and XVI of *Multilateral Treaties Deposited with the Secretary-General*, available on the website <http://treaties.un.org/Pages/ParticipationStatus.aspx>.

¹⁹³ Economic and Social Council resolution 2004/11.

(b) Economic and Social Council

On 24 July 2007, the Economic and Social Council adopted, on the recommendation of the Commission on the Status of Women, resolution 2007/7 entitled “Situation of and assistance to Palestinian women”. On 27 July 2007, following a draft resolution submitted by the Vice-President of the Council on the basis of informal consultations, the Economic and Social Council adopted resolution 2007/37 on the “Future work to strengthen the International Research and Training Institute for the Advancement of Women”.

(c) General Assembly

On 18 December 2007, the General Assembly adopted eight resolutions on the recommendation of the Third Committee,¹⁹⁴ of which two are highlighted below.

In its resolution 62/137 entitled “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”, the Assembly, *inter alia*, took note with appreciation of the report of the Secretary-General on this item¹⁹⁵ and 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 Women¹⁹⁶ were mutually reinforcing in achieving gender equality and the empowerment of women. Further, it reaffirmed that States had an obligation to exercise due diligence to prevent violence against women and girls, provide protection to the victims and to investigate, prosecute and punish the perpetrators of violence against women and girls, and that failure to do so violated and impaired or nullified the enjoyment of their human rights and fundamental freedoms. It also reaffirmed the commitment made at the 2005 World Summit to the full and effective implementation of Security Council Resolution 1325 (2000) of 31 October 2000.

In its resolution 62/140 entitled “The girl child”, the Assembly stressed the need for full and urgent implementation of the rights of the child girl as provided to her under human rights instruments, and urged States to consider signing, ratifying or acceding to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women as a matter of priority. The Assembly also requested all human rights treaty bodies and the human rights mechanisms of the Human Rights Council to adopt regularly and systematically a gender perspective in the implementation of their mandate.

In addition, on 22 December 2007, also on the recommendation of the Third Committee, the Assembly adopted resolution 62/218 entitled “Convention on the Elimination of All Forms of Discrimination against Women”. In this resolution, the Assembly welcomed the report of the Secretary-General on the status of the Convention, welcomed the adoption by the Committee of revised reporting guidelines and strongly urged States parties to the Convention to take appropriate measures to reach acceptance of the amendment to

¹⁹⁴ General Assembly resolutions 62/132, 62/133, 62/134, 62/135, 62/136, 62/137, 62/138 and 62/140.

¹⁹⁵ A/62/178.

¹⁹⁶ United Nations, *Treaty Series*, vol. 1249, p. 13.

article 20, paragraph 1, of the Convention by a two-third majority of States parties so it can enter into force.

Finally, on 19 December 2007, the General Assembly adopted, on the recommendation of the Second Committee, resolution 62/206 entitled “Women in development”, in which the Assembly encouraged Governments, the private sector, non-governmental organizations and other actors of civil society to promote and protect the rights of women workers, to take action to remove structural and legal barriers as well as stereotypical attitudes to gender equality at work. The Assembly also urged all Member States to take appropriate measures to eliminate discrimination against women with regard to their access to bank loans, mortgages and other forms of financial credit, giving special attention to poor, uneducated women, and to support women’s access to legal assistance.

7. Humanitarian matters

(a) Economic and Social Council

On 17 July 2007, the Economic and Social Council adopted resolution 2007/3 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”, in which it took note of the report of the Secretary-General on this item.¹⁹⁷ It also took note of the report of the Secretary-General on the Central Emergency Response Fund¹⁹⁸ and on strengthening emergency relief, rehabilitation, reconstruction, recovery and prevention in the aftermath of the Indian Ocean tsunami disaster.¹⁹⁹ It further took note of the Note by the Secretary-General transmitting the report of the Joint Inspection Unit, entitled “Towards a United Nations humanitarian assistance programme for disaster response and reduction: Lessons learned from the Indian Ocean tsunami disaster”,²⁰⁰ and the note by the Secretary-General transmitting his comments and those of the United Nations System Chief Executives Board for Coordination thereon.²⁰¹

(b) General Assembly

On 17 December 2007, the General Assembly adopted, without reference to a Main Committee, resolution 62/94 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”. In this resolution, the Assembly reaffirmed the importance of the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters,²⁰² and the obligation of all States and parties to an armed conflict to protect civilians in armed conflicts in accordance with international humanitarian law. It 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, as pro-

¹⁹⁷ A/62/87-E/2007/70.

¹⁹⁸ A/62/72-E/2007/73.

¹⁹⁹ A/62/83-E/2007/67.

²⁰⁰ A/61/699-E/2007/8.

²⁰¹ A/61/699/Add.1-E/2007/8/Add.1.

²⁰² A/CONF.206/6 and Corr.1, chap. I, resolution 2.

vided for by national law and obligations by international law. It recognized the Guiding Principles on Internal Displacement²⁰³ as an important international framework for the protection of internally displaced persons.

On the same day, the General Assembly adopted, without reference to a Main Committee, resolution 62/95 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”, in which the Assembly welcomed the report of the Secretary-General on this item.²⁰⁴ It also called upon all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments. 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 the inviolability of United Nations premises. It recalled with appreciation the adoption of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel and called upon all States to consider signing and ratifying the Protocol. It finally called upon all other parties involved in armed conflicts to refrain from abducting humanitarian personnel or United Nations and associated personnel or detaining them in violation of the relevant conventions and applicable international humanitarian law.

On 18 December 2007, the General Assembly adopted, on the recommendation of the Third Committee, resolution 62/166 entitled “Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character”, in which it reiterated the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations.

8. Environment²⁰⁵

The General Assembly adopted, on the recommendation of the Second Committee, several resolutions related to the environment,²⁰⁶ six of which, all adopted on 19 December 2007, are highlighted below.

In resolution 62/189 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 took note of the report of the Secretary-General on this item.²⁰⁷ It called for the effective implementation of the commitments, programmes and time-bound targets adopted at the World Summit on Sustainable Development and for

²⁰³ E/CN.4/1998/53/Add.2, annex.

²⁰⁴ A/62/324 and Corr.1.

²⁰⁵ See also General Assembly resolution 60/1 of 16 September 2005 on “2005 World Summit Outcome”.

²⁰⁶ See also General Assembly resolutions 62/86 entitled “Protection of global climate for present and future generations of mankind” adopted on 10 December 2007; and 62/188 on “Oil slick on Lebanese shores”, 62/191 on “Follow-up to and Implementation of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States; and 62/196 on “Sustainable mountain development”, adopted on 19 December 2007.

²⁰⁷ A/62/262.

the fulfilment of the provisions relating to the means of implementation, as contained in the Johannesburg Plan of Implementation. It also reaffirmed the objective of strengthening the implementation of Agenda 21 and the need to promote corporate responsibility and accountability as envisaged by the Johannesburg Plan of Implementation.

In its resolution 62/192 on “International Strategy for Disaster Reduction”, the General Assembly called upon the United Nations system, and invited the international financial institutions and regional banks and other regional and international organizations, to support, in a timely and sustained manner, the efforts led by disaster-stricken countries for disaster risk reduction in post-disaster recovery and rehabilitation processes. It further recognized that each State has the primary responsibility for its own sustainable development and for taking effective measures to reduce disaster risk, including for the protection of people on its territory, infrastructure and other national assets from the impact of disasters, including the implementation of and follow-up to the Hyogo Framework for Action.

In addition, in resolution 62/193, entitled “Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa”, the Assembly took note of the report²⁰⁸ of the Secretary-General on the implementation of the said Convention.²⁰⁹ It welcomed the adoption by the Conference of the Parties to the Convention at its eighth session, in its decision 3/COP.8, of the ten-year strategic plan and framework to enhance the implementation of the Convention (2008–2018).²¹⁰ It further noted the decision taken by the Council of the Global Environment Facility in December 2006 to invite the fourth Assembly of the Facility to amend the Instrument for the Establishment of the Restructured Global Environment Facility so as to list the United Nations Convention to Combat Desertification among the conventions for which the Facility plays the role of financial mechanism.²¹¹

In resolution 62/194 on “Convention on Biological Diversity”, the General Assembly encouraged developed countries parties to the Convention²¹² to contribute to the relevant trust funds of the Convention, in particular so as to enhance the full participation of the developing countries parties in all of its activities. It also urged all Member States to fulfil their commitments to significantly reduce the rate of loss of biodiversity by 2010, and it emphasized that this would require an appropriate focus on the loss of biodiversity in their relevant policies and programmes and the continued provision of new and additional financial and technical resources to developing countries, including through the Global Environment Facility. Moreover, it urged parties to the Convention to facilitate the transfer of technology for the effective implementation of the Convention in accordance with its provisions.

Also, in resolution 62/195 entitled “Report of the Governing Council of the United Nations Environment Programme on its twenty-fourth session”, the Assembly took note of the report of the Governing Council of the United Nations Environment Programme on

²⁰⁸ A/62/276, annex II.

²⁰⁹ United Nations, *Treaty Series*, vol. 1954, p. 3.

²¹⁰ A/C.2/62/7, annex.

²¹¹ Global Environment Facility, document GEF/C.30/7. Available from <http://www.gefweb.org>.

²¹² United Nations, *Treaty Series*, vol. 1760, p. 79.

its twenty-fourth session²¹³ and the decisions contained therein.²¹⁴ It decided to declare the decade 2010–2020 as the United Nations Decade for Deserts and the Fight against Desertification, it stressed the need to further advance and fully implement the Bali Strategic Plan for Technology Support and Capacity-building²¹⁵ and noted the request by the Governing Council to the Executive Director of the United Nations Environment Programme to prepare a medium-term strategy for the period 2010–2013.²¹⁶

Further, in resolution 62/197 on “Promotion of new and renewable sources of energy”, the Assembly called upon Governments, as well as relevant international and regional organizations and other relevant stakeholders, to combine, as appropriate, the increased use of new and renewable energy resources, more efficient use of energy, greater reliance on advanced energy technologies, including cleaner fossil fuel technologies, and the sustainable use of traditional energy resources, which could meet the growing need for energy services in the longer term to achieve sustainable development.

9. Law of the Sea

(a) Reports of the Secretary-General²¹⁷

The Secretary-General, in his reports to the General Assembly at its sixty-second and sixty-third 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 Sea²¹⁸ (the Convention) 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 2007. 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 provided an overview of State practice, maritime claims and delimitation of maritime zones.²¹⁹

The reports also outlined the work carried out in 2007 by the three bodies established by the Convention, namely, the International Seabed Authority (ISA), the International Tribunal for the Law of the Sea (ITLOS)²²⁰ and the Commission on the Limits of the Continental Shelf (CLCS).

ISA held its thirteenth session, during which its Council continued the consideration of the draft regulations on prospecting and exploration for polymetallic sulphides. At the

²¹³ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 25 (A/62/25).*

²¹⁴ *Ibid.*, annex I.

²¹⁵ UNEP/GC.23/6/Add.1 and Corr.1, annex.

²¹⁶ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 25 (A/62/25), annex I, decision 24/9, para. 13.*

²¹⁷ A/62/66 and Add.1 and 2; A/62/260 and A/63/63. Information contained in the report 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.

²¹⁸ United Nations, *Treaty Series*, vol. 1833, p. 3.

²¹⁹ See A/62/66, chapter III, A/62/66/Add.1, chapter III; and A/63/63, chapter III.

²²⁰ For the work of the Tribunal, see chapter VII below.

same session, the Legal and Technical Commission of ISA began its examination of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts.²²¹

In 2007, CLCS held its nineteenth and twentieth sessions,²²² during which it continued the examination of the submissions made, respectively, by Brazil, by Australia, by Ireland, by New Zealand as well as the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland. At the nineteenth session, CLCS began the consideration of the submission made by Norway and adopted recommendations in regard to the submissions made, respectively, by Brazil and by Ireland for the area abutting the Porcupine Abyssal Plain. At the twentieth session, CLCS began the consideration of the submission made by France in respect of the areas of French Guiana and New Caledonia. In 2007, CLCS also received a submission made by Mexico.

The reports of the Secretary-General paid special attention to marine genetic resources, the topic chosen for the eighth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea by, *inter alia*, analyzing the legal framework applicable, both within and beyond areas of national jurisdiction, to activities related to marine genetic resources.²²³ The eighth meeting was held in New York from 25 to 29 June 2007.²²⁴

These reports also addressed developments relating to international shipping activities;²²⁵ people at sea;²²⁶ maritime security and safety;²²⁷ marine science and technology;²²⁸ marine biological diversity;²²⁹ protection and preservation of the marine environment and sustainable development;²³⁰ climate change;²³¹ international cooperation and coordination,²³² including progress regarding the “assessment of assessments”²³³ launched by General Assembly resolution 60/30 of 29 November 2005 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; and the capacity-building activities of the Division for Ocean Affairs and the Law of the Sea.²³⁴

²²¹ For more information on the thirteenth session of ISA see A/62/66/Add.1, chapter III, section C.

²²² For more information on the nineteenth and twentieth sessions of CLCS see A/62/66/Add.1, chapter III, section B; A/63/63, chapter IV, section B, as well as CLCS/54 and CLCS/56.

²²³ See A/62/66, chapter X. For the overview of the applicable legal regime, see A/62/169, section 2 (d).

²²⁴ See A/62/169.

²²⁵ See A/62/66, chapter V; and A/62/66/Add.1, chapter IV.

²²⁶ See A/62/66, chapter VI; and A/62/66/Add.1, chapter V.

²²⁷ See A/62/66, chapter VII; A/62/66/Add.1, chapter VI; and A/63/63, chapter V.

²²⁸ See A/62/66, chapter VIII; A/62/66/Add.1, chapter VII; and A/63/63, chapter VI.

²²⁹ See A/62/66, chapter XI; A/62/66/Add.1, chapter IX; and A/63/63, chapter VIII.

²³⁰ See A/62/66, chapter XII; A/62/66/Add.1, chapter X; and A/63/63, chapter IX.

²³¹ See A/62/66, chapter XIII; A/62/66/Add.1, chapter XI; and A/63/63, chapter X.

²³² See A/62/66, chapter XV; A/62/66/Add.1, chapter XIII; and A/63/63, chapter XII.

²³³ See A/62/66/Add.1, chapter XIII.B; and A/63/63, chapter XII.B.

²³⁴ See A/62/66, chapter XVI; A/62/66/Add.1, chapter XIV; and A/63/63, chapter XIII.

The Secretary-General reported also on the settlement of disputes relating to law of the sea matters by the ITLOS, the International Court of Justice²³⁵ and the Arbitral Tribunal established in the case between Guyana and Suriname, which rendered its award on 17 September 2007.²³⁶ Having found that it had jurisdiction to consider the parties' maritime delimitation claims, the Arbitral Tribunal established a single maritime boundary between Guyana and Suriname that differed from the boundaries claimed by either of the parties in their pleadings. The Arbitral Tribunal additionally held that both Guyana and Suriname violated their obligations under the Convention to make every effort to enter into provisional arrangements of a practical nature and not to hamper or jeopardize the reaching of a final agreement. Moreover, Suriname was found to have acted unlawfully when it expelled a drilling rig licensed by Guyana from the disputed area.

Pursuant to a request contained in General Assembly resolution 61/222 of 20 December 2006, the Secretary-General reported on issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction²³⁷ in order to assist the second meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction in 2008, in preparing its agenda. The reports addressed the environmental impacts of anthropogenic activities on marine biological diversity beyond areas of national jurisdiction; 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 provided, *inter alia*, an overview of the existing legal framework, which is based on the Convention, as complemented by a number of specialized instruments and also an overview of the intellectual property aspects relevant to marine genetic resources.

The Secretary-General also published his annual report on fisheries issues,²³⁸ providing an overview on steps and initiatives taken or recommended by the international community to improve the conservation and management of fishery resources and other marine living resources with a view to achieving sustainable fisheries and protecting marine ecosystems and biodiversity. The report emphasized the importance of the full implementation by States of all international fishery instruments, whether legally binding or voluntary, which promote the conservation and management and sustainable use of marine living resources. It also underscored the importance of cooperation among States, directly or through subregional and regional fisheries management organizations or arrangements, to address unsustainable fishing practices and promote sustainable fisheries in areas beyond national jurisdiction, including through implementing their responsibilities as flag States improving governance of such organizations or arrangements and cooperating in the establishment of new organizations or arrangements where none exist.

²³⁵ For the work of the International Court of Justice, see chapter VII, below.

²³⁶ See http://www.pca-cpa.org/showpage.asp?pag_id=1147.

²³⁷ A/62/66/Add.2.

²³⁸ A/62/260.

(b) General Assembly

The General Assembly commenced its consideration of the agenda item “oceans and the law of the sea” on 10 December 2007, which coincided with the twenty-fifth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. On 22 December 2007, the General Assembly adopted, without reference to a Main Committee, resolution 62/215 entitled “Oceans and the law of the sea”.

The resolution, divided into 17 sections, and covered a range of ocean issues, such as the implementation of the United Nations Convention on the Law of the Sea and related agreements and instruments; capacity-building; the Meeting of States Parties; peaceful settlement of disputes; the Area; effective functioning of the International Seabed Authority and the International Tribunal for the Law of the Sea; the continental shelf and the work of the Commission on the Limits of the Continental Shelf; maritime safety and security and flag State implementation; marine environment and marine resources; marine biodiversity; marine science; the “assessment of assessments” a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects; the open-ended informal consultative process on oceans and the law of the sea; coordination and cooperation; and the activities of the Division for Ocean Affairs and the Law of the Sea.

On 18 December 2007, the General Assembly also adopted, without reference to a Main Committee, resolution 62/177 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”. The resolution, divided into 13 sections, addressed a number of issues, including, measures to achieve sustainable fisheries; implementation of the Fish Stocks Agreement; implementation of related fisheries instruments; illegal, unreported and unregulated fishing; monitoring, control and surveillance and compliance and enforcement; fishing over-capacity; large-scale pelagic drift-net fishing; fisheries by-catch and discards; subregional and regional cooperation; responsible fisheries in the marine ecosystem; capacity-building; and cooperation within the United Nations system.

10. Crime prevention and criminal justice²³⁹

(a) 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 in order to deal with a broad scope of policy matters in this field, including combating national and transnational crime, including organized crime, economic crime and money laundering; promoting the role of criminal law in environmental protection;

²³⁹ 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>.

crime prevention in urban areas, including juvenile crime and violence; and improving the efficiency and fairness of criminal justice administration systems. Aspects of these principal themes are selected for discussion at each of its annual sessions.

The regular and reconvened sixteenth session of the Commission on Crime Prevention and Criminal Justice was held in Vienna on 28 April 2006 and from 23 to 27 April and 29 to 30 November 2007.²⁴⁰ 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 crime prevention and criminal justice responses to urban crime.

(b) Economic and Social Council

On 26 July 2007, the Economic and Social Council adopted, on the recommendation of the Commission of Crime Prevention and Criminal Justice, several resolutions on the topic of crime prevention and criminal justice, which are outlined below.

In resolution 2007/20 entitled “International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime”, the Council welcomed the report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity.²⁴¹ In the resolution, the Council encouraged Member States to consider the report and, as appropriate and consistent with their domestic law and relevant international instruments, to avail themselves of its recommendations when developing effective strategies for responding to the problems addressed in the report. Furthermore, the Council decided to include “Economic fraud and identity-related crime” as a potential thematic topic for discussion by the Commission on Crime Prevention and Criminal Justice at one of its future sessions.

The Council also adopted resolution 2007/21 entitled “Information-gathering instrument in relation to United Nations standards and norms in crime prevention and criminal justice”. In this resolution, the Council approved the questionnaire on United Nations standards and norms related primarily to victim issues,²⁴² and requested the Secretary-General to forward the questionnaire to Member States. It further requested the Secretary-General to convene an open-ended intergovernmental meeting of experts and, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design an information-gathering instrument in relation to United Nations standards and norms relating to the independence of the judiciary and integrity of criminal justice personnel.

²⁴⁰ For the consolidated report of the regular and reconvened sixteenth session of the Commission, see *Official Records of the Economic and Social Council, 2007, Supplement No. 10 (E/2007/30/Rev.1 and E/CN.15/2007/17/Rev.1)*.

²⁴¹ E/CN.15/2007/8 and Add. 1–3.

²⁴² The questionnaire is annexed to the report of the Secretary-General on the work of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues, see E/CN.15/2007/3, annex I.

In resolution 2007/22 entitled “Strengthening basic principle of judicial conduct”, adopted following the report of the Secretary-General on the same topic,²⁴³ the Council invited Member States to continue to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct,²⁴⁴ when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary. The Council further requested the United Nations Office on Drugs and Crime (UNODC) to convene an open-ended intergovernmental expert group, involving, among others, the Judicial Group on Strengthening Judicial Integrity, to finalize the guide on strengthening judicial integrity and capacity. Finally, the Council requested the Secretariat to submit the Bangalore Principles on Judicial Conduct and the commentary on the Bangalore Principles to the Conference of the States Parties to the United Nations Convention against Corruption²⁴⁵ at its second session.

The Council also adopted resolution 2007/23, entitled “Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination”, in which it noted the report of the independent expert for the United Nations study on violence against children.²⁴⁶ The Council, alarmed by the finding in the report that the majority of children in detention have not been convicted of a crime but were awaiting trial, urged Member States to pay particular attention to the issue of child justice and to take into consideration applicable United Nations standards and norms for the treatment of children in conflict with the law, particularly those deprived of their liberty. Furthermore, the Council urged UNODC to explore ways in which preventing and responding to violence against children can be incorporated in its technical cooperation activities in the area of children and the justice system.

In its resolution 2007/24 entitled “International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa”, the Council commended the initiation by UNODC of work focused on providing long-term sustainable technical assistance in the area of criminal justice reform to Member States in post-conflict situations. The Council further requested UNODC to convene an open-ended intergovernmental meeting of experts to study ways and means of strengthening access to legal aid in the criminal justice system. The Commission on Crime Prevention and Criminal Justice was requested by the Council to include the issue of penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems, as a potential thematic topic for discussion by the Commission at one of its future sessions.

Finally, on the same date, the Economic and Social Council also adopted resolutions on the follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (resolution 2007/17), on technical assistance for implementing

²⁴³ For the report of the Secretary-General entitled “Strengthening basic principles of judicial conduct”, see E/CN.15/2007/12.

²⁴⁴ See Economic and Social Council resolution 2006/23, annex.

²⁴⁵ Convention contained in A/58/422, annex.

²⁴⁶ For the report of the independent expert for the United Nations study on violence against children, see A/61/299, submitted to the General Assembly pursuant to Assembly resolution 60/231 of 23 December 2005.

the international conventions and protocols relation to terrorism (resolution 2007/18), and on the strategy for the period 2008–2011 for UNODC (resolution 2007/19).

(c) General Assembly

On 18 December 2007, the General Assembly adopted, on the recommendation of the Third Committee,²⁴⁷ resolution 62/173 entitled “Follow-up of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice”. The General Assembly took note of the report of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice,²⁴⁸ and endorsed its conclusions and recommendations. Furthermore, in the said resolution, the General Assembly reiterated its invitation to Member States to implement the Bangkok Declaration²⁴⁹ and the recommendations by the Eleventh Congress on Crime Prevention and Criminal Justice²⁵⁰ in formulating legislation and policy directives, where appropriate. Finally, the Assembly considered that the Twelfth United Nations Congress on Crime Prevention and Criminal Justice is to be held in 2010.

Furthermore, on the same date, the General Assembly adopted, on the recommendation of the Third Committee,²⁵¹ resolution 62/174 entitled “United Nations African Institute for the Prevention of Crime and the Treatment of Offenders”.²⁵² In the said resolution, the Assembly commended, among others, the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa, and urged States Members of the Institute to continue to make every possible effort to meet their obligations to the Institute.

Still on the same date, the General Assembly adopted resolutions on technical assistance for implementing the international conventions and protocols related to terrorism (resolution 62/172), on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (resolution 62/175), and on international cooperation against the world drug problem (resolution 62/176).

²⁴⁷ For the report of the Third Committee, see A/62/440.

²⁴⁸ E/CN.15/2007/6.

²⁴⁹ Resolution 60/177, annex (entitled: “Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice”).

²⁵⁰ See *Eleventh United Nations Congress on Crime Prevention and Criminal Justice, Bangkok, 18–25 April 2005: report prepared by the Secretariat* (United Nations publication, Sales No. E.05.IV.7).

²⁵¹ For the report of the Third Committee, see A/62/440.

²⁵² For the report of the Secretary-General entitled “African Institute for the Prevention of Crime and the Treatment of Offenders”, see A/62/127. The report describes the operations of the African Institute for the prevention of Crime and the Treatment of Offenders; including the substantive programme and activities it has developed to support the countries of the region in the area of crime prevention and criminal justice.

11. International Drug Control²⁵³

(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 was structured in two distinct segments; one relating to its normative functions and one to its role as governing body of the United Nations International Drug Control Programme. The Commission also convenes ministerial-level segments of its sessions to focus on specific themes. During its fiftieth session, held on 17 March 2006 and 12 to 16 March and 27 to 28 November 2007, in Vienna,²⁵⁴ the Commission held a thematic debate on new challenges for controlling precursor chemicals.

The Commission adopted 13 resolutions that were brought to the attention of the Economic and Social Council, of which seven are highlighted below.²⁵⁵

In resolution 50/1 entitled "Follow-up to the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan", the Commission welcomed the Paris Pact initiative emerging from the Paris Statement,²⁵⁶ as well as the report of the Executive Director of the United Nations Office on Drugs and Crime (UNODC) on the implementation of the Paris Pact initiative²⁵⁷ and the outcome of the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan,²⁵⁸ in continuation of the Paris Pact initiative. The Commission called upon States to, *inter alia*, strengthen international and regional cooperation to counter the threat to the international community posed by the illicit production of drugs in Afghanistan and to continue to take concerted measures in the framework of the Paris Pact initiative. Moreover, the Commission urged the Member States and UNODC to promote the implementation of the Moscow Declaration²⁵⁹ adopted by the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan and the recommendations of the Conference.

²⁵³ 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>.

²⁵⁴ For the consolidated report of regular and reconvened 50th session of the Commission, see *Official Records of the Economic and Social Council, 2007, Supplement No. 8 (E/2007/28/Rev. 1)*.

²⁵⁵ The Commission also adopted, on the same date, resolutions on Improving the quality and performance of drug analysis laboratories (50/4), on identifying sources of precursors used in illicit drug manufacture (50/5), on promoting collaboration on the prevention of diversion of precursors (50/6), on strengthening international support for Haiti in combating the drug problem (50/8), on the use of drug characterization and chemical profiling in support of drug law enforcement intelligence-gathering and operational work, as well as trend analysis (50/9), on international cooperation in preventing the illegal distribution of internationally controlled licit substances via the Internet (50/11), and on budget outline for the biennium 2008–2009 for the Fund of the United Nations International Drug Control Programme (50/13).

²⁵⁶ See S/2003/641, annex.

²⁵⁷ E/CN.7/2007/90, annex.

²⁵⁸ A/61/208-S/2006/598, annex

²⁵⁹ *Ibid.*

The Commission also adopted resolution 50/2 entitled “Provisions regarding travelers under medical treatment with internationally controlled drugs”, in which it urged States parties to the Single Convention on Narcotic Drugs of 1961²⁶⁰ and the Convention on Psychotropic Substances of 1971²⁶¹ to notify, through their competent authorities, the International Narcotics Control Board of restrictions in their national jurisdictions currently applicable to travelers under medical treatment with internationally controlled drugs. The Commission also requested the Member States to notify the International Narcotics Control Board immediately of any changes in their national jurisdictions in the scope of control of narcotic drugs and psychotropic substances relevant to travelers under medical treatment with internationally controlled drugs.

In its resolution 50/3 entitled “Responding to the threat posed by the abuse and diversion of ketamine”, the Commission, *inter alia*, noted the efforts made to discuss in international forums on drug law enforcement the placing of ketamine on the list of substances controlled under the Convention on Psychotropic Substances of 1971 in order to better control and limit abuse of and trafficking in that substance.

The Commission, in its resolution 50/7 on “Strengthening the security of import and export documents relating to controlled substances”, urged all Member States to pay attention to security measures concerning import and export documents issued by Member States for operations covered by the international drug control treaties, and urged all States parties to the Convention Abolishing the Requirement of Legalization for Foreign Public Documents²⁶² to give full effect to the Convention with respect to all documents of international trade in controlled substances.

Furthermore, the Commission adopted resolution 50/10 entitled “Prevention of diversion of drug precursors and other substances used for the illicit manufacture of narcotic drugs and psychotropic substances”, in which it recalled article 2 of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents. In this resolution, the Commission called upon Member States, *inter alia*, to develop further, and to the extent possible, voluntary monitoring systems to complement their national laws and regulations by further fostering cooperation between competent authorities and industrial sectors concerned and operators along the supply and demand chain. It also encouraged Member States to review, where appropriate and possible, their national legislation with a view to facilitating the exchange of samples of precursors with authorized drug and precursor analysis laboratories by facilitating the issuing of such an import or export permit when required.

Finally, in resolution 50/12 entitled “Measures to meet the goal of establishing by 2009 the progress achieved in implementing the declarations and measures adopted by the General Assembly at its twentieth special session”, the Commission recalled, *inter alia*, the Political Declaration adopted by the Assembly at its twentieth special session,²⁶³ and recognized that the international drug control treaties and the outcome of the twentieth special session of the General Assembly, especially the Political Declaration, the Declaration on

²⁶⁰ United Nations, *Treaty Series*, vol. 520, p. 151, as amended by the 1972 Protocol (*Ibid.*, vol. 976, p. 105).

²⁶¹ *Ibid.*, vol. 1019, p. 175.

²⁶² *Ibid.*, vol. 527, p. 189.

²⁶³ General Assembly resolution S-20/2, annex.

the Guiding Principles of Drug Demand Reduction²⁶⁴ and the measures to enhance international cooperation to counter the world drug problem, together constitute a comprehensive framework for drug control activities by States and relevant international organizations. Furthermore, the Commission stressed that, following a global assessment by States, there should be a period of reflection by States, based on the fundamental principles of the international drug control treaties and giving due regard to measures that have led to positive outcomes and aspects that require greater effort. It acknowledged the need to conduct a proper and thorough assessment of the programmes to implement the declarations and measures adopted by the General Assembly at its twentieth special session. The Commission decided also to convene a high-level segment, open to all States Members, during its fifty-second session, in 2009, and that at its fifty-first session, the thematic debate should be devoted to a discussion by Member States on progress made in meeting the goals and targets set at the twentieth session of the General Assembly.

(b) Economic and Social Council

On 25 July 2007, the Economic and Social Council adopted, on the recommendation of the Commission on Narcotic Drugs, its resolution 2007/9 entitled “The need for a balance between demand for and supply of opiates used to meet medical and scientific needs”. In this resolution, the Council urged all governments of all producers countries of narcotic drugs, including opiates, to adhere strictly to the provisions of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol and to take effective measures to prevent the illicit production or diversion of opiate raw materials to illicit channels.

Furthermore, on the same date, the Council adopted resolution 2007/12 entitled “Strategy for the period 2008–2011 for the United Nations Office on Drugs and Crime”, in which the Council approved, on the recommendation of the Commission on Narcotic Drugs, the strategy for the period 2008–2011 for UNODC.

Still on the same date and on the recommendation of the Commission on Crime Prevention and Criminal Justice, the Council adopted the following resolutions: “Improvement of drug abuse data collection by Member States in order to enhance data reliability and the comparability of information provided” (2007/10) and “Support to the counter-narcotic measures and programmes of Afghanistan” (2007/11).

(c) General Assembly

On 18 December 2007, the General Assembly adopted, on the recommendation of the Third Committee,²⁶⁵ resolution 62/176 on “International cooperation against the world drug problem”. In the said resolution, the Assembly reaffirmed the Political Declaration adopted by the General Assembly at its twentieth session²⁶⁶ and the importance of meeting the objectives targeted for 2008. The Assembly, furthermore, called upon all States to strengthen international cooperation among judicial and law enforcement authorities in order to prevent and combat illicit drug trafficking, including by establishing and strength-

²⁶⁴ General Assembly resolution S-20/2, annex.

²⁶⁵ For the report of the Third Committee, see A/62/441.

²⁶⁶ General Assembly resolution S-20/2 of 10 June 1998, annex.

ening regional mechanisms, 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. The Assembly further urged States to strengthen their actions aimed at preventing and combating the laundering of proceeds derived from drug trafficking and related criminal activities, and to improve information-sharing among financial institutions and agencies in charge of preventing and detecting the laundering of such proceeds.

12. Refugees and displaced persons²⁶⁷

(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees²⁶⁸

The Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR) was established by the Economic and Social Council in 1958 and functions as a subsidiary organ of the General Assembly to which it reports through the Third Committee. The Executive Committee meets annually in Geneva to review and approve the programmes and budget of UNHCR, and advise it on international protection issues and discuss a wide range of other items with UNHCR and its intergovernmental and non-governmental partner. The fifty-eight session of the Executive Committee was held in Geneva from 1 to 5 October 2007,²⁶⁹ during which it adopted a number of conclusions.

In its first conclusion entitled “Conclusion on Children at Risk”, the Executive Committee affirmed, in the light of recent international developments in relation to the protection of children, that children, because of their age, social status and physical and mental development, were often more vulnerable than adults in situations of forced displacement. The Executive Committee recalled that the protection of children was primarily the responsibility of States, whose full and effective cooperation, action and political resolve were required to enable UNHCR to fulfill its mandated functions. However, it recognized the varied means and capacity of host countries, and reaffirmed its call to the international community to mobilize the financial and other resources necessary to ensure the provision of protection. In this regard, the Conclusion adopted by the Executive Committee provided operational guidance for States, UNHCR and relevant agencies and partners, including through identifying components that may form part of a comprehensive child protection system.

In the above mentioned Conclusion, the Executive Committee adopted guidance, *inter alia*, on fundamentals of child protection and recognized the principle that children should be among the first to receive protection and assistance. Moreover, it recognized the approach that States, UNHCR, and other relevant agencies and partners should assure to the child who

²⁶⁷ For a complete list of signatories and States parties to international instruments relating to refugees that are deposited with the Secretary-General, see chapter V of *Multilateral Treaties Deposited with the Secretary-General*, available on the website <http://treaties.un.org/Pages/ParticipationStatus.aspx>.

²⁶⁸ For detailed information and documents regarding this topic generally, see the website of UNHCR at <http://www.unhcr.org>.

²⁶⁹ For the report of the fifty-eight session of the Executive Committee, see *Official Records of the General Assembly, Sixty-second Session, Supplement No. 12A (A/62/12/Add. 1)*.

was capable of forming his or her own views, the right to express those views freely in all matters affecting the child, and that mechanisms exist to inform children and adults alike of children's rights and options. The Executive Committee also recognized a right-based approach, which recognized children as active subjects of rights, and according to which all interventions were consistent with States' obligations under relevant international law.

In the same Conclusion, the Executive Committee called on States, UNHCR and other relevant agencies and partners to put in place modalities for early and continuous identification of children at heightened risk, such as risks in the wider protection environment and risks resulting from individual circumstances. Hereto, the Executive Committee recognized that individual, careful and prompt registration of children and the systematic collection and analysis of age-and sex-disaggregated data and of data on children with specific needs, could be useful in the identification of children in heightened risk.

With regards to preventing children from being put at heightened risk, the Executive Committee furthermore listed non-exhaustively general prevention, response and solution measures. The measures included, *inter alia*, to strengthen or promote the establishment of child protection committees, to develop child and gender-sensitive national asylum procedures, and to address, on a priority basis, the concerns of children in protracted refugee situations. The Committee further recommended prevention, response and solution measures in order to address specific wider environmental or individual risk factors, such as providing individual documentation evidencing children's status and taking appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups.

(b) Human Rights Council

The Human Rights Council continued its effort to protect the rights of internally displaced persons, and adopted during its sixth session on 14 December 2007²⁷⁰ resolution 6/32 entitled "Mandate of the Representative of the Secretary-General on the human rights of internally displaced persons". In the said resolution, the Council noted the report of the Secretary-General²⁷¹ on the performance and effectiveness of the new mechanism on internal displacement submitted to the Commission on Human Rights at its sixty-second session, and commended the Representative of the Secretary-General for the activities undertaken to date. The Council recognized the Guiding Principles on Internal Displacement²⁷² as an important international framework for the protection of internally displaced persons, and in this regard called for international support to capacity building efforts of States. Furthermore, in the same resolution, the Council decided to extend the mandate of the Representative of the Secretary-General on the human rights of internally displaced into all relevant parts of the United Nations system, and requested the Representative in carrying out his mandate, *inter alia*, to continue to use the Guiding Principles on Internal Displacement in his dialogue with governments and other relevant actors.

²⁷⁰ For the report of the sixth session of the Human Rights Council, see *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*.

²⁷¹ E/CN.4/2006/69.

²⁷² For the Guiding Principles on Internal Displacement, see report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Addendum, E/CN.4/1998/53/Add.2.

(c) General Assembly²⁷³

On 18 December 2007, the General Assembly adopted, on the recommendation of the Third Committee,²⁷⁴ resolution 62/125 entitled “Assistance to refugees, returnees and displaced persons in Africa”. In the said resolution, the Assembly noted the need for African States to address resolutely root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall refugee flows. It also noted with great concern that, despite all of the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remained precarious. The Assembly further welcomed decision on the situation of refugees, returnee and displaced persons in Africa adopted by the Executive Council of the African Union,²⁷⁵ and noted the initiatives taken by the African Union and the African Commission on Human and Peoples’ Rights. Moreover, the General Assembly reaffirmed the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, and condemned all acts that pose a threat to the personal security and wellbeing of refugees and asylum-seekers. The Assembly called upon the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, and appealed to the international community to respond positively, in the spirit of solidarity and burden and responsibility-sharing, to the third-country resettlement needs of African refugees.

Also on 18 December 2007, the General Assembly adopted resolution 62/153 entitled “Protection of and assistance to internally displaced persons”. The General Assembly, deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, noted the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of there displacement and finding durable solutions. The Assembly expressed its appreciation to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General on the human rights of internally displaced persons.²⁷⁶ Finally, the Assembly called upon Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respect.

Also in the area of technical assistance and capacity-building, the General Assembly, on the same date, adopted resolutions on the enlargement of the Executive Committee of

²⁷³ For resolutions dealing with refugees in particular regional areas, see the following resolutions adopted by the General Assembly: 62/102 of 17 December 2007 (Assistance to Palestine refugees), 62/103 of 17 December 2007 (Persons displaced as a result of the June 1967 and subsequent hostilities), 62/104 of 17 December 2007 (Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East), and 62/105 of 17 December 2007 (Palestine refugees’ properties and their revenues).

²⁷⁴ For report of the Third Committee, see A/62/431.

²⁷⁵ For the report of the tenth ordinary session of the African Union, held in Addis Ababa on 25 and 26 January 2007, see document EX.CL/Dec.315–347(X).

²⁷⁶ For the note of the Representative of the Secretary-General entitled “Protection of and assistance to internally displaced persons”, see A/62/227.

the Programme of UNHCR (resolution 62/123) and on the Office of UNHCR (resolution 62/124).

13. International Court of Justice²⁷⁷

(a) Organization of the Court

In 2007 the composition of the Court was as follows:

President: Dame 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 of America); Hisashi Owada (Japan); Bruno Simma (Germany); Peter Tomka (Slovakia); Ronny Abraham (France); Kenneth Keith (New Zealand); Bernardo Sepúlveda-Amor (Mexico); Mohamed Bennouna (Morocco); 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, comprising five judges, including the President and Vice-President, and two substitutes, which the Court is required to form annually, in accordance with Article 29 of the Statute, to ensure the speedy dispatch of business, is composed as follows:

Members

President: Dame Rosalyn Higgins

Vice-President: Awn Shawkat Al-Khasawneh

Judges: Gonzalo Parra-Aranguren, Thomas Buergenthal, Leonid Skotnikov

Substitute Members

Judges: Abdul G. Koroma and Ronny Abraham

(b) Jurisdiction of the Court²⁷⁸

On 9 July 2007, Japan made a new declaration recognizing the compulsory jurisdiction of the Court, which reads as follows:

“I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan that, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory *ipso facto* and without

²⁷⁷ 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-second Session, Supplement No. 4 (A/62/4)* and *ibid.*, *Sixty-third Session, Supplement 4 (A/63/4)*. Information about the cases before the International Court of Justice during 2007 is contained in chapter VII below.

²⁷⁸ For more information regarding the States that have made declarations recognizing the compulsory jurisdiction of the Court, see chapter I of *Multilateral Treaties Deposited with the Secretary-General*, available on the website <http://treaties.un.org/Pages/ParticipationStatus.aspx>.

special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes arising on and after 15 September 1958 with regard to situations or facts subsequent to the same date and being not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration does not apply to any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or notified less than twelve months prior to the filing of the application bringing the dispute before the Court.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

9 July 2007.

[Signed] Kenzo Oshima
Permanent Representative of Japan
to the United Nations”

(c) General Assembly

At its sixty-second session, the General Assembly adopted on 1 November 2007, without reference to a Main Committee, decision 62/509, in which the Assembly took note of the report of the International Court of Justice for the period from 1 August 2006 to 31 July 2007.²⁷⁹

On 5 December 2007, the General Assembly adopted resolution 62/39 on the “Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*”,²⁸⁰ in which the Assembly underlined once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

14. International Law Commission²⁸¹

(a) Membership of the Commission

On 16 November 2006, the General Assembly elected by secret ballot the members of the Commission for the quinquennium 2007 to 2011. The thirty-four members of the International Law Commission were elected according to the pattern set up in paragraph 3 of resolution 36/39 of 18 November 1981. Thus, the allocation of seats on the Commission

²⁷⁹ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 4 (A/62/4)*.

²⁸⁰ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 226.

²⁸¹ 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>.

for the five-year term beginning on 1 January 2007 was as follows: eight nationals from African States; seven nationals from Asian States; four nationals from Eastern European States; seven nationals from Latin American and Caribbean States; and eight nationals from Western European and other States.

The membership of the Commission at its fifty-ninth session consisted of Mr. Ali Mohsen Fetais Al-Marri (Qatar); Mr. Ian Brownlie (United Kingdom of Great Britain and Northern Ireland); Mr. Lucius Cafilisch (Switzerland); Mr. Enrique Candioti (Argentina); Mr. Pedro Comissário Afonso (Mozambique); Mr. Christopher John Robert Dugard (South Africa); Ms. Paula Escarameia (Portugal); Mr. Salifou Fomba (Mali); Mr. Giorgio Gaja (Italy); Mr. Zdzisław Galicki (Poland); Mr. Hussein A. Hassouna (Egypt); Mr. Mahmoud D. Hmoud (Jordan); Ms. Marie G. Jacobsson (Sweden); Mr. Maurice Kamto (Cameroon); Mr. Fathi Kemicha (Tunisia); Mr. Roman Anatolyevitch Kolodkin (Russian Federation); Mr. Donald M. McRae (Canada); Mr. Teodor Viorel Melescanu (Romania); Mr. Bernd H. Niehaus (Costa Rica); Mr. Georg Nolte (Germany); Mr. Bayo Ojo (Nigeria); Mr. Alain Pellet (France); Mr. A. Rohan Perera (Sri Lanka); Mr. Ernest Petrič (Slovenia); Mr. Gilberto Vergne Saboia (Brazil); Mr. Narinder Singh (India); Mr. Eduardo Valencia-Ospina (Colombia); Mr. Edmundo Vargas Carreño (Chile); Mr. Stephen C. Vasciannie (Jamaica); Mr. Marcelo Vázquez-Bermúdez (Ecuador); Mr. Amos S. Wako (Kenya); Mr. Nugroho Wisnumurti (Indonesia); Ms. Hanqin Xue (China); and Mr. Chusei Yamada (Japan).

(b) Fifty-ninth session of the Commission

The International Law Commission held the first part of its fifty-ninth session from 7 May to 5 June and the second part of the session from 9 July to 10 August 2007 at its seat at the United Nations Office at Geneva.²⁸² The Commission considered the following topics.

Concerning the topic “Reservations to Treaties”, the Commission considered the eleventh and twelfth reports²⁸³ of the Special Rapporteur, Mr. Alain Pellet, on the formulation and withdrawal of acceptances and objections and on the procedure for acceptances of reservations respectively, and referred to the Drafting Committee 35 draft guidelines in this regard. The Commission also adopted nine draft guidelines, together with their respective commentaries, on the incompatibility of a reservation with the object and purpose of the treaty; determination of the object and purpose of the treaty; vague or general reservations; reservations to a provision reflecting a customary norm; reservations contrary to a rule of *jus cogens*; reservations to provisions relating to non-derogable rights; reservations relating to internal law; the reservations to general human rights treaties and reservations to treaty provisions concerning dispute settlement or the monitoring of the implementation of the treaty.

Concerning the topic “Shared Natural Resources”, the Commission considered the fourth report²⁸⁴ of the Special Rapporteur (Mr. Chusei Yamada), which focused on the relationship between the work on transboundary aquifers and any future work on oil and gas, and recommended that the Commission should proceed with the second reading on

²⁸² For the report of the International Law Commission on the work of its fifty-ninth session, see *Official Records of the General Assembly, Sixty-second Session, Supplement No. 10 (A/62/10)*.

²⁸³ A/CN.4/574 and A/CN.4/584.

²⁸⁴ A/CN.4/580.

the draft articles on the law of transboundary aquifers independently of any future consideration of oil and gas. The Commission also established a Working Group on Shared Natural Resources, under the chairmanship of Mr. Enrique Candioti, to assist the Special Rapporteur in considering his future programme of work, taking into account the views expressed in the Commission. It was also decided to circulate the questionnaire prepared by the Working Group and addressed to governments asking for information on their practice regarding oil and gas.

Concerning the topic “Expulsion of aliens”, the Commission considered the second and third reports²⁸⁵ of the Special Rapporteur, Mr. Maurice Kamto, dealing with the scope of the topic and definitions, as well as with certain provision limiting the right of a State to expel an alien. The Commission also decided to refer to the Drafting Committee seven draft articles.

With regard to the topic “Effects of armed conflicts on treaties”, the Commission considered the third report²⁸⁶ of the Special Rapporteur on the topic, Mr. Ian Brownlie, and decided to establish a Working Group under the chairmanship of Mr. Lucius Caflish to provide further guidance regarding several issues identified by the Commission, namely: the matters related to the scope of the draft articles; the question concerning draft articles 3, 4 and 7 as proposed by the Special Rapporteur in his third report; and the other matters raised during the debate in the plenary. The Commission also decided to refer to the drafting Committee some draft articles, together with the guidance recommended by the Working Group. The Commission also approved the recommendation of the Working Group to circulate a note to international organizations requesting information about their practice with regard to the effect of armed conflicts on treaties involving them.

As regards the topic “Responsibility of international organizations”, the Commission considered the fifth report²⁸⁷ of the Special Rapporteur, Mr. Giorgio Gaja, which focused on content of the international responsibility of an international organization, as well as written comments received from international organizations.²⁸⁸ The Commission decided to refer 15 draft articles to the Drafting Committee and later adopted them, together with the commentaries thereto.

Concerning the topic “The obligation to extradite or prosecute (*aut dedere aut judicare*)”, the International Law Commission considered the second report²⁸⁹ of the Special Rapporteur, Mr. Zdzislaw Galicki, containing one draft article on the scope of application and a proposal of plan for further development, as well as comments and information received from Governments.²⁹⁰

Finally, the Commission decided to include on its programme of work the topic “Protection of persons in the event of disasters and appointed Mr. Eduardo Valencia-Ospina as Special Rapporteur, as well as the topic “Immunity of State officials from foreign criminal jurisdiction” with Mr. Roman A. Kolodkin as Special Rapporteur. The Commission also

²⁸⁵ A/CN.4/573 and Corr. 1 and A/CN.4/581.

²⁸⁶ A/CN.4/578.

²⁸⁷ A/CN.4/583.

²⁸⁸ A/CN.4/545, A/CN.4/547, A/CN.4/556, and A/CN.4/568 and Add.1 and A/CN.4/582.

²⁸⁹ A/CN.4/585 and Corr.1.

²⁹⁰ A/CN.4/579 and Add.1–4.

decided to establish an open-ended Working Group on the “Most-favoured-Nation clause” under the chairmanship of Mr. Donald McRae (Canada) to examine the possibility to include this topic in its long-term programme of work.

(c) Sixth Committee

The Sixth Committee considered the agenda item 82 entitled “the Report of the International Law Commission on the work of its fifty-ninth session” at its 18th to 26th and 28th meetings, from 29 October to 6 November and on 19 November 2007.

The Chairman of the International Law Commission at its fifty-ninth session, Mr. Ian Brownlie, introduced the report of the Commission: chapters I to III, VI to VIII and X at the 18th meeting on 29 October, and chapters IV, V and IX at the 22nd meeting, on 1 November 2007.

At the 28th meeting of the Committee, on 19 November 2007, the representative of Morocco, on behalf of the Bureau, introduced a draft resolution entitled “Report of the International Law Commission on the work of its fifty-ninth session”,²⁹¹ which was adopted without a vote at the same meeting.

(d) General Assembly

On 6 December 2007, the General Assembly adopted, on the recommendation of the Sixth Committee,²⁹² resolution 62/66 entitled “Report on the work of the International Law Commission on the work of its fifty-ninth session”. In the said resolution, the Assembly took note of the report of the International Law Commission and recommended that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of governments, whether submitted in writing or expressed orally in debates in the General Assembly.

Furthermore, the Assembly drew the attention of Governments to the importance for the Commission of having their views on the various aspects involved in the topics of the Reservations to treaties; Shared natural resources; Expulsion of aliens; the Responsibility of international organizations; and the Obligation to extradite or prosecute (*aut dedere aut judicare*). It also invited governments to provide information to the International Law Commission regarding their practice with regard to the topics “Expulsion of aliens” and “The obligation to extradite or prosecute (*aut dedere aut judicare*), “Effects of armed conflicts on treaties”, as well as their comments and observations on the draft articles and commentaries on the law of transboundary aquifers adopted on first reading by the Commission at its fifty-eighth session. Further, the Assembly took note of the decision of the Commission to include the topics “Protection of persons in the event of disasters” and “Immunity of State officials from foreign criminal jurisdiction” in its programme of work. It finally requested the Secretary-General to establish a trust fund to accept voluntary contributions so as to address the backlog relating to the *Yearbook of the International Law Commission*.

²⁹¹ A/C.6/62/L.18.

²⁹² A/62/450.

15. United Nations Commission on International Trade Law

(a) United Nations Commission on International Trade Law²⁹³

The United Nations Commission on International Trade Law (UNCITRAL) held its fortieth session in Vienna in two parts from 25 June to 12 July (part I) and from 10 to 14 December 2007 (part II). The Commission adopted the report of its fortieth session (part I)²⁹⁴ on 6 July and the report of its resumed fortieth session (part II)²⁹⁵ on 14 December 2007.

During the first part of the session, the Commission took note of the reports of Working Group VI (Security Interests) on its eleventh²⁹⁶ and twelfth²⁹⁷ sessions, at which the Group continued its work on developing a legislative guide on secured transactions. The Commission decided that future work should be undertaken with a view to preparing an annex to the draft Guide on certain types of securities, taking into account work by other organizations, in particular UNIDROIT. The Commission decided to entrust Working Group VI with the preparation of an annex to the draft Guide dealing specifically with security rights in intellectual property and requested the Secretariat to consider possible work on financial contracts at a future session. During its resumed session, the Commission adopted the UNCITRAL Legislative Guide on Secured Transactions and authorized the Secretariat to finalize the text of the Guide pursuant to deliberations of that session. The Commission recommended that all States give favourable consideration to the Legislative Guide when they revise or adopt their national laws, and requested the Secretary-General to ensure broad dissemination of the text to Governments and other interested institutions.

The Commission took note of the reports of Working Group I (Procurement) on its tenth²⁹⁸ and the eleventh²⁹⁹ sessions, at which the Group continued its work on the elaboration of proposals for the revision of the Model Law on Procurement of Goods, Construction and Services. The Commission further noted the topics considered by the Working Group, including the use of electronic means of communication in the procurement process, aspects of the publication of procurement-related information and forthcoming procurement opportunities, electronic reverse auctions, abnormally low tenders, and framework agreements. The Commission decided to consider the Group's drafted materials on framework agreements at its next session. It also took note of the Group's decision to add the issue of conflicts of interest to the list of topics to be considered in the revision of the Model Law and its Guide to Enactment.

²⁹³ Detailed information and documents regarding the work of the Commission may be found on the Commission's website at <http://www.uncitral.org/uncitral/en/index.html>.

²⁹⁴ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17 (A/62/17)*, Part I.

²⁹⁵ *Ibid.*, Part II.

²⁹⁶ A/CN.9/617.

²⁹⁷ A/CN.9/620.

²⁹⁸ A/CN.9/615.

²⁹⁹ A/CN.9/623.

The Commission also considered reports of Working Group II (Arbitration and Conciliation) on its forty-fifth³⁰⁰ and forty-sixth³⁰¹ sessions. It commended the Working Group for the progress made on the revision of the UNCITRAL Arbitration Rules. It was agreed to maintain the topic of online dispute resolution on the agenda of the Working Group and to consider, at least in the initial phase, the implications of electronic communications in the context of the revision of the UNCITRAL Arbitration Rules.

In the context of the ongoing project to monitor the legislative implementation of the 1958 New York Convention,³⁰² the Commission was informed of a written report to be presented at its forty-first session in 2008, on the occasion of the fiftieth anniversary of the New York Convention. The Commission also supported a proposal that the recommendation adopted by the Commission at its thirty-ninth session in 2006 regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the New York Convention, be circulated to States in order to seek comments on the impact of that recommendation in their jurisdictions.

The Commission discussed reports of Working Group III (Transport Law) on its eighteenth³⁰³ and nineteenth³⁰⁴ sessions. At those sessions, the Group largely completed its second reading and commenced its third reading of the draft Convention on the carriage of goods [wholly or partly] [by sea]. It made significant progress on such issues as transport documents and electronic transport records, shipper's liability for delay, time for suit, limitation of the carrier's liability, the relationship of the draft Convention with other conventions, general average, jurisdiction and arbitration. Some serious concerns were raised regarding the treatment of certain substantive issues in the draft Convention, such as freedom of contract in volume contracts, and it was suggested that those issues should receive further examination prior to finalization of the draft Convention.

The Commission had before it the reports of Working Group V (Insolvency Law) on its thirty-first³⁰⁵ and thirty-second³⁰⁶ sessions, which reflected the progress made with regard to consideration of the treatment of enterprise groups in insolvency. The Commission took note of the Working Group's agreement that the Insolvency Guide and the UNCITRAL Model Law on Cross-Border Insolvency provided a sound basis for the unification of insolvency law, and that the current work on enterprise groups was intended to complement those texts, not to replace them. It also noted concerns with respect to some components of that work, in particular substantive consolidation and its effect on the separate identity of individual members of a corporate group. In addition, the possibility of submitting a solvent member of an enterprise group to collective procedures was seriously questioned.

³⁰⁰ A/CN.9/614.

³⁰¹ A/CN.9/619.

³⁰² Convention on the Recognition and Enforcement of Foreign Arbitral Awards. United Nations, *Treaty Series*, vol. 330, p. 3.

³⁰³ A/CN.9/616.

³⁰⁴ A/CN.9/621.

³⁰⁵ A/CN.9/618.

³⁰⁶ A/CN.9/622.

With regard to case law on UNCITRAL texts (CLOUT) and digests of case law, the Commission noted that as of 18 April 2007, 63 issues of compiled case-law abstracts from the CLOUT system had been prepared for publication, dealing with 686 cases, relating mainly to the United Nations Sales Convention³⁰⁷ and the UNCITRAL Model Law on International Commercial Arbitration. The Commission expressed its appreciation to the national correspondents and other contributors for developing the CLOUT system. It noted that the digest of case law on the United Nations Sales Convention, published in December 2004, had been reviewed and edited, and that the revised draft would be presented to the CLOUT national correspondents meeting on 5 July 2007.

(b) General Assembly

On 6 December 2007, the General Assembly adopted resolution 62/64, on the recommendation of the Sixth Committee, in which it took note of the report of the Commission on the work of the first part of its fortieth session, commended the Commission for the progress made in its work on secured transactions, procurement, transport law, arbitration, 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.

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

During the sixty-second 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 2007.³⁰⁸ The resolutions of the General Assembly described in this section were all adopted on the recommendation of the Sixth Committee³⁰⁹ and without a vote.

(a) Responsibility of States for internationally wrongful acts

The draft articles on the responsibility of States for internationally wrongful acts were prepared by the International Law Commission, and were submitted to the General

³⁰⁷ United Nations Convention on Contracts for the International Sales of Goods, United Nations, *Treaty Series*, vol. 1489, p. 3.

³⁰⁸ 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/law/lindex.htm>.

³⁰⁹ 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 in 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.

Assembly at its fifty-sixth session, in 2001.³¹⁰ The Assembly took note of the draft articles and commended them to the attention of governments without prejudice to the question of their future adoption or other appropriate action. It also decided to include in the provisional agenda of its fifty-ninth session an item entitled “Responsibility of States for internationally wrongful acts”.³¹¹

Thus, at its fifty-ninth session, the General Assembly requested, in resolution 59/35 of 12 December 2004, the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles; to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite governments to submit information on their practice in that regard and to submit that material well in advance of its sixty-second session.³¹²

(i) *Sixth Committee*

The Sixth Committee considered the question of responsibility of States for internationally wrongful acts at its 12th, 13th, 27th and 28th meetings, on 23 October, and 12 and 19 November 2007.³¹³

It was noted during the general debate, with reference to the compilation prepared by the Secretary-General³¹⁴ that the articles on State responsibility had become an authoritative statement of the rules on State responsibility and were being extensively referred to in practice.

Some delegations praised the International Law Commission for its codification of the rules on State responsibility and its strengthening of the concepts of *jus cogens* and the international community as a whole. Support was expressed for the reference in the articles to a special regime of responsibility for serious breaches of obligations under peremptory norms of general international law. Critical observations were made on the articles referring to countermeasures and the invocation of responsibility by States other than the injured State, on the lack of any dispute settlement mechanism, and on the primary role attributed in the articles to state of necessity as a measure precluding wrongfulness.

Regarding future action on the articles, a number of delegations considered that negotiations on a convention would reopen controversial points and jeopardize the delicate balance built in the articles. They also pointed out that an ensuing convention might be ratified only by a small number of States. Of these delegations, some supported the adoption of a resolution endorsing the articles, while others proposed that a decision on future action be postponed for a few years to ensure further consolidation of the articles. It was also suggested that the General Assembly could commend once again the articles to the attention of governments and express its satisfaction that the articles were being extensively referred

³¹⁰ See Report of the International Law Commission on the work of its fifty-third session, *Official Records of the General Assembly, Supplement No. 10 (A/56/10)*.

³¹¹ General Assembly resolution 56/83 of 12 December 2001.

³¹² General Assembly resolution 59/35 of 2 December 2004.

³¹³ For the report of the Sixth Committee, see A/62/446. For the summary records, see A/C.6/62/SR.12, 13, 27 and 28.

³¹⁴ A/62/62, Corr.1 and Add.1.

to in practice. Another proposal was that the General Assembly adopt a declaration with the articles and consider the adoption of a convention at a later stage.

Other delegations favoured an immediate decision on the future of the articles, emphasizing that the adoption of a convention would be the most logical and preferable outcome of the work of the International Law Commission and would ensure legal certainty in the field. They proposed the convening without delay of an international conference to this end. Some delegations, while supporting the adoption of a convention, proposed the creation of an *ad hoc* committee or a working group in the context of the General Assembly with a mandate to discuss the issue.

The proposal was also made that the General Assembly request once again that the Secretary-General invite governments to submit their comments on future action on the articles, and that he submit, in due course, an updated version of the compilation referred to above.

Some other delegations warned against any further action on the articles and opposed their adoption through a convention.

At the 27th meeting, on 12 November 2007, the representative of Poland, on behalf of the Bureau, introduced a draft resolution entitled “Responsibility of States for internationally wrongful acts”. At its 28th meeting, on 19 November 2007, the Committee adopted the draft resolution without a vote.³¹⁵

(ii) *General Assembly*

The General Assembly adopted resolution 62/61, entitled “Responsibility of States for internationally wrongful acts”, in which it commended once again the articles on responsibility of States for internationally wrongful acts to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. It also requested the Secretary-General to invite governments to submit their written comments on any future action regarding the articles, to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles, and to invite governments to submit information on their practice in this regard. The Assembly requested the Secretary-General to submit this material well in advance of its sixty-fifth session.

(b) **United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law**

The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established by the General Assembly at its twentieth session, in 1965,³¹⁶ to provide direct assistance in the field of international law by means of fellowship programmes, regional courses and symposia in international law, as well as through the preparation and dissemination of publications and other information

³¹⁵ See the report of the Sixth Committee, A/62/446.

³¹⁶ General Assembly resolution 2099 (XX) of 20 December 1965.

relating to international law. The Assembly authorized the continuation of the Programme at its annual sessions until its twenty-sixth session, and thereafter biennially.³¹⁷

(i) *Sixth Committee*

The Sixth Committee considered the item at its 27th and 28th meetings, on 12 and 19 November 2007.³¹⁸

At the 27th meeting, the Chairman of the Advisory Committee on the Programme of Assistance, introduced and orally revised a draft resolution entitled “United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law”.³¹⁹ At its 28th meeting, on 19 November 2007, the Committee adopted the draft resolution, as orally revised, without a vote.

(ii) *General Assembly*

On 6 December 2007, General Assembly adopted resolution 62/62, in which it took note with satisfaction of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.³²⁰ It approved the guidelines and recommendations contained in section III of the report, and authorized the Secretary-General to carry out in 2006 and 2007 the activities specified in the said report. Furthermore, the Assembly noted with satisfaction the efforts made to revitalize the United Nations Audiovisual Library of International Law, and urged States to make voluntary contributions to enable the development and maintenance of the Library.

The General Assembly also decided to appoint the following twenty-five Member States as members of the Advisory Committee on the Programme of Assistance for a period of four years beginning on 1 January 2008: Canada, Colombia, Cyprus, Czech Republic, Ethiopia, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Jamaica, Kenya, Lebanon, Malaysia, Mexico, Nigeria, Pakistan, Portugal, Russian Federation, the Sudan, Trinidad and Tobago, Ukraine, United Republic of Tanzania, United States of America and Uruguay.

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

At its sixty-first session, in 2006, the General Assembly decided that the agenda item entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects”, which had been allocated to the Special Political and Decolonization Committee (Fourth Committee), should also be referred to the Sixth Committee for discus-

³¹⁷ For further information on the Programme, see <http://www.un.org/law/programmeofassistance/>.

³¹⁸ For the report of the Sixth Committee, see A/62/447. For the summary records, see A/C.6/62/SR.27 and 28.

³¹⁹ A/C.6/62/L.12.

³²⁰ A/62/503.

sion of the report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peace-keeping operations.³²¹ At the same session, the General Assembly decided to establish an *ad hoc* committee for the purpose of considering the report of the Group of Legal Experts, in particular its legal aspects, and decided to include in the provisional agenda of its sixty-second session the item entitled “Criminal accountability of United Nations officials and experts on mission”.³²²

(i) *Sixth Committee*

The Sixth Committee considered the topic of criminal accountability of United Nations officials and experts on mission at its 6th, 7th, 17th, 27th and 28th meetings, on 15 and 26 October, and on 12 and 19 November 2007.³²³

At the 6th meeting, on 15 October 2007, the Chairperson of the Ad Hoc Committee on Criminal Accountability of United Nations officials and experts on mission introduced the report of the Ad Hoc Committee.³²⁴ On the recommendation of the Ad Hoc Committee, the Sixth Committee established a working group with a view to continuing the consideration of the report of the Group of Legal Experts. The Working Group held four meetings, on 15, 16, 17 and 23 October. On 26 October, the Chairperson of the Working Group presented an oral report on the work of the Working Group to the Committee.³²⁵

During the general debate, several delegations underlined the seriousness of the problem and the fact that criminal conduct by United Nations officials and experts on mission constituted a breach of trust which affects the image, credibility and efficiency of the organization. The need for eliminating impunity and implementing a zero-tolerance policy with respect to serious crimes committed by United Nations personnel was emphasized. Several delegations also recognized the existence of jurisdictional gaps that may lead to impunity, especially in situations where the host State was unable to exercise its criminal jurisdiction with respect to an alleged offender, and where the State of nationality of the alleged offender was not in a position to assert its jurisdiction over crimes committed in the host State.

Some delegations supported the elaboration of a convention requiring the State of nationality to establish criminal jurisdiction over its nationals. It was noted that a convention would provide clarity on the basis for the exercise of criminal jurisdiction and on the categories of individuals and crimes subject to that jurisdiction. Moreover, it was stated that a convention would facilitate cooperation between States, and between States and the United Nations, in the field of investigations, extradition, mutual assistance and information-sharing. The draft convention presented by the Group of Legal Experts was viewed by some delegations as a good basis for discussion. Some other delegations considered it premature for the Sixth Committee to discuss the adoption of a convention

³²¹ A/60/980.

³²² General Assembly resolution 61/29 of 4 December 2006.

³²³ For the report of the Sixth Committee, see A/62/448. For the summary records, see A/C.6/62/SR.6, 7, 17 27 and 28.

³²⁴ A/62/54. See also the Secretariat's note, contained in document A/62/329.

³²⁵ A/C.6/62/SR. 17.

and suggested that the Committee focus its work on substantive matters which required further consideration. Doubts were raised on the necessity of a convention in order to address the current problems. In this regard, it was observed that more information was needed from the Secretariat on the practical problems to be addressed, before starting to negotiate a convention.

Some delegations believed that the response to the problem should not be limited to United Nations personnel on peacekeeping operations, but should be extended to all United Nations personnel finding themselves in the area of a United Nations operation. It was also held that personnel engaged in a Chapter VII operation should be covered. According to another view, efforts should focus, for the time being, on peacekeeping personnel. While several delegations considered that military members of national contingents should not be covered, the view was expressed in favour of their inclusion within the present topic. Conflicting opinions were expressed on the inclusion of military observers and members of civilian police.

Some delegations were of the view that the crimes to be covered were not only those against the person, but also included serious economic crimes. It was observed that the notion of “serious crime” needed to be clearly defined and that reference to a threshold of punishment may not be sufficient in this regard.

According to some delegations, priority should be given to the jurisdiction of the host State, while the jurisdiction of the State of nationality should be envisaged only in case of incapacity by the host State to exercise its jurisdiction in compliance with recognized standards of due process and human rights. According to another view, priority should be given to the exercise of jurisdiction by the State of nationality of the alleged offender. It was observed that the establishment of a universal jurisdiction regime was probably unnecessary in order to address the current problems.

Several delegations supported the adoption of short-term measures as suggested by the Secretary-General, including a General Assembly resolution calling upon States to establish jurisdiction over their nationals who have allegedly committed a serious crime in the context of a United Nations operation. Some delegations underlined the importance of adopting preventive measures, including by means of appropriate trainings. It was proposed that a policy of aid to victims be set up. While some delegations stressed the need for improving the Organization’s capacity with respect to the collection of evidence, concern was also expressed about the use in criminal proceedings of evidence gathered for purposes of administrative investigations. It was also stated that the Secretariat should play a greater role by strengthening its mechanisms of oversight and discipline.

Some delegations called for a clearer and more uniform practice with regard to the waiver of immunities of United Nations personnel. A proposal was made that the scope of such immunities be restricted.

Finally, some delegations pointed to the need for cooperation on this item between the Sixth Committee and the Fourth Committee, as well as the Special Committee on Peacekeeping Operations. Support was expressed for the convening of an Ad Hoc Committee to continue the consideration of this topic.

At the 27th meeting, on 12 November 2007, the representative of Greece, on behalf of the Bureau, introduced a draft resolution entitled “Criminal accountability of United

Nations officials and experts on mission".³²⁶ At the same meeting, the Committee adopted the draft resolution without a vote.³²⁷

(ii) *General Assembly*

In its resolution 62/63, the General Assembly strongly urged States to take all appropriate measures to ensure that crimes by United Nations officials and experts on mission do not go unpunished and that the perpetrators of such crimes are brought to justice, without prejudice to the privileges and immunities of such persons and the United Nations under international law, and in accordance with international human rights standards, including due process. The Assembly also urged all States to consider establishing, to the extent that they have not yet done so, jurisdiction, particularly over crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on mission. The Assembly further encouraged all States to cooperate with each other and with the United Nations in the exchange of information and in facilitating the conduct of investigations and, as appropriate, prosecution of United Nations officials and experts on mission who are alleged to have committed crimes of a serious nature, in accordance with their domestic laws and applicable United Nations rules and regulations. Furthermore, it requested the Secretary-General to bring credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the States against whose nationals such allegations are made, and to request from those States an indication of the status of their efforts to investigate and, as appropriate, prosecute crimes of a serious nature, as well as the types of appropriate assistance States may wish to receive from the Secretariat for the purposes of such investigations and prosecutions. Finally, the Assembly requested the Secretary-General to report to it at its sixty-third session on the implementation of the present resolution on the basis of information received from Governments.

(d) **Diplomatic protection**

The International Law Commission adopted at its fifty-eighth session, in 2006, the draft articles on diplomatic protection, and recommended in its report to the General Assembly that the Assembly elaborate a convention on the basis of the draft articles.³²⁸ At its sixty-first session, during the same year, the General Assembly took note of the draft articles, and invited Governments to submit comments concerning the recommendations of the Commission.³²⁹

³²⁶ A/C.6/62/L.10.

³²⁷ Report of the Sixth Committee, A/62/448. For the summary records, see A/C.6/62/SR.28.

³²⁸ International Law Commission, Report on the work of its fifty-eighth session, *Official Records of the General Assembly, Sixty-First Session, Supplement No. 10* (A/61/10).

³²⁹ General Assembly resolution 31/35 of 4 December 2006.

(i) *Sixth Committee*

The Sixth Committee considered this agenda item entitled “Diplomatic Protection” at its 10th, 27th and 28th meetings, on 19 October and on 12 and 19 November 2007.³³⁰

During the general debate, all speakers expressed their gratitude to the International Law Commission, and its Special Rapporteur, Mr. John Dugard of South Africa, for the completion of the work on the draft articles on diplomatic protection.

As regards the recommendation of the Commission that the General Assembly adopt an international convention on the basis of the draft articles, several delegations expressed support for the adoption of the draft articles in the form of a convention. It was proposed that an ad hoc committee be established with a mandate to elaborate an international convention. Other similar suggestions included the establishment of a working group of the Sixth Committee to consider the draft articles.

A number of delegations preferred to allow more time for reflection and for the evolution of State practice on the basis of the draft articles. Proposals included to maintain the item of the agenda of the General Assembly, including on a triennial basis, or revisiting the topic in 2012, and to take note of the draft articles attaching them to the General Assembly’s resolution and commending them to Governments without prejudice to any future action to be taken on them. Opposition was expressed to attaching the draft articles to a General Assembly resolution, which might render them mere “guidelines”.

In terms of substantive suggestions, it was proposed that draft article 6 be refined to clarify that once diplomatic protection has been exercised by one State, another State of nationality would be precluded from doing so too. It was noted that draft article 7, on multiple nationality, had created confusion in the area of consular law. It was maintained that the requirement of preponderance needed to be reconsidered in light of globalization. The view was also expressed that draft article 8, on the protection of refugees and stateless persons, set too high a threshold. Concerns were further expressed regarding draft articles 11 and 12 on the protection of shareholders of companies. Other suggestions included deleting draft article 13 on the protection of other legal persons and draft article 19 on “recommended practice”. It was also suggested that a stronger emphasis be placed on the “right” of the individual to diplomatic protection, especially in the context of *jus cogens* violations.

At the 27th meeting, on 12 November 2007, the delegation of South Africa, on behalf of the Bureau, introduced a draft resolution, entitled “Diplomatic protection”.³³¹ At the 28th meeting, on 19 November, the Committee adopted this draft resolution without a vote.³³²

(ii) *General Assembly*

In its resolution 62/67, adopted on 6 December 2007, the General Assembly welcomed the conclusion of the work of the International Law Commission on diplomatic protection and its adoption of the draft articles and commentary on the topic. It also commended

³³⁰ Report of the Sixth Committee, A/62/451. For the summary records, see A/C.6/62/SR.10, 27 and 28.

³³¹ A/C.6/62/L.13.

³³² Report of the Sixth Committee, A/62/451.

the articles on diplomatic protection presented by the Commission to the attention of Governments, and invited them to submit in writing to the Secretary-General any further comments concerning the recommendation by the Commission to elaborate a convention on the basis of the articles. The Assembly decided to include in the provisional agenda of its sixty-fifth session an item entitled “Diplomatic protection” and to further examine, within the framework of a working group of the Sixth Committee, in light of the written comments of governments, as well as views expressed in the debates held at the sixty-second session of the General Assembly, the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the above-mentioned articles.

(e) **Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm**

Following a recommendation by the General Assembly in resolution 3071 (XXVIII) of 30 November 1973, the International Law Commission included the topic “International liability for injurious consequences arising out of acts not prohibited by international law” in its programme of work in 1978.

In 1997, the Commission decided to deal first with prevention aspects of the topic under the subtitle “Prevention of transboundary damage from hazardous activities”. The Commission at its fifty-third session, in 2001, completed the draft articles on prevention of transboundary harm from hazardous activities and recommended to the General Assembly the elaboration of a convention on the basis of the draft articles.³³³

In 2002, at its fifty-fourth session, the Commission resumed work on the liability aspects of the topic under the subtitle “International liability in case of loss from transboundary harm arising out of hazardous activities”.³³⁴ At its fifty-eighth session, in 2006, the Commission completed the liability aspects by adopting draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities (see A/61/10, chap. V.E), and recommended to the General Assembly that it endorse the draft principles by a resolution and urge States to take national and international action to implement them.³³⁵

(i) *Sixth Committee*

The Sixth Committee considered the item entitled “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm” at its 12th and 28th meetings, on 23 October and 19 November 2007.³³⁶

During the general debate, the main focus of the interventions was on the final form that two draft instruments should take. However, some delegations also commented

³³³ Report of the International Law Commission, *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10* (A/56/10).

³³⁴ Report of the International Law Commission, *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10* (A/57/10).

³³⁵ Report of the International Law Commission, *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10, chap.V.E).

³³⁶ For the report of the Sixth Committee, see A/62/452. For the summary records, see A/C.6/62/SR.12 and 28.

on the substantive aspects of the draft articles on prevention of transboundary harm from hazardous activities and the draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities.

It was recalled that the International Law Commission had recommended that the General Assembly adopt an international convention on the basis of the draft articles on prevention, while the draft principles be endorsed in a resolution. In this regard, some delegations expressed support for the adoption of the draft articles in the form of a convention and were of the view that such a convention could also include elements of the draft principles on the allocation of loss. Preference was voiced for adopting the two texts as non-binding instruments. In addition, a view was expressed against the elaboration of a convention. It was further suggested that the General Assembly take note of the work on the two aspects of the topic and encourage States to make use of the articles and principles in the context of specific situations. Some other delegations suggested that the Assembly welcome the draft articles on prevention and commend them to the attention of governments without prejudice to their adoption as a convention, and considered that the General Assembly should encourage States to be guided by both the articles and the principles in the conduct of their relations.

According to another view, the issues of prevention and liability should be dealt with together on equal footing and it was not considered appropriate to advance further on the topic until the law on international responsibility of States for internationally wrongful acts had been consolidated.

Some other delegations were of the opinion that future action should be deferred on the draft texts to allow more time for reflection and for the further evolution of State practice on these issues. In this regard, it was suggested that the question be revisited within 3 to 5 years. It was also suggested that a working group of the Sixth Committee be established to clarify some of the substantive difficulties highlighted during the debate and thereafter consider the final form of the draft principles.

At the 28th meeting, on 19 November 2007, the representative of New Zealand, on behalf of the Bureau, introduced a draft resolution entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm",³³⁷ which was adopted at the same meeting without a vote.³³⁸

(ii) *General Assembly*

In its resolution 62/68, adopted on 6 December 2007, the General Assembly welcomed the conclusion of the work of the International Law Commission on prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm and its adoption of the respective draft articles and draft principles and commentaries on the subjects. The Assembly commended the articles on prevention of transboundary harm from hazardous activities to the attention of governments, without prejudice to any future action, as recommended by the Commission regarding the articles, and commended once again the principles on the allocation of loss in the case of transboundary harm arising

³³⁷ A/C.6/62/L.19.

³³⁸ Report of the Sixth Committee, A/62/452.

ing out of hazardous activities to the attention of governments, without prejudice to any future action, as recommended by the Commission regarding the principles. Further, it invited governments to submit comments on any future action, in particular on the form of the respective articles and principles, bearing in mind the recommendations made by the Commission in that regard, including in relation to the elaboration of a convention on the basis of the draft articles, as well as on any practice in relation to the application of the articles and principles. Finally, the Assembly decided to include in the provisional agenda of its sixty-fifth session the item entitled “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm”.

(f) 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*

The item entitled “Need to consider suggestions regarding the review of the Charter of the United Nations” was included in the agenda of the twenty-fourth session of the General Assembly, in 1969, at the request of Colombia.³³⁹ At its twenty-ninth session, in 1974, the General Assembly decided to establish an *Ad Hoc* Committee on the Charter of the United Nations to consider any specific proposals that Governments might make with a view to enhancing the ability of the United Nations to achieve its purposes, as well as other suggestions for the more effective functioning of the United Nations that might not require amendments to the Charter.³⁴⁰

Meanwhile, another item, entitled “Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law in relations between States”, was included in the agenda of the twenty-seventh session of the General Assembly at the request of Romania.³⁴¹

At its thirtieth session, the General Assembly decided to reconvene the *Ad Hoc* Committee as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to examine suggestions and proposals regarding the Charter and the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law.³⁴² Since its thirtieth session, the General Assembly has reconvened the Special Committee every year.

In 2007, the Special Committee from 7 to 15 March met at United Nations Headquarters, in accordance with General Assembly resolution 61/38 of 4 December 2004. The topics considered included the maintenance of international peace and security, in particular the question of sanctions, and the strengthening of the role of the Organization; the peaceful settlement of disputes; the proposals concerning the abolition of the Trusteeship Council,

³³⁹ A/7659.

³⁴⁰ General Assembly resolution 3349 (XXIX) of 17 December 1974.

³⁴¹ A/8792.

³⁴² General Assembly resolution 3499 (XXX) of 15 December 1975.

the publications *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, as well as the working methods of the Committee and the identification of new subjects.

At its 252nd meeting, on 15 February 2007, the Special Committee adopted the report of its 2007 session, in which it presented a number of recommendations to the General Assembly.³⁴³

(ii) *Sixth Committee*

The Sixth Committee considered this item at its 8th, 9th, 27th and 28th meetings, on 16 and 17 October and on 12 and 19 November 2007.³⁴⁴

At the 8th meeting of the Committee, the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee.

During the general debate, some delegations expressed the view that sanctions constituted an important tool for the maintenance of international peace and security, but emphasized that they should be clearly defined, targeted, limited in duration and periodically reviewed. Others pointed out that sanctions should only be imposed in conformity with rules of international law, including the Charter of the United Nations, and as a last resort after all peaceful means of settlement of disputes under Chapter VI of the Charter had been exhausted.

Delegations expressed divergent views on the implementation of Article 50 of the Charter, especially regarding the obligation of the Security Council to assist third States affected by sanctions. Some delegations sought the establishment of a mechanism to assist third States at the time of the imposition of sanctions by the Security Council. Other delegations welcomed the progress of work of the Security Council Informal Working Group on General Issues of Sanctions. It was noted in this regard, that currently all sanctions imposed by the Security Council were targeted and that no State had requested assistance in the past 5 years. While acknowledging the efforts made in and outside the United Nations, the need to establish an effective mechanism for listing and de-listing procedures was underlined.

Some Speakers expressed their concerns about the use of unilateral sanctions against some developing States, which, according to them, constituted breaches of international law. A delegation suggested that the International Law Commission should consider the unlawful imposition of sanctions in its work on the Responsibility of International Organizations.

Some speakers expressed support for the consideration of the revised working paper introduced by the Russian Federation³⁴⁵ in a working group to be established by the Sixth Committee for this purpose. However, the proposed working group could not be established during the current session, and consequently, the proposal was considered in the format of informal consultations.

³⁴³ *Officials records of the General Assembly, Sixty-second session, Supplement No. 33 (A/62/33).*

³⁴⁴ For the report of the Sixth Committee, see A/62/453. For the summary records, see A/C.6/62/SR.8, 9, 27 and 28.

³⁴⁵ A/C.6/62/L.6.

At the 27th meeting of the Committee, the representative of Egypt, on behalf of the Bureau, introduced a draft resolution entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”.³⁴⁶ At its 28th meeting, the Committee adopted this draft resolution without a vote.

(iii) *General Assembly*

On 6 December 2007, General Assembly adopted resolution 62/69 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 on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

Furthermore, the Assembly requested that during its next session in 2008, the Special Committee, *inter alia*, 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 United Nations and also 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.

Finally, the General Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and the wider cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*.

(g) **The rule of law at the national and international levels**

This item was included in the provisional agenda of the sixty-first session at the request of Liechtenstein and Mexico.³⁴⁷

At the same session, the General Assembly requested the Secretary-General to seek the views of Member States on matters pertaining to the rule of law at the national and international levels and to submit a report thereon at its sixty-second session, and further 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. It further recommended that the Sixth Committee should annually choose one or two sub-topics to facilitate a focused discussion for the subsequent session, without prejudice to the consideration of the item as a whole.³⁴⁸

³⁴⁶ A/C.6/62/L.11.

³⁴⁷ A/61/142.

³⁴⁸ General Assembly resolution 61/39 of 4 December 2006.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 14th, 15th, 16th and 28th meetings, on 25 and 26 October and on 19 November 2007.³⁴⁹

During the general debate, delegations expressed support for the inclusion of this item on the agenda of the Sixth Committee, while indicating that the duplication of work being done in other fora should be avoided. Some delegations were of the view that the Committee should first try to reach a common definition of the rule of law, whereas others considered that the understanding of the concept was sufficiently shared within the Committee, for it to be in a position to start studying further aspects of the topic. Delegations stated that consideration of this item by the Committee should be action-oriented and focused on concrete outcomes.

Delegations welcomed the report of the Secretary-General reflecting the views expressed by Member States on the rule of law,³⁵⁰ as well as the interim report on the preparation of an inventory of all rule of law activities undertaken by United Nations entities.³⁵¹

The importance of the rule of law both at the national and international levels, and within the Organization itself was emphasized. While some delegations indicated that the General Assembly should give balanced consideration to the national and international aspects of the rule of law, others considered that, as a matter of priority, specific attention should be devoted to what was termed the “international rule of law”. Several delegations described their actions to promote the rule of law at the national level and indicated that international assistance in that field should be provided at the request and with the consent of the national authorities.

As to concrete sub-topics that could be chosen to facilitate a focused discussion of the item, during the discussions, delegations suggested the following: technical assistance and capacity-building, especially for the implementation and interpretation of international obligations and in post-conflict situations; implementation in good faith of international obligations; the role of international tribunals in the peaceful settlement of disputes and the review of corresponding provisions in treaties; coordination and effectiveness of rule of law assistance; strengthening and development of criminal justice at the international and national levels; transitional justice at the national level; and identification of the concept and scope of the rule of law at the national and international levels.

At the 28th meeting, on 19 November 2007, the representative of Liechtenstein introduced and orally revised, on behalf of the Bureau, a draft resolution entitled “The rule of law at the national and international levels”,³⁵² which was adopted, as orally revised, and without a vote at the same meeting.³⁵³

³⁴⁹ For the report of the Sixth Committee, see A/62/454. For the summary records, see A/C.6/62/SR.14, 15, 16 and 28.

³⁵⁰ A/62/121 and Add.1.

³⁵¹ A/62/261.

³⁵² A/C.6/62/L.9.

³⁵³ Report of the Sixth Committee, A/62/454.

(ii) *General Assembly*

On 6 December 2007, General Assembly adopted resolution 62/70, in which it reiterated its request to 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. The Assembly also reiterated its request to the Secretary-General to prepare and submit at its sixty-third session, after having sought the views of Member States, 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. Further, it invited the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law, and requested the Secretary-General to provide details on the staffing and other requirements for the rule of law unit in the Executive Office of the Secretary-General.

(h) **Measures to eliminate international terrorism**

(i) *Ad hoc Committee established by General Assembly resolution 51/210 of 17 December 1996*

On 17 December 1996, the General Assembly adopted resolution 51/210, in which it 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 2007, the Ad Hoc Committee held its eleventh session on 5, 6 and 15 February 2007, in accordance with the General Assembly resolution 61/40 of 4 December 2006. Its mandate was to continue to elaborate the draft comprehensive convention on international terrorism and continue to discuss 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.

The Ad Hoc Committee held its 38th and 39th plenary meetings on 5 and 15 February 2007, respectively.³⁵⁴ In addition, the coordinator of the comprehensive convention held separate informal consultation and bilateral contacts on the matter.

³⁵⁴ For the report of the Ad Hoc Committee, see *Official Records of the General Assembly, Sixty-second Session, Supplement No. 37 (A/62/37)*.

(ii) *Sixth Committee*

The Sixth Committee considered the agenda item entitled “Measures to eliminate international terrorism” at its 3rd to 5th, 16th and 28th meetings, on 10, 11 and 26 October and 19 November 2007.³⁵⁵

At its 1st meeting, on 8 October, the Sixth Committee established a Working Group to carry out the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210, as contained in resolution 61/40. The Working Group held three meetings, on 11, 15 and 18 October. Informal consultations were also held on the resolution on this item.

At the 3rd meeting, on 10 October, the Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 introduced the report of the Ad Hoc Committee,³⁵⁶ and at the 16th meeting, on 26 October, the Chairman of the Working Group presented an oral report on the work of the Working Group and on the results of the bilateral contacts with delegations which were held intersessionally and on 16 and 17 October.³⁵⁷

During the general debate on this item, delegations welcomed the adoption of the United Nations Global Counter-Terrorism Strategy, reiterated their commitment to it and called for enhancing international cooperation to fully implement the Strategy and its plan of action, and the importance of reviewing and updating the Strategy in the light of new developments was underlined. The Sixth Committee was invited to focus on the legal and technical aspects of the matter, including the finalization of the draft comprehensive convention on international terrorism. Delegations acknowledged with appreciation the efforts of the Counter-Terrorism Task Force in promoting the implementation of the Strategy in 2007 and support was expressed for the institutionalization of the Task Force and its funding through the United Nations regular budget.

With regard to the work of the Ad Hoc Committee established by General Assembly resolution 51/210, delegations recalled that the conclusion of the draft comprehensive convention on international terrorism remained a priority for the General Assembly and called for its early conclusion.

At the 28th meeting, on 19 November 2007, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled “Measures to eliminate international terrorism”.³⁵⁸ At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution and the Committee adopted this draft resolution without a vote.³⁵⁹

(iii) *General Assembly*

On 6 December 2007, the General Assembly adopted resolution 62/71, entitled “Measures to eliminate international terrorism”. In the said resolution, the Assembly, *inter alia*,

³⁵⁵ For the report of the Sixth Committee, see A/62/455. For the summary records, see A/C.6/62/SR.3, 4, 5, 16 and 28.

³⁵⁶ A/62/37.

³⁵⁷ A/C.6/62/SR.16.

³⁵⁸ A/C.6/62/L.14.

³⁵⁹ Report of the Sixth Committee, A/62/455.

strongly condemned all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed, and reiterated its call upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism. The Assembly further reiterated its call upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information and to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities. Furthermore, the Assembly noted with appreciation and satisfaction that, consistent with the call contained in paragraphs 11 and 12 of resolution 61/40, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions, and, in this regard, welcomed in particular the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism.³⁶⁰

(i) Administration of justice at the United Nations

The item “Administration of Justice at the United Nations” was included in the provisional 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.

On 21 September 2007, the General Assembly, upon the recommendation of the General Committee, decided to include the item “Administration of justice at the United Nations” in its agenda and to allocate it both to the Fifth and Sixth Committees in the light of General Assembly resolution 61/261 of 4 April 2007.

(i) Sixth Committee

The Sixth Committee considered the item at its 2nd, 17th and 28th meetings, on 8 and 26 October, and on 19 November 2007.³⁶¹

At its 1st meeting, on 8 October 2007, the Sixth Committee decided to establish a working group on the Administration of justice at the United Nations to fulfil the mandate entrusted to the Committee by General Assembly resolution 61/261 of 4 April 2007. At the same meeting, the Sixth Committee elected Mr. Ganeson Sivagurunathan (Malaysia) as Chairman of the Working Group. The Committee also decided to open the Working Group to all States members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held eleven meetings from 8 to 19 October and on 25 October 2007. At the 17th meeting, on 26 October 2007, the Chairman of the Working Group presented an oral report on the work of the Working Group.³⁶²

³⁶⁰ Convention contained in General Assembly resolution 59/290 of 13 April 2005.

³⁶¹ For the report of the Sixth Committee, see A/62/458. For the summary records, see A/C.6/62/SR.2, 17 and 28.

³⁶² A/C.6/62/SR.17.

During the general debate, delegations supported the implementation of a new system of administration of justice that would ensure the protection of employees' rights while enhancing accountability of employees and managers. The new system should be independent, transparent, professionalized, adequately resourced and decentralized. Support was expressed for the establishment of a two-tier system, although a preference was also expressed for a single tribunal comprising a first instance and an appellate chamber. Several delegations declared their commitment to undertake the necessary efforts in order to implement the new system by 1 January 2009. However, it was also noted that many issues remained to be thoroughly considered.

Delegations pointed to the need for coordination between the work of the Fifth and Sixth Committees on this item. Several delegations underlined the role of the Sixth Committee in providing advice to the Fifth Committee with a view to ensuring respect for the rule of law and due process in the new system; however, it was also observed that the Sixth Committee should take due account of budgetary constraints. It was proposed that the Sixth Committee focus its work on the formal system, including its relation to the informal system and disciplinary procedures, and on the draft elements of statutes for the two instances proposed by the Secretary-General. According to another view, it was premature for the Sixth Committee to begin a detailed consideration of the wording of the statutes. It was suggested that the Sixth Committee consider a certain number of issues, including: the scope *ratione personae* of the new system; legal assistance to, and legal representation of staff; the right to a fair hearing; the implementation of a mechanism of management evaluation to be conducted within a specified time-limit; selection, appointment and dismissal of judges; powers of judges; registries; as well as interim measures for the transitional period.

Divergent views were expressed on the scope *ratione personae* of the new system. While concern was expressed about covering individuals other than staff members, it was also proposed that the new system be made accessible to individual contractors who are currently deprived of access to effective means of dispute resolution, and to experts on mission. It was observed that individuals who would be excluded from the system, such as volunteers and interns, should nevertheless be provided with effective remedies. Concern was expressed about conferring *locus standi* upon staff associations.

Several delegations emphasized the importance of strengthening the role of the Ombudsman and supported the creation of a Mediation Division within the Office of the Ombudsman. The need to preserve the confidentiality of discussions in the informal system, as well as the inadmissibility in the formal system of statements made during the mediation process, were also underlined.

Several delegations supported the establishment of an Internal Justice Council for the selection of judges. Some delegations were of the view that judges of the United Nations Dispute Tribunal should be elected by the General Assembly, instead of being appointed by the Secretary-General as proposed in his report. Divergent views were expressed as to the number of judges that would decide a case on first instance. While some delegations favored decisions by a single judge, other delegations favored a panel of three judges in order to ensure that diversity in nationalities, cultures, religions and legal traditions be duly reflected in the decision-making process.

At the 28th meeting, on 19 November 2007, the representative of Malaysia, on behalf of the Bureau, introduced a draft decision entitled "Administration of justice at the United

Nations”.³⁶³ The Secretary of the Committee made a statement regarding the financial implications of this draft decision and thereafter, the Committee adopted the draft decision without a vote.³⁶⁴

(ii) *General Assembly*

On 6 December 2007, the General Assembly adopted decision 62/519, in which it took note of the conclusions of the Sixth Committee on the administration of justice at the United Nations following its consideration of the legal aspects of the report of the Secretary-General, and it requested the Secretary-General to respond to the requests for information contained in the conclusions of the Sixth Committee. The Assembly also decided to establish an *Ad Hoc* Committee on the Administration of Justice at the United Nations, to be open to all States Members of the United Nations, members of the specialized agencies or members of the International Atomic Energy Agency, for the purpose of continuing the work on the legal aspects of the item, taking into account the results of the deliberations of the Sixth Committee on the item, previous decisions of the Assembly and any further decisions that the Assembly may take during its sixty-second session prior to the meeting of the *Ad Hoc* Committee.

(j) **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 of America as the host country, 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; and public relations issues with New York as the host city.³⁶⁵ In 2007, 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 of Great Britain and Northern Ireland and United States of America.

In 2007, the Committee held four meetings, its 232nd meeting, on 5 March 2007; its 233rd meeting, on 9 July 2007; its 234th meeting, on 5 October 2007; its 235th meeting, on 31 October 2007. At its 235th meeting, the Committee approved various recommendations and conclusions dealing with the said matters.³⁶⁶

³⁶³ A/C.6/62/L.22.

³⁶⁴ Report of the Sixth Committee, A/62/458.

³⁶⁵ Resolution 2819 (XXVI) of 15 December 1971.

³⁶⁶ Report of the Committee on Relations with the Host Country, *Official Records of the General Assembly, Sixty-Second Session, Supplement No. 26 (A/62/26)*.

(ii) *Sixth Committee*

The Sixth Committee considered the item at its 27th meeting, on 12 November 2007.³⁶⁷ The Chairman of the Committee on Relations with the Host Country introduced the report of the Committee.³⁶⁸

During the general debate, 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 Nations,³⁶⁹ of 1946 and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations³⁷⁰ of 1947 (Headquarters Agreement), to accord full facilities for the normal functioning of the missions accredited to the United Nations. A reference was also made to instances of travel restrictions, delay in the issuance of entry visas and to the imposition of municipal property and gasoline taxes on diplomatic missions.

The United States of America confirmed its commitment to fulfil its obligations under international law and highlighted, in particular, the success achieved in the implementation of the Parking Programme and the introduction of special screening procedures for diplomats at its airports. It was also pointed out that restrictions on private non-official travel of members of certain missions did not violate international law.

At the 27th meeting, the representative of Cyprus, speaking also on behalf of Bulgaria, Canada, Costa Rica and Côte d'Ivoire, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country",³⁷¹ which was adopted by the Committee without a vote, at the same session.³⁷²

(iii) *General Assembly*

On 6 December 2007, General Assembly adopted resolution 62/72, in which it endorsed the recommendations and conclusions of the Committee on Relations with the Host Country. The Assembly considered that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities were in the interest of the United Nations and all Member States, and it requested the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions. The Assembly also 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 and if violations occur to ensure that such cases are properly investigated and remedied, in accordance with applicable law.

³⁶⁷ For the report of the Sixth Committee, see A/62/459. For the summary records, see A/C.6/62/SR.27.

³⁶⁸ A/62/26 and Corr.1.

³⁶⁹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1).

³⁷⁰ United Nations, *Treaty Series*, vol. 11, p. 11.

³⁷¹ A/C.6/62/L.15.

³⁷² Report of the Sixth Committee, A/62/459.

Furthermore, the Assembly noted the problems experienced by some permanent missions in connection with the implementation of the Parking Programme for Diplomatic Vehicles, and welcomed the conduct of the second review of the implementation of this Programme. It also requested the host country to consider removing the remaining travel restrictions imposed by it on staff of certain missions and staff members of the Secretariat of certain nationalities, and 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.

Finally, the Assembly welcomed the exercise by the Chairman of the Committee of his good offices in addressing concerns pertaining to safety and security at the Headquarters District through the reasonable application of fire protection regulations of the appropriate authorities of the host country, including fire protection standards and consistent local codes and fire regulations, in accordance with the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations, in order to ensure the safety of all personnel in the Headquarters District, while respecting the status of the Organization.

(k) Observer status in the General Assembly

(i) *Sixth Committee*

The Committee considered requests for observer status in the General Assembly for the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, the Italian-Latin American Institute, the Energy Charter Conference, the Eurasian Development Bank, the Conference on International and Confidence-Building Measures in Asia, and for the Cooperation Council for the Arab States of the Gulf.

At its 10th and 13th meetings, on 19 and 23 October 2007, the Committee considered draft resolutions³⁷³ on the questions of observer status for the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and Bordering States, the Italian-Latin American Institute, the Energy Charter Conference, and the Eurasian Development Bank. On 23 October 2007, the Committee adopted the draft resolutions without a vote.³⁷⁴

At its 25th and 27th meetings, on 5 and 12 November 2007, the Committee considered the draft resolutions³⁷⁵ on the questions of observer status of the Conference on Interaction and Confidence-building Measures in Asia and the Cooperation Council for Arab States of the Gulf. On 12 November 2007, the Committee adopted the draft resolutions without a vote.³⁷⁶

³⁷³ A/C.6/62/L.2/Rev.1, A/C.6/62/L.5, A/C.6/62/L.3 and Corr.1 and A/C.6/62/L.4.

³⁷⁴ For the report of the Sixth Committee, see A/62/460, A/62/461, A/62/462 and A/62/463, respectively. For the Summary Records, see A/C.6/62/SR.10 and A/C.6/62/SR.13.

³⁷⁵ A/C.6/62/L.8 and A/C.6/62/L.7.

³⁷⁶ For the report of the Sixth Committee, see A/62/522, and A/62/523, respectively. For the summary records, see A/C.6/62/SR.25 and A/C.6/62/SR.27.

(ii) *General Assembly*

On 6 December 2007, General Assembly adopted resolutions 62/73, 62/74, 62/75, 62/76, 62/77, and 62/78, in which it decided to invite the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States, the Italian-Latin American Institute, the Energy Charter Conference, the Eurasian Development Bank, the Conference on International and Confidence-Building Measures in Asia, and for the Cooperation Council for the Arab States of the Gulf, respectively, to participate in the sessions and the work of the General Assembly in their capacity of observers.

17. *Ad hoc international criminal tribunals*³⁷⁷**(a) Organization of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)****(i) *Organization of ICTY***

Through 2007, Judge Fausto Pocar (Italy) continued to serve as President, following his re-election at the plenary meeting of Judges in September 2007, and Judge Kevin Parker (Australia) continued to serve as Vice-President, following his re-election at the same time.

The Chambers of the Tribunal were thus composed of 14 permanent judges, 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 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 during this period have been Krister Thelin (Sweden), Janet Nosworthy (Jamaica), Frank Höpfel (Austria), Árpád Prandler (Hungary), Stefan Trechsel (Switzerland), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Ali Nawaz Chowhan (Pakistan), Tsvetana Kamenova (Bulgaria), Kimberly Prost (Canada), Ole Bjørn Støle (Norway), Frederik Harhoff (Denmark), and Flavia Lattanzi (Italy).

(ii) *Organization of ICTR*

Until 29 May 2007, Judge Erik Møse (Norway) served as President of the Tribunal and Judge Arlette Ramaroson (Madagascar) as Vice-President. On 21 May 2007, Judge Charles

³⁷⁷ 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 of the present publication.

Michael Dennis Byron (Saint Kitts and Nevis) was elected as President of the Tribunal and Judge Khalida Rachid Khan (Pakistan) was elected Vice-President.

Trial Chamber I was composed of Judges Erik Møse (Norway), Jai Ram Reddy (Fiji) and Sergei Alekseevich Egorov (Russian Federation) as permanent judges. Judge Florence Rita Arrey, *ad litem* Judge in Trial Chamber III, also served in Trial Chamber I.

Trial Chamber II was composed of Judges William H. Sekule (United Republic of Tanzania), Arlette Ramaroson (Madagascar) and Asoka J. N. de Silva (Sri Lanka) as permanent judges. Judges Solomy Balungi Bossa (Uganda), Lee Gacuiga Muthoga (Kenya), Emile Francis Short (Ghana), Taghrid Hikmet (Jordan) and Seon Ki Park (Republic of Korea), served as *ad litem* judges. In addition, Judge Khalida Rashid Khan, a permanent judge in Trial Chamber III, served in Trial Chamber II for the *Bizimungu et al.* case.

Trial Chamber III was composed of Judges Dennis Charles Michael Byron (Saint Kitts and Nevis), Khalida Rashid Khan (Pakistan) and Inés Mónica Weinberg de Roca (Argentina), as permanent Judges. Judges Florence Rita Arrey (Cameroon), Gberdao Gustave Kam (Burkina Faso), Robert Fremr (Czech Republic) and Vagn Joensen (Denmark), served as *ad litem* judges. Judges Lee Gacuiga Muthoga and Emile Francis Short, *ad litem* judges in Trial Chamber II, also served in Trial Chamber III.

(iii) *Composition of the Appeals Chamber*

In 2007, 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), Andresia Vaz (Senegal), Theodor Meron (United States of America), and Wolfgang Schomburg (Germany).

(b) General Assembly

On 15 October 2007, the Assembly adopted decisions 62/505 and 62/506 in which it took note of the respective reports of ICTR³⁷⁸ and ICTY.³⁷⁹

On 22 December 2007, on the recommendation of the Fifth Committee, the General Assembly also adopted resolutions 62/229 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 62/230 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”.

³⁷⁸ A/62/284-S/2007/502.

³⁷⁹ A/62/175-S/2007/469.

(c) Security Council

On 14 September 2007, the Security Council decided in its resolution 1774 (2007) to reappoint Mr. Hassan Bubacar Jallow as Prosecutor of the International Criminal Tribunal for Rwanda with effect from 15 September 2007 for a four-year term. Also on the same day, the Council adopted resolution 1775 (2007), in which it decided to, notwithstanding the provisions of article 16 (4) of the Statute, extend for a final period the appointment of Ms. Carla Del Ponte as Prosecutor of the International Criminal Tribunal for the former Yugoslavia with effect from 15 September 2007 until 31 December 2007, with the view to ensure a smooth transition before the appointment of her successor. Finally, on 28 November 2007, the Security Council adopted resolution 1786 (2007), in which it decided to appoint Mr. Serge Brammertz as the new Prosecutor of the International Tribunal for the former Yugoslavia, with effect from 1 January 2008, for a four-year term.

B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. Universal Postal Union

At its annual session, the Universal Postal Union (UPU) Postal Operations Council examined questions relating to the electronic transmission of postal data between postal administrations (use of electronic networks, transmission security, data protection), and the use of electronic databases required by UPU bodies (creation and hosting of databases and aggregation of data stored in these databases). It felt that these questions needed further study.³⁸⁰

At its 2007 session, the UPU Council of Administration approved a draft new Postal Payment Services Agreement,³⁸¹ after acknowledging the need to formalize the principles applying to postal payment services in the relevant Agreement³⁸² – accessibility, non-discrimination, simplicity of processing, issue in the designation country's currency, payment of the full amount agreed at the time of issue, pricing (affordability and transparency), remuneration, consumer protection, separation of payment order systems from financial flow systems (no conditionality link) and compliance with the Financial Action Task Force recommendations – and taking into account the specific characteristics regarding the electronic transmission of payment orders.

In 2007, the UPU Council of Administration also approved the establishment of Rules for non-core staff,³⁸³ which now apply to staff engaged to carry out projects financed from the Union's extrabudgetary funds and certain other short-term projects.

³⁸⁰ POC 2007-Doc 13 and annex 1.

³⁸¹ CA C2 2007-Doc 7b, Rev.1.

³⁸² CA C2 2007-Doc 7a and CA C2 PPS *ad hoc* Group 2007.1-Doc 5.

³⁸³ CA 2007-Doc 6c, annexe 1, Pièce 2.

2. International Labour Organization

(a) Membership

Brunei Darussalam became the 180th member of the International Labour Organization (ILO) and was admitted under article 1.3 of the ILO Constitution on 17 January 2007.

The Republic of the Marshall Islands became the 181st member of the International Labour Organization and was admitted under the article 1.3 of the ILO Constitution on 3 July 2007.

(b) Resolutions and recommendations adopted by the International Labour Conference during its 96th session (Geneva, June 2007)

At the 96th session of the International Labour Conference, Geneva, the following recommendation and resolutions were adopted.

(i) Recommendation

- Work in Fishing Recommendation, 2007 (R199)³⁸⁴

(ii) Resolutions³⁸⁵

- Resolution concerning the promotion of sustainable enterprises;
- Resolution concerning strengthening the International Labour Organization's capacity;
- Resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007;
- Resolution concerning Port State control;
- Resolution concerning tonnage measurement and accommodation;
- Resolution concerning the promotion of Welfare for fishers;
- Resolution concerning the assessment of contribution of new member States;
- Resolution concerning the scale of assessments of contributions to the budget for the 2008–2009 financial period;
- Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization;
- Resolution concerning the treatment of proceeds from transfer or sale of land;

³⁸⁴ Recommendation contained in the 2007 report of the Committee on the fishing sector (ILC96-PR12-205-En.doc). See also <http://www.ilo.org/ilolex/english/recdisp1.htm>.

³⁸⁵ The resolutions are contained in the 2007 reports adopted by the Selection Committee (ILC96-PR2-1-2007-05-0258-1-En.doc/v2), the Credential Committee (ILC96-PR4A-2007-05-0239-1-En.doc; ILC96-PR4B-8-En.doc; and ILC96-PR4C-281-En.doc), the Committee on the application of standards (ILC96-PR22-Part One-214-En.doc), the Committee on the fishing sector (ILC96-PR12-205-En.doc), the Committee on sustainable enterprises (ILC96-PR15-212-En.doc) and the Committee on strengthening the International Labour Organization's capacity (ILC96-PR23-219-En.doc), respectively.

- Resolution concerning the adoption of Program and Budget for 2008–2009 and the allocation of the budget of income among member States;
- Resolution concerning the extension of the validity of the Interim Provisions concerning the verification of credentials.

3. International Monetary Fund

(a) Membership issues

(i) *Accession to membership*

The Republic of Montenegro joined the International Monetary Fund (IMF) on 18 January 2007. Accordingly, the total membership of the IMF as of 31 December 2007 increased to 185 member countries.

(ii) *Status and obligations under article VIII or article XIV of the IMF's Articles of Agreement*

Under article VIII, sections 2, 3, and 4 of the IMF's Articles of Agreement,³⁸⁶ members of the IMF may not, without the IMF's approval, (i) impose restrictions on the making of payments and transfers for current international transactions; or (ii) engage in any discriminatory currency arrangements or multiple currency practices. Notwithstanding these provisions, pursuant to article XIV, section 2 of the IMF's Articles of Agreement, when a member joins the IMF, it may notify the IMF that it intends to avail itself of the transitional arrangements under article XIV of the IMF's Articles of Agreement that allow the member to maintain and adapt to changing circumstances the restrictions on payments and transfers for current international transactions that were in effect on the date on which it became a member. Article XIV of the IMF's Articles of Agreement does not, however, permit a member, after it joins the IMF, to introduce new restrictions on the making of payments and transfers for current international transactions without the IMF's approval.

Members that maintain restrictions under article XIV, section 2 are required to consult with the IMF annually on the further retention of such restrictions. Members may notify the IMF at any time that they accept the obligations of article VIII, sections 2, 3, and 4 of the IMF's Articles of Agreement and no longer avail themselves of the transitional provisions of article XIV. The IMF has stated that, before members notify the IMF that they are accepting the obligations of article VIII, sections 2, 3 and 4, it would be desirable that, as far as possible, members eliminate measures that would require IMF approval and satisfy themselves that they are not likely to need recourse to such measures in the foreseeable future. Where necessary, and if requested by a member, the IMF also provides

³⁸⁶ Adopted at the United Nations Monetary and Financial Conference, Bretton Woods, New Hampshire, July 22, 1944. Entered into force December 27, 1945. Amended effective July 28, 1969, by the modifications approved by the Board of Governors in Resolution No. 23–5, adopted May 31, 1968; amended effective April 1, 1978, by the modifications approved by the Board of Governors in Resolution No. 31–4, adopted April 30, 1976; and amended effective November 11, 1992, by the modifications approved by the Board of Governors in Resolution No. 45–3, adopted June 28, 1990.

technical assistance to help the member remove its exchange restrictions and multiple currency practices.

On January 18, 2007, the Republic of Montenegro formally notified the IMF of its acceptance of the obligations of article VIII, sections 2, 3, and 4 of the IMF's Articles of Agreement. The total number of countries that have accepted these obligations, as of 31 December 2007, increased to 166.

(iii) *Overdue financial obligations to IMF*

As of 31 December 2007, members with protracted arrears (i.e., financial obligations that are overdue by six months or more) to the IMF were Liberia, Somalia, Sudan and Zimbabwe.

Article XXVI, section 2 (a) of the IMF's Articles of Agreement provides that if "a member fails to fulfill any of its obligations under this Agreement, the [IMF] may declare the member ineligible to use the general resources of the [IMF]." Such declarations of ineligibility were in place as at the end of December 2007 with respect to the four above-mentioned IMF members.

(iv) *Suspension of voting rights and compulsory withdrawal from IMF*

After the expiration of a reasonable period following a declaration of ineligibility, if a "member persists in its failure to fulfill any of its obligations under [the IMF's Articles of] Agreement, the [IMF] may, by a seventy percent majority of the total voting power, suspend the voting rights of the member" pursuant to article XXVI, section 2 (b) of the IMF's Articles of Agreement. During the period of such suspension, the provisions of Schedule L on the Suspension of Voting Rights of the IMF's Articles of Agreement apply. Schedule L spells out detailed steps to be implemented following a suspension of voting rights in the IMF. If, after the expiration of a reasonable period following the decision of suspension, a member persists in its failure to fulfill any of its obligations under the IMF's Articles of Agreement, the member may be required to withdraw from IMF membership. However, under Section 22 of the IMF's By-Laws, "[b]efore any member is required to withdraw from membership in the [IMF], the matter shall be considered by the Executive Board, which shall inform the member in reasonable time of the complaint against it and allow the member an adequate opportunity for stating its case both orally and in writing. The Executive Board shall then recommend to the Board of Governors the action it deems appropriate." The decision of the Board of Governors to require a member to withdraw from IMF membership must be carried by a majority of Governors having eighty-five percent of the total voting power, as provided by article XXVI, section 2 (c) of the IMF's Articles of Agreement.

There were two countries for whom a suspension of voting and related rights was in effect in 2007 – Liberia and Zimbabwe. Liberia's rights were suspended on 5 March 2003 and Zimbabwe's rights were suspended on 6 June 2003.

(b) Issues pertaining to representation at IMF

(i) Liberia

As a consequence of the suspension of Liberia's voting and related rights in March 2003, as discussed above, the Governor and Alternate Governor for Liberia in the IMF ceased to hold office pursuant to Paragraph 3 (a) of Schedule L on the Suspension of Voting Rights of the IMF's Articles of Agreement. This situation continued throughout 2007.

(ii) Somalia

In October 1992, the IMF found that there was no effective government for Somalia with which the IMF could carry on its activities. Since then, the positions of the Governor and Alternate-Governor for Somalia in the IMF have been vacant.

(iii) Zimbabwe

As a consequence of the suspension of Zimbabwe's voting and related rights in June 2003, as discussed above, the Governor and Alternate Governor for Zimbabwe in the IMF ceased to hold office pursuant to paragraph 3 (a) of Schedule L on the Suspension of Voting Rights of the IMF's Articles of Agreement. This situation continued throughout 2007.

(c) Key policy decisions of IMF

In 2007, the IMF took steps in moving ahead with a number of major policy reforms that would allow the IMF to meet the evolving needs of its members and to adjust to changes in the global economy, in particular, the Executive Board discussed a package of quota and voice reforms to improve the IMF's governance structure, and a new income and expenditure framework. Final decisions on these measures were adopted in 2008, and thus, they are not covered in this section. The Executive Board also intensified its efforts to further strengthen and modernize the Fund's surveillance activities, which led to the adoption of a new decision on bilateral surveillance as set forth below.

(i) Surveillance

On June 15, 2007, the Executive Board adopted a new Decision on Bilateral Surveillance over Members' Policies (the "Decision"), completing its review of the 1977 Decision on Surveillance Over Exchange Rate Policies, and repealing and replacing the 1977 Decision. Part I of the Decision sets out the scope and modalities of the IMF's oversight of members' obligations, Part II establishes principles for the guidance of members in the conduct of their exchange rate policies, while the procedures for surveillance are outlined in Part III.

The new Decision does not create new obligations for members, but updates the 1977 Decision in a number of important ways:

– In order to help focus surveillance on issues crucial to international monetary and financial stability, the new Decision introduces a concept of "external stability" as an

organizing principle for bilateral surveillance. External stability encompasses both the current account of the balance of payments – and thereby also issues of exchange rate misalignment – and the capital account of the balance of payments. In this connection, the new Decision also elaborates on the scope of bilateral surveillance in the context of currency unions.

– The new Decision specifies the essential modalities of effective surveillance. It underscores the collaborative nature of surveillance, the importance of dialogue and persuasion, and the need for candor and evenhandedness. It also emphasizes the importance of paying due regard to country circumstances and the need for a multilateral and medium-term perspective.

– The new Decision clarifies the concept of exchange rate manipulation in order to gain an unfair competitive advantage over other members, which is prohibited under Article IV, Section 1(iii) of the Fund's Articles. In particular, the new Decision relates exchange rate manipulation to the concept of fundamental exchange rate misalignment.

– The new Decision provides more complete guidance to members for the conduct of their exchange rate policies, so as to cover major causes of external stability rooted in these policies. In particular, the new Decision establishes a new principle for the guidance of members' exchange rate policy, recommending that members avoid exchange rate policies that result in external instability, regardless of the purpose of such policies.

– Overall, the new Decision is better aligned with current practices, covering both exchange rate policies, and relevant domestic economic and financial policies.

4. International Civil Aviation Organization

(a) Membership

Montenegro deposited, on 12 February with the Government of the United States, its notification of adherence to the Convention on International Civil Aviation, 1944,³⁸⁷ thus bringing the number of the International Civil Aviation Organization (ICAO) member States to 190.

(b) Other major legal developments

(i) *International air law*

In 2007, the Organization was particularly active in the development of international air law under the following six items of the General Work Programme of the Legal Committee:³⁸⁸

(a) *Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks.* The Council Special Group on this subject completed its work on the draft Convention on Compensation for Damage Caused by

³⁸⁷ 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.

³⁸⁸ See ICAO doc. A.36.WP.8.LE.2.en.doc.

Aircraft to Third Parties in case of Unlawful Interference, and the draft Convention on Compensation for Damage Caused by Aircraft to Third Parties. The Council subsequently decided to convene in Montreal, from 21 April to 2 May 2008, the 33rd Session of the Legal Committee to further develop the texts of the draft Conventions.³⁸⁹

(b) *Acts or offences of concern to the international aviation community and not covered by existing air law instruments.* A Special Sub-Committee of the Legal Committee was established to prepare one or more draft instruments addressing the new and emerging threats to civil aviation. At its first meeting in July, the Sub-Committee developed preliminary drafts of new instruments. The Council decided in November to convene the second meeting of the Sub-Committee in February 2008 to consider the issue of the unlawful transport by air of fugitives and particularly dangerous goods.

(c) *Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework.* The term “the regional multinational organisms” was added to this item by the Assembly at its 36th Session. It is expected that the Members of the European Civil Aviation Conference will develop a model of a regional legal framework, which could then be distributed through ICAO to its Member States.

(d) *International interests in mobile equipment (aircraft equipment).* On behalf of the Council in its capacity as the Supervisory Authority of the International Registry, the Secretariat continued monitoring the operation of the Registry to ensure that it functions efficiently in accordance with Article 17 of the Cape Town Convention of 2001. At its second meeting, the Commission of Experts of the Supervisory Authority of the International Registry reviewed a number of changes proposed by the Registrar to the Regulations and Procedures for the International Registry and recommended their approval by the Council.

(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.

(f) *United Nations Convention on the Law of the Sea³⁹⁰ – Implications, if any, for the application of the Chicago Convention, its annexes and other international air law instruments.* The Secretariat pursued its monitoring activities in this area.

(ii) *Legal seminar*

As part of its outreach activities, the Legal Bureau held a seminar in Lima from 29 to 31 October 2007, for States to which the South American and North American, Central American and Caribbean Offices are accredited. The intention was primarily to inform and update government officials on a variety of air law subjects undergoing rapid evolution, in particular those relating to aviation security and the “Compensation for Damage Caused by Aircraft to Third Parties Arising from Acts of Unlawful Interference or from General Risks”. The seminar also covered the ratification and implementation of international air

³⁸⁹ See Council working papers C-WP/13031 and C-WP/13087.

³⁹⁰ United Nations, *Treaty Series*, vol. 1833, p. 3.

law instruments, as well as other topics of interest, such as the Montreal Convention of 1999³⁹¹ and international interests in mobile equipment. Administrative packages were made available on the secure ICAO-NET website to further help States in the ratification of civil aviation treaties.

(iii) *Model legislation*

An ICAO/Aviation Pilots' Union Association of Mexico (ASP A) Regional Seminar, "The Protection of Safety Information Sources as an Essential Building Block of Safety Management Systems (SMS)", was held in Mexico City. The purpose was to present Attachment E (Legal Guidance for the Protection of Information from Safety Data Collection and Processing Systems) to annex 13 to the Convention on International Civil Aviation – Aircraft Accident and Incident Investigation. ICAO supervised the development of the guidance material.

5. United Nations Educational, Scientific and Cultural Organization

(a) International regulations

(i) *Entry into force of instruments previously adopted*

Within the period covered by this review, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions³⁹² adopted in Paris on 20 October 2005 entered into force on 18 March 2007. The Protocol on the Privileges and Immunities of the European Organization for Nuclear Research adopted in Geneva on 18 March 2004 entered also into force on 22 February 2007.³⁹³

(ii) *Proposal concerning the preparation of new instruments*

a. **Draft of the declaration of principles relating to cultural objects displaced in connection with the Second World War**

In pursuance of the resolution 45 of the 33rd session of the General Conference (2005), the Director-General submitted to the 34th session of the General Conference (2007) for possible adoption a draft declaration of principles relating to cultural objects displaced in connection with the Second World War which embodies the principles providing general guidance for bilateral or multilateral interstate negotiations in order to facilitate the conclusion of agreements on cultural objects displaced in connection with the Second World War.

By its resolution 43, the 34th session of the General Conference invited the Director-General to convene an intergovernmental meeting of experts (to be funded from extrabudgetary funds) to explore further the possibility of arriving at a consensus recom-

³⁹¹ Convention for the Unification of Certain Rules of International Carriage, United Nations, *Treaty Series*, vol. 2242, p. 309.

³⁹² UNESCO Doc. CLT-2005/CONVENTION DIVERSITE-CULT. REV.

³⁹³ The Director of UNESCO is the Depositary of the said Protocol.

mentation on the basis of the text adopted in March 2007, to be submitted to the General Conference at its 35th session (2009). The General Conference decided also to suspend further consideration of the above-mentioned draft declaration until its 35th session.³⁹⁴

b. Preliminary study of the technical and legal aspects of a possible international standard-setting instrument for the protection of indigenous and endangered languages

At its April 2007 session, the Executive Board invited the Director-General to conduct a preliminary study of the technical and legal aspects of a possible international standard-setting instrument for the protection of indigenous and endangered languages, including a study of the outcomes from the programmes implemented by UNESCO related to this issue. The Executive Board invited also the Director-General to submit such a preliminary study to the Executive Board for examination at its 179th session (2008), and to convene a meeting of experts, including representatives of indigenous peoples, to assist him in the preparation of such a preliminary study, and to seek extrabudgetary funding for it (176 EX/Decision 59).

(b) Human rights

Examination of cases and questions concerning the exercise of human rights coming within UNESCO's fields of competence

The Committee on Conventions and Recommendations met in private sessions at UNESCO Headquarters from 11 to 13 April 2007 and from 25 to 29 September 2007 in order to examine communications which had been transmitted to it in accordance with decision 104 EX/3.3 of the Executive Board.³⁹⁵

At its April 2007 session, the Committee examined 20 communications of which 2 were examined with a view to determining their admissibility or otherwise, 16 were examined as to their substance, and 2 were examined for the first time. One communication was struck from the list because it was considered as having been settled. The examination of the 19 was deferred. The Committee presented its report to the Executive Board at its 176th session.³⁹⁶

At its September 2007 session, the Committee examined 27 communications of which 2 were examined with a view to determining their admissibility, 17 were examined as to their substance, and no new communications were submitted to the Committee. One communication was struck from the list because it was considered as having been settled. Two communications were suspended. The examination of the 26 was deferred. The Committee presented its report to the Executive Board at its 177th session.³⁹⁷

³⁹⁴ See Records of the General Conference, 34th session, Paris, 16 October–2 November 2007, v. 1: Resolutions.

³⁹⁵ 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.

³⁹⁶ See doc. 176 EX/69.

³⁹⁷ See doc. 177 EX/74.

6. World Meteorological Organization

(a) Amendment to the preamble of the World Meteorological Organization (WMO) Convention (Washington, 11 October 1947)

During its fifteenth session (Geneva, 7–25 May 2007), the World Meteorological Congress considered a proposal³⁹⁸ of the Executive Council's Task Team to Explore and Assess Possible Changes to the WMO Convention,³⁹⁹ referred to it by the fifty-eighth session of the Executive Council.⁴⁰⁰ Congress adopted the following resolution amending the Preamble of the WMO Convention⁴⁰¹ in accordance with article 28 (c) of the Convention:

Resolution 44 (Cg-XV)⁴⁰²

AMENDMENT TO THE PREAMBLE OF THE CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION

THE CONGRESS,

Considering the success and the achievements of WMO in its existence since it was established in 1950,

Considering further the need to have a basic document that reflects and makes clear the scope and responsibilities of the Organization and the understanding that the Members have of their Organization,

Considering the fact that WMO is the United Nations specialized agency responsible for meteorology,

Considering further that WMO, along with other agencies and programmes of the United Nations and other international organizations, each within the framework of its own mandate, is responsible for relevant aspects of hydrology, the climate and the environment,

Noting the Geneva Declaration adopted by the Members participating in the Thirteenth World Meteorological Congress, held in Geneva from 4 to 26 May 1999 (*Abridged Final Report with Resolutions of the Thirteenth World Meteorological Congress* (WMO-No. 902), Annex IV),

Decides:

That the text of the Considerata of the Convention,

³⁹⁸ Abridged final report with resolutions of the fifty-sixth Session of the Executive Council, General Summary §13.1.10 (WMO- No.977).

³⁹⁹ Established at the Fifty-third Session of the Executive Council, Abridged Final Report with Resolutions, General Summary §17.2.1 to 17.2.5 (WMO-No. 929).

⁴⁰⁰ Abridged final report with resolutions of the fifty-eighth Session of the Executive Council, General Summary §10.2.1 to 10.2.7 (WMO-No. 1007).

⁴⁰¹ United Nations, *Treaty Series*, vol. 77, p. 144.

⁴⁰² Abridged final report with resolutions of the fifteenth World Meteorological Congress (WMO-No. 1026).

“With a view to coordinating, standardizing and improving world meteorological and related activities, and to encouraging an efficient exchange of meteorological and related information between countries in the aid of human activities, the contracting States agree to the present Convention, as follows:”

shall be replaced by the following new preamble:

“Considering the need for sustainable development, the reduction of loss of life and property caused by natural disasters and other catastrophic events related to weather, climate and water, as well as safeguarding the environment and the global climate for present and future generations of humankind,

Recognizing the importance of an integrated international system for the observation collection, processing and dissemination of meteorological, hydrological and related data and products,

Reaffirming the vital importance of the mission of the National Meteorological, Hydrometeorological and Hydrological Services in observing and understanding weather and climate and in providing meteorological, hydrological and related services in support of relevant national needs, which should include the following areas:

- (a) Protection of life and property,*
- (b) Safeguarding the environment,*
- (c) Contributing to sustainable development,*
- (d) Promoting long-term observation and collection of meteorological, hydrological and climatological data, including related environmental data,*
- (e) Promotion of endogenous capacity-building,*
- (f) Meeting international commitments,*
- (g) Contributing to international cooperation,*

Recognizing also that Members need to work together to coordinate, standardize, improve and encourage efficiencies in the exchange of meteorological, climatological, hydrological and related information between them, in the aid of human activities,

Considering that meteorology is best coordinated at the international level by one responsible international organization,

Considering further the need for a close cooperation with other international organizations also working in the areas of hydrology, climate and environment,

The contracting States agree to the present Convention, as follows:”

Further decides that these amendments, which do not create new obligations and which are adopted in accordance with article 28 (c) of the Convention, shall come into force on 1 June 2007.

(b) Amendments to the General Regulations (First Congress, 1951)

(i) *Amendments to General Regulations concerning the period for conducting elections by correspondence of certain offices of constituent bodies*

On the recommendation of the Executive Council, at its 15th session, the World Meteorological Congress amended General Regulations 15, 16, 71, 91 and 92 in order to reduce the minimum period required for the organization of elections by correspondence where the office of Third Vice-President or of President of a Regional Association or a Technical Commission becomes vacant between two sessions of the constituent body concerned. To this end, Congress adopted Resolution 46.⁴⁰³

(ii) *Amendment to the annex III of the General Regulations of the terms of reference of the technical commissions*

In line with recent developments concerning the scope of activities of two technical commissions, namely the Commission for Atmospheric Sciences and the Commission for Climatology, Congress decided to revise their respective terms of reference through its Resolution 47.⁴⁰⁴

(iii) *Amendments to General Regulation 29 (b)*

At its fifteenth session, the World Meteorological Congress endorsed the proposal made by the Commission for Hydrology⁴⁰⁵ to suppress the automatic establishment of a Subcommittee on Hydrology and amended accordingly General Regulation 29 (b) through its Resolution 48.⁴⁰⁶

(c) Emblem and flag of the WMO

On the recommendation of the Executive Council,⁴⁰⁷ the World Meteorological Congress adopted at its fifteenth session a revised emblem for the WMO with effect from 1 July 2007 through the following resolution:

⁴⁰³ Abridged final report with resolutions of the fifteenth World Meteorological Congress (WMO-No. 1026).

⁴⁰⁴ *Ibid.*

⁴⁰⁵ Abridged final report with resolutions and recommendations of the twelfth Session of the Commission for Hydrology, General Summary §4.4 and 4.5 (WMO-No. 979).

⁴⁰⁶ Abridged final report with resolutions of the fifteenth World Meteorological Congress (WMO-No. 1026).

⁴⁰⁷ Abridged final report with resolutions of the fifty-seventh Session of the Executive Council, General Summary §11.2.5 (WMO-No. 988).

RESOLUTION 45 (CG-XV)⁴⁰⁸

EMBLEM AND FLAG OF THE WORLD METEOROLOGICAL ORGANIZATION

The Congress,

Considering:

- (1) The adoption in 1955 of a WMO emblem and its modification by Fifth Congress,
- (2) Resolution 2 (EC-X) – Legal protection of the name and emblem of the World Meteorological Organization,
- (3) The adoption by Fifth Congress (agenda item 3.8) of the flag of the Organization comprising the official emblem centered on a United Nations blue background, the emblem appearing in white,
- (4) The results of the consultation of all Members regarding possible changes to the WMO emblem, held in 2005,
- (5) Resolution 20 (EC-LVII) – WMO emblem and flag,

Recognizing:

- (1) That it is desirable to mark the more than 50 years of existence of the Organization by changing the colour of the wind rose superimposed on the United Nations emblem to gold,
- (2) That it is also desirable to enhance the visibility and the distinctiveness of the WMO emblem by adding at the bottom of the emblem the full name of the Organization in Arabic and Chinese, and its abbreviation in the other four official languages, English, French, Russian and Spanish,
- (3) That it is necessary to strengthen the protection of the name of the Organization, its emblem and flag, including through the adoption of precise guidelines,

Decides:

- (1) That the design referred to above shall be the emblem and distinctive sign of the World Meteorological Organization and shall be used for the flag of the Organization;
- (2) That the Secretary-General shall maintain the flag code and regulations concerning the dimensions, proportions and use of the flag;
- (3) That the Secretary-General shall adopt guidelines concerning the use and reproduction of the WMO emblem and official seal;
- (4) That Members of the World Meteorological Organization should maintain within their own jurisdiction appropriate measures as are necessary to prevent the use, without authorization by the Secretary-General, and in particular for commercial purposes by means of trademarks or commercial labels, of the emblem and the name of the World Meteorological Organization, and of abbreviations of that name through the use of its initial letters.

⁴⁰⁸ Abridged final report with resolutions of the fifteenth World Meteorological Congress (WMO-No. 1026).

7. International Maritime Organization

(a) Membership of the Organization

As of 31 December 2007, the membership of the International Maritime Organization (IMO) stands at 167.

(b) Review of the legal activities of IMO

The Legal Committee (hereinafter the Committee) met only once in 2007 due to the Diplomatic Conference on the Removal of Wrecks.⁴⁰⁹ The Committee held its ninety-third session from 22 to 26 October 2007.⁴¹⁰

(i) *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 took note of 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 noted that, following its invitation at the ninety-second session to reconvene the Group, the IMO and ILO Secretariats would arrange for their seventh meeting to be held during the first quarter of 2008.

There was consensus that the Group should be reconvened as soon as possible. It was suggested that the Group should focus on practical and long-term sustainable solutions. It was also proposed that the Group should be particularly cautious when considering the adoption of mandatory instruments aimed at proposing long-term solutions. In this regard, it was noted that the Group should first demonstrate the existence of gaps in international law before considering further rules.

Some delegations commended the database on abandonment of seafarers as a useful tool and concern was expressed that there were still unresolved cases of abandonment. Concern was also expressed at the lack of prompt action by some States to deal with reported cases of abandonment involving ships flying their flag, and the consequent burden imposed upon port States to provide humanitarian assistance. In this regard, reference was made to the need for effective legal mechanisms to ensure that shipowners were made liable to pay for the related costs.

⁴⁰⁹ LEG/CONF.16 of 14 May 2007.

⁴¹⁰ The report of the Legal Committee is contained in document LEG 93/13.

(ii) *Fair treatment of seafarers in the event of a maritime accident*

The Committee continued its consideration of the report of the *Ad Hoc* Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident, which had met during its ninety-second session with a view to revising the Guidelines on fair treatment of seafarers in the event of a maritime accident. The Committee noted that the Group had not reached a consensus on any proposed changes, with one exception: the revision of paragraph 1 (6) in the introduction section, to insert the words “where applicable” after the words “employment agreement”. The Committee agreed that there was no compelling need to revise the Guidelines merely to introduce this modification.

The Committee reiterated its concern regarding the fair treatment of seafarers and agreed that it would be appropriate to gain experience with the current Guidelines before considering any revisions. It was suggested that the Guidelines should be widely disseminated and their application encouraged. In this regard, the Committee agreed that the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident should be reconvened to monitor the implementation of the Guidelines on the basis of the terms of reference approved by the ILO Governing Body, including an additional term concerning the collection of information. The Committee requested the IMO and ILO Secretariats to consult with a view to determining an appropriate time and place for its next meeting.

The Committee noted that the Maritime Safety Committee (MSC), at its eighty-third session (3–12 October 2007), had agreed to include in the draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident a provision creating an obligation on Contracting Parties, to ensure that a seafarer from whom evidence is sought in a casualty investigation “be informed, and allowed access to legal advice, regarding” the risk of self-incrimination.

The Committee noted the suggestion that there was some confusion between investigations into accidents as a matter of technical information-gathering and administrative process, and investigations that had implications under criminal law. The view was expressed that the work of the MSC, in the context of the aforementioned Code, presumably dealt with the technical and administrative aspects, and, accordingly, the Joint IMO/ILO *Ad Hoc* Expert Working Group should concentrate on legal aspects.

(iii) *Monitoring the implementation of the International convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substance by sea, 1996 (HNS Convention)*⁴¹¹

The Committee noted the decision of the 1992 Assembly of the International Oil Pollution Compensation (IOPC) Funds to establish an HNS Focus Group to develop a draft protocol to the HNS Convention, with a view to providing legally binding solutions to three issues which had been identified as inhibiting the entry into force of the HNS Convention, namely, contributions to the Liquefied Natural Gas account; the concept of receiver; and the non-submission of reports on contributing cargo. The draft protocol would be submitted for the consideration and approval by the Legal Committee at its ninety-fourth

⁴¹¹ LEG/CONF.10/8/2 of 9 May 1996.

session, with a view to holding, as soon as possible thereafter, a diplomatic conference to consider and adopt it.

Differing views were expressed regarding the mandate of the IOPC Funds Assembly to develop a protocol, instead of implementing the present text of the Convention. Most delegations that spoke commended the initiative taken by the IOPC Funds Assembly as the way forward, which would speed up the entry into force of the HNS Convention, since the issues that had been identified could not be resolved within the framework of the existing HNS Convention. Other delegations considered that, in dispensing with the present text of the HNS Convention, and pursuing a protocol, the IOPC Funds Assembly was exceeding the mandate bestowed upon it by the Diplomatic Conference which adopted the HNS Convention, which was restricted to administrative and organizational activities; they also noted that the decision taken by the IOPC Funds Assembly to propose the development of an amending protocol compromised the position of existing Contracting States, as well as that of future European Union Contracting States. It also impeded the progress towards ratification of the Convention by several States with large volumes of contributing cargo, whose preparations to implement the treaty in its present form were in an advanced stage.

The Committee expressed its readiness to consider any proposals that might be put forward by the Focus Group. In so doing, it noted the commitment of the Focus Group to maintain the principle of shared responsibility of shipping and cargo interests and to restrict the scope of the draft protocol to provisions aimed at resolving the three key issues.

Furthermore, the 2000 Protocol on preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances,⁴¹² entered into force on 14 June 2007, twelve months following the deposit by Portugal, the fifteenth Contracting State, in accordance with its article 18.

(iv) *Report on the International conference on the removal of wrecks, 2007*

The Committee noted the report on the successful outcome of the International conference on the removal of wrecks held in Nairobi from 14 to 18 May 2007, and the action resulting from the adoption of the Nairobi International Convention on the Removal of Wrecks, 2007.⁴¹³ The Convention will be open for signature at IMO from 19 November 2007 to 18 November 2008, and will thereafter remain open for accession, in accordance with the terms of article 17. In accordance with article 18 of the Convention, it shall enter into force 12 months following the date on which ten States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General in accordance with article 17.

The Committee considered, in particular, a resolution of the Conference inviting it to develop a model for a single insurance certificate, which might be issued by States Par-

⁴¹² The International Maritime Organization is the depositary of this instrument.

⁴¹³ See LEG/CONF.16/20 of 23 May 2007 (Resolutions); and LEG/CONF.16/21 of 22 May 2007 (Final Act of the International Conference on the Removal of Wrecks, 2007). Texts adopted at the Conference. The text of the Convention is reproduced in chapter IV.B of this publication.

ties in respect of each and every ship under the relevant IMO liability and compensation conventions.

The Committee agreed to develop a single model insurance certificate and requested the Secretariat to prepare a draft instrument for consideration at its ninety-fourth session.

(v) *Matters arising from the ninety-seventh and ninety-eighth sessions of the Council*

The Committee took note of the information provided by the Secretariat on matters arising from the ninety-seventh and ninety-eighth sessions of the Council.

In particular, the Committee noted the information provided by the Secretariat on the request made by the Council, at its ninety-seventh session, that the Committee submits specific proposals on how IMO might contribute to the United Nations Counter-Terrorist Strategy, as formulated in resolution 60/288, adopted by the United Nations General Assembly on 8 September 2006. In this regard, the Committee proposed that Member States consider, as a priority, the promotion of the prompt ratification and entry into force of the 2005 Protocols to the 1988 Convention for the suppression of unlawful acts against the safety of maritime navigation⁴¹⁴ (SUA treaties), adopted as a consequence of the work of the Committee. The Committee also encouraged the continuation of technical co-operation activities, to ensure the availability of adequate capacity-building in developing countries, to enable the SUA treaties to be effectively implemented, once they had entered into force.

(vi) *Technical co-operation activities related to maritime legislation*

The Committee noted the outcome of the national seminars on maritime legislation dealing with implementation of the SUA treaties, held in Thailand and Sri Lanka in April 2007 as well as the outcome of technical co-operation activities on maritime legislation from July 2006 to June 2007.

The Committee noted that legal assistance may be needed not only to support the implementation of the SUA treaties but also to develop legislation to allow for prosecution or extradition in cases of piracy and armed robbery. Additionally, it was noted that the SUA treaties did not only address terrorism but also offences involving proliferation, which should also be reflected in implementing legislation.

The Committee noted the information provided by the representative of the Intergovernmental Oceanographic Commission (IOC) of United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the guidelines IOC was developing, together with IMO, on how IMO Member States might address the effects of tsunamis on coastal and harbour operations. It also noted that new legal instruments may be required since Member States need to develop their own strategy for addressing tsunami-related evacuation measures for harbours.

⁴¹⁴ United Nations, *Treaty Series*, vol. 1678, p. 201.

(vii) *Work programme*

a. Planned outputs for the 2008–2009 biennium

The Committee noted that its current guidelines on work methods and organization of work call on the Committee, at each session, to examine its work programme and review the allocation of meeting weeks and its future work programme to ensure all items to be addressed fall within the Organization's Strategic Plan. The Committee introduced several amendments to its work programme.

b. Review of guidelines on methods of work

The Committee took note of the decision of the Council, at its ninety-seventh session, that it would be appropriate and beneficial that the Legal Committee, taking into consideration its differing needs, should harmonize its work methods with those of the Maritime Safety Committee and the Marine Environment Protection Committee.

The Committee also took note of the outcome of a subsequent meeting of the Chairmen and Secretaries of the five IMO Committees, held in June 2007, which considered how best this harmonization might be achieved.

The Committee established a working group to look into the question of harmonizing its work methods with those of other Committees.

c. Proposal to reduce the number of sessions of the Committee from four to three in the 2008–2009 biennium

The Committee agreed to reduce the number of its sessions in the 2008–2009 biennium from four to three, so that only one session would be held, in the autumn of 2008. In doing so, the Committee noted that this agreement should not detract from the importance of the work of the Legal Committee, particularly its ongoing work in relation to the protection of seafarers.

(viii) *Any other business*

a. Capacity building when developing new instruments or amending existing ones

The Committee noted that the International Conference on the Removal of Wrecks, held from 14 to 18 May 2007, when adopting the Nairobi International Convention on the Removal of Wrecks, 2007, had adopted a resolution on promotion of technical co-operation and assistance and had also invited the Committee to develop guidelines on the implementation of the Convention. It decided that there was no need, at this stage, to consider the development of such guidelines, but that it might revisit the issue at a future session.

The Committee also noted that a draft resolution on "Capacity-building when developing new instruments", approved by MSC 83 to be submitted to the Assembly, at its twenty-fifth regular session, if adopted, would apply to the work of all Committees, including the Legal Committee.

The Committee, in principle, approved the draft Assembly resolution, but noted that the word “after” in the second operative paragraph, if maintained, might have the unfortunate effect of slowing down the process of the adoption of legal instruments, since it required the assessment of implications for capacity building to be made before embarking on the development of new instruments or the amendment of existing ones. Accordingly, the Committee agreed to suggest to the Assembly that the word “after” be replaced by the words “during or in parallel with”.

b. Measures to protect crews and passengers from crimes committed on vessels

The Committee considered proposals for an international instrument to facilitate expeditious investigation of shipboard offences with possible involvement of the substantially interested State on its request. It also considered proposals for guidelines for national legislation on maritime criminal acts, in the light of the expanding problem of serious maritime criminal acts, including piracy.

The Committee held an extensive discussion, with a view to deciding, in the first instance, whether the subject of crimes at sea should be reinstated as a separate item in its work programme, and, if so, whether it should pursue the format of a draft convention or guidelines for model legislation. Accordingly, the Committee decided not to reinstate this item on its work programme but encouraged delegations and the Comité Maritime International (CMI) to continue with the consideration of this subject with a view to harmonizing legislation and strengthening the implementation of existing international law.

(c) Amendments to treaties

(i) 2007 amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973⁴¹⁵

These amendments were adopted by the Marine Environment Protection Committee on 13 July 2007 by resolution MEPC.164(56). At the time of their adoption, the Marine Environment Protection Committee determined that the amendments shall be deemed to have been accepted on 1 June 2008 and shall enter into force on 1 December 2008 unless, prior to 1 June 2008 not less than one-third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world’s merchant fleet, have notified their objections to the amendments. As of 31 December 2007, no such notification of objection had been received.

(ii) 2007 amendments to the list of substances annexed to the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973⁴¹⁶

These amendments were adopted by the Marine Environment Protection Committee on 13 July 2007 by resolution MEPC.165(56). At the time of their adoption, the Marine

⁴¹⁵ United Nations, *Treaty Series*, vol. 1340, p. 62.

⁴¹⁶ United Nations, *Treaty Series*, vol. 1313, p. 4.

Environment Protection Committee determined that the amendments shall be deemed to have been accepted at the end of the period of six months after they have been communicated, unless within that period, an objection to the amendments has been communicated by not less than one-third of the parties to the Protocol, and shall enter into force three months after they have been deemed to have been accepted. As of 31 December 2007, no such notification of objection had been received.

(iii) *2007 amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code)*

These amendments were adopted by the Marine Environment Protection Committee on 13 July 2007 by resolution MEPC.166(56). 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 2008 and shall enter into force on 1 January 2009 unless, prior to 1 July 2008 not less than one-third of the 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 2007, no such notification of objection had been received.

(iv) *2007 (chapters IV and VI) amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974⁴¹⁷*

These amendments were adopted by the Maritime Safety Committee on 12 October 2007 by resolution MSC.239(83). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2009 and shall enter into force on 1 July 2009 unless, prior to 1 January 2009, 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 2007, no such notification of objection had been received.

(v) *2007 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 12 October 2007 by resolution MSC.240(83). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2009 and shall enter into force on 1 July 2009 unless, prior to 1 January 2009, more than one-third of the Parties to the 1988 SOLAS Protocol, 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 2007, no such notification of objection had been received.

⁴¹⁷ United Nations, *Treaty Series*, vol. 1184, p. 28.

(vi) *2007 amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code) (under SOLAS 1974)*

These amendments were adopted by the Maritime Safety Committee on 12 October 2007 by resolution MSC.241(83). At the time of their adoption, the Maritime Safety Committee determined that the amendments shall be deemed to have been accepted on 1 January 2009 and shall enter into force on 1 July 2009 unless, prior to 1 January 2009, 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 2007, no such notification of objection had been received.

(vii) *2007 amendments to the International Regulations for Preventing Collisions at Sea, 1972⁴¹⁸*

These amendments were adopted by the Assembly by resolution A.1004(25) on 29 November 2007. The amendments will enter into force on 1 December 2009 unless, by 1 June 2008 more than one-third of the Contracting Parties to the Convention have notified their objection to the amendments. As of 31 December 2007, no such notification of objection had been received.

8. World Health Organization

(a) Constitutional developments

No new member States joined the World Health Organization (WHO) in 2007. Also, 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) (IHR)*

The International Health Regulations (2005)⁴¹⁹ ("IHR (2005)" or "Regulations") entered into force on 15 June 2007 in accordance with article 22 of the Constitution of the World Health Organization and article 59 of the Regulations. In 2007, the IHR (2005) became binding on 193 States.⁴²⁰

Annex 9 of the IHR (2005) reproduces the Health Part of the Aircraft General Declaration from the *International Standards and Recommended Practices – Facilitation* (annex

⁴¹⁸ United Nations, *Treaty Series*, vol. 1050, p. 18.

⁴¹⁹ The text of the International Health Regulations (2005) is annexed to World Health Assembly resolution WHA58.3 of 23 May 2005 and is available in Arabic, Chinese, English, French, Russian and Spanish at <http://www.who.int/ihr>.

⁴²⁰ For the complete list of State Parties to the IHR, see <http://www.who.int/ihr>.

9 to the Convention on International Civil Aviation) of the International Civil Aviation Organization (ICAO).⁴²¹ After ICAO completed Amendment 20 to that document, the Health Part of the Aircraft General Declaration in annex 9 of the IHR (2005) was replaced, as requested by World Health Assembly resolution WHA58.3 of 23 May 2005, with the version as revised by ICAO. The revised Health Part of the Aircraft General Declaration entered into force on 15 July 2007.

The Influenza Pandemic Task Force, established pursuant to World Health Assembly resolution WHA59.2 of 26 May 2006 as a temporary mechanism until the IHR (2005) entered into force, was accordingly dissolved as of 15 June 2007.

Pursuant to resolution WHA58.3, an IHR Roster of Experts foreseen in article 47 of the IHR (2005) was established.

In resolution WHA60.14 of 21 May 2007, “Poliomyelitis: mechanism for management of potential risks to eradication”,⁴²² the Health Assembly requested the Director-General “to continue to examine and disseminate measures that Member States can take for reducing the risk and consequences of international spread of polioviruses, including, if and when needed, the consideration of temporary or standing recommendations, under the International Health Regulations (2005), if such a recommendation were made, the financial and operational issues arising from its implementation, and lessons drawn, should be reported to the Health Assembly”. In addition, in resolution WHA60.28 of 23 May 2007 concerning “Pandemic influenza preparedness: sharing of influenza viruses and access to vaccines and other benefits”,⁴²³ the Health Assembly reaffirmed the obligations of States Parties under the IHR (2005).

(iii) *Amendments to the Financial Regulations and Financial Rules*

In resolution WHA60.9,⁴²⁴ passed on 21 May 2007, the World Health Assembly endorsed the introduction of the International Public Sector Accounting Standards (IPSAS). It also adopted amendments to (a) Financial Regulation 4.4 in order to clarify operation of the exchange rate facility, to be effective as from 1 January 2008, and to (b) Financial Regulation 4.5 in order to permit regular budget resources to be earned forward to pay for commitments made before the end of a financial period and undertaken by the end of the first year of the next financial period. Lastly, the Sixtieth World Health Assembly deleted Financial Regulations 6.5 and 8.2 in order to terminate the financial incentive scheme that has failed to encourage prompt payment of Member States’ assessments, to be effective as from 1 January 2008.

⁴²¹ Available at <http://www.icao.int/icaoenet>.

⁴²² Contained in doc. WHASS1/2006-WHA60/2007/REC/1.

⁴²³ *Ibid.*

⁴²⁴ *Ibid.*

(iv) *Medium-term strategic plan 2008–2013*

The sixtieth World Health Assembly endorsed the medium-term strategic plan 2008–2013 in resolution WHA 60.11 on 21 May 2007.⁴²⁵ In addition, it decided to review the plan every two years in conjunction with the proposed program budget, with a view to revising the plan, including its indicators and targets, as may be necessary. The medium-term strategic plan provides a flexible framework to guide and ensure continuity in the preparation of biennial program budgets and operational plans over three bienniums in line with the global health agenda established in the Eleventh General Program of Work.

(v) *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. The Intergovernmental Working Group on Public Health, Innovation and Intellectual Property held its first session in December 2006, and its second session from 5–10 November 2007. Both sessions were held in Geneva.

At the sixtieth World Health Assembly in May 2007, member States reviewed progress made by the Working Group and adopted resolution WHA60.30⁴²⁶ to guide further the ongoing process.

At the request of the Working Group, and following the discussions at the Health Assembly, the Secretariat prepared a revised working document, building on inputs of Member States during the first session of the Working Group and the submissions subsequently received. The draft global strategy and plan of action formed the basis for negotiations at the second session. The document included a narrative draft global strategy section followed by a draft Plan of Action matrix. The narrative section addressed the context, the aim and the focus, followed by discussion of the eight elements (and corresponding sub-elements and specific actions). The draft plan of action matrix included a listing of potential stakeholders, time frame for action and progress indicators.

In its second session, the Working Group considered the global strategy and plan of action. Its work was undertaken through two drafting groups and a sub-group. The drafting groups considered all components of the global strategy. However due to time constraints, two elements of the strategy (Element 5: management of intellectual property; and Element 6: improving delivery and access) were not discussed in their entirety. The second session was adjourned and the Working Group agreed to hold its resumed second session in April 2008 in order to finalize the draft global strategy and plan of action.

(vi) *Host agreement with the Government of Malaysia*

On 12 December, 2007, WHO signed an Agreement with the Government of Malaysia concerning the establishment of the WHO Global Service Centre. This host agreement sets out, *inter alia*, privileges and immunities accorded to WHO by the government of Malay-

⁴²⁵ Contained in doc. WHASS1/2006–WHA60/2007/REC/1.

⁴²⁶ *Ibid.*

sia. The agreement provides, for example, that the exemption from jurisdiction for all acts performed in the discharge of official duties applies to all officials of the Organization, including officials who are Malaysian nationals or permanent residents of Malaysia. The Global Service Centre will provide worldwide and round-the-clock management support to the Organization, including its regional and country offices.

(vii) *Conference of the Parties to the WHO Framework Convention on Tobacco Control*⁴²⁷

The second session of the Conference of the Parties to the 2003 WHO Framework Convention on Tobacco Control was held in Bangkok, Thailand, from 30 June to 6 July 2007. The meeting made important strides forward in the efforts to control tobacco use globally. One notable decision concerned the negotiation of a protocol on illicit trade in tobacco products, which established an intergovernmental negotiating body to develop this first protocol to the Convention.

The Conference adopted guidelines on the implementation of article 8 of the WHO Framework Convention on Tobacco Control (protection from exposure to tobacco smoke) and also established the process for developing five other guidelines on different Articles, namely protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry (article 5.3), regulation of the contents and disclosures of tobacco products (articles 9 and 10), packaging and labelling (Article 11), education, communication, training and public awareness (article 12) and tobacco advertising, promotion and sponsorship (Article 13).

Other decisions included extending the mandate of the study group on economically sustainable alternatives to tobacco growing and elaborating a first report on tobacco dependence and cessation (Article 14). The Conference also adopted the budget and work-plan for the period 2008–2009 and a decision on financial resources and mechanisms of assistance for the implementation of the Convention. The Conference also welcomed the establishment of the permanent Convention Secretariat in June 2007 and the appointment of its Executive Secretary.

In 2007, the following States became Parties to the WHO Framework Convention on Tobacco Control: Angola, Bahrain, Congo, Gambia, Grenada, Guinea, Kazakhstan, Uganda, United Republic of Tanzania and Yemen. There were 151 parties to the Convention at the end of 2007.

9. International Atomic Energy Agency

(a) Membership

In 2007, Palau became a member State of the International Atomic Energy Agency (IAEA). By the end of the year, there were 144 member States.

⁴²⁷ United Nations, *Treaty Series*, vol. 2302, p. 166.

(b) Privileges and immunities

In 2007, Iceland, Montenegro and Nigeria became party to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, 1959.⁴²⁸ By the end of the year, there were 78 States parties.

(c) Legal instruments

(i) *Convention on the Physical Protection of Nuclear Material, 1979*⁴²⁹

In 2007, Cape Verde, Comoros, El Salvador, Guyana, Montenegro, Nigeria, Palau, South Africa and Yemen became party to the Convention. By the end of the year, there were 130 parties.

(ii) *Amendment to the Convention on the Physical Protection of Nuclear Material, 2005*

In 2007, Algeria, India, Kenya, Nigeria, Poland, Romania and Spain adhered to the Amendment. By the end of the year, there were 13 contracting States.

(iii) *Convention on Early Notification of a Nuclear Accident, 1986*⁴³⁰

In 2007, Mali and Montenegro became party to the Convention. By the end of the year, there were 101 parties.

(iv) *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1986*⁴³¹

In 2007, Mali and Montenegro became party to the Convention. By the end of the year, there were 99 parties.

(v) *Convention on Nuclear Safety, 1994*⁴³²

In 2007, Nigeria became party to the Convention. By the end of the year, there were 60 parties.

⁴²⁸ United Nations, *Treaty Series*, vol. 374, p. 147.

⁴²⁹ United Nations, *Treaty Series*, vol. 1456, p. 101.

⁴³⁰ United Nations, *Treaty Series*, vol. 1439, p. 275.

⁴³¹ United Nations, *Treaty Series*, vol. 1457, p. 133.

⁴³² United Nations, *Treaty Series*, vol. 1963, p. 293.

(vi) *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, 1997*⁴³³

In 2007, Kyrgyzstan, Nigeria and South Africa became party to the Joint Convention. By the end of the year, there were 45 parties.

(vii) *Vienna Convention on Civil Liability for Nuclear Damage, 1963*⁴³⁴

In 2007, Nigeria and Montenegro became Party to the Convention. By the end of the year, there were 35 parties.

(viii) *Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage, 1997*⁴³⁵

In 2007, 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*⁴³⁶

In 2007, Turkey became party to the Joint Protocol. By the end of the year, there were 25 parties.

(x) *Convention on Supplementary Compensation for Nuclear Damage, 1997*⁴³⁷

In 2007, 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*⁴³⁸

In 2007, the status of the Protocol remained unchanged with 2 parties.

(xii) *Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the IAEA (RSA)*⁴³⁹

In 2007, Honduras and Slovenia concluded the RSA Agreement. By the end of the year, there were 109 member States which concluded the RSA Agreement with the Agency.

⁴³³ United Nations, *Treaty Series*, vol. 2153, p. 303.

⁴³⁴ United Nations, *Treaty Series*, vol. 1063, p. 265.

⁴³⁵ INFCIRC/566.

⁴³⁶ United Nations, *Treaty Series*, vol. 1672, p. 293.

⁴³⁷ INFCIRC/567.

⁴³⁸ INFCIRC/500/Add.3.

⁴³⁹ INFCIRC/267.

(xiii) *Fourth Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (RCA)*⁴⁴⁰

In 2007, Bangladesh, China, India, Indonesia, Japan, Republic of Korea, Malaysia, Myanmar, Pakistan, Philippines, Singapore, Sri Lanka and Vietnam became party to the Fourth Agreement. By the end of the year, there were 13 parties.

(xiv) *African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) (Third Extension)*⁴⁴¹

In 2007, Chad, Gabon, Kenya and Mauritania became party to the Third Extension. By the end of the year, there were 30 parties.

(xv) *Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)*⁴⁴²

In 2007, Uruguay became party to the Agreement. By the end of the year, there were 14 parties.

(xvi) *Co-operative Agreement for Arab States in Asia for Research, Development and Training Related to Nuclear Science and Technology (ARASIA)*⁴⁴³

In 2007, 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*⁴⁴⁴

In 2007, China, India, Japan, the Republic of Korea, the Russian Federation, the United States of America and EURATOM adhered to the Agreement. Thus, the Agreement, pursuant to Article 22, entered into force thirty days after the deposit of instruments of ratification, acceptance or approval by the People's Republic of China, EURATOM, the Republic of India, Japan, the Republic of Korea, the Russian Federation and the United States of America, i.e. on 24 October 2007.

⁴⁴⁰ INFCIRC/167/Add.22.

⁴⁴¹ INFCIRC/377.

⁴⁴² INFCIRC/582.

⁴⁴³ INFCIRC/613/Add.1.

⁴⁴⁴ INFCIRC/702.

(xviii) *Agreement on the Privileges and Immunities of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*⁴⁴⁵

In 2007, China, India, Japan, the Republic of Korea, the Russian Federation and Euratom adhered to the Agreement. Thus, the Agreement, pursuant to Article 25, entered into force thirty days after the deposit of instruments of ratification, acceptance or approval by the People's Republic of China, Euratom, the Republic of India, Japan, the Republic of Korea and the Russian Federation, i.e. on 24 October 2007.

(d) Legislative assistance activities

During 2007, the Agency provided bilateral assistance in drafting national nuclear legislation to 25 member States. Under the legal fellowship programme, 3 fellowships of 4 months each were granted to individuals from the African member States to receive training at Agency Headquarters in order to acquire practical and international nuclear law experience.

In April 2007, the Agency participated in the 16th Session of the Commission on Crime Prevention and Criminal Justice in Vienna, Austria and delivered a statement on "facilitating the ratification and implementation of the international instruments to prevent and combat nuclear terrorism". Also in April, the Agency took part in a Regional Workshop on the Suppression of Acts of Nuclear Terrorism co-organized by the Organization for Security and Cooperation in Europe and the United Nations Office on Drugs and Crime, which was held in Uzbekistan. A meeting for senior government officials from the Latin American and Caribbean States region was held in June in Vienna, Austria, on the International Legal Framework for Nuclear Safety, Security and Safeguards. The meeting was attended by representatives from 19 member States of the region.

Throughout the year, the IAEA organized several training courses, workshops and national seminars as follows: a training course on radiation safety for lawyers was held in Syria in March; a workshop on the International Legal Framework Applicable to the Shipment of Russian Origin Research Reactors Spent Fuel to the Russian Federation was held in Romania in cooperation with the European Commission in April; and two national seminars on the legal aspects of nuclear safety, security, safeguards and liability were held in Ghana and Indonesia in May and June respectively.

Under the new IAEA International Law Series, one publication was issued setting out the explanatory texts on the nuclear liability instruments concluded under the IAEA's auspices which were finalized as a comprehensive study of the Agency's nuclear liability regime by the International Expert Group on Nuclear Liability (INLEX). In particular, the texts examine the 1997 Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage⁴⁴⁶ and the Convention on Supplementary Compensation for Nuclear Damage adopted in 1997.

⁴⁴⁵ INFCIRC/703.

⁴⁴⁶ United Nations, *Treaty Series*, vol. 2241, p. 270.

(e) Convention on Nuclear Safety⁴⁴⁷

In preparation for the Fourth Review Meeting (RM) of the Contracting Parties to the Convention on Nuclear Safety to be held from 14 to 25 April 2008, an Organizational Meeting of the Contracting Parties was held from 24 to 27 September 2007. In accordance with the Rules of Procedure and Financial Rules of the Convention on Nuclear Safety, the primary purpose of the meeting was to elect the Officers of the Review Meeting (President, Vice-Presidents, Country Group Chairs, Country Group Vice-Chairs, Country Group Coordinators and Country Group Rapporteurs), as well as to establish Country Groups. The meeting also considered some of the proposals forwarded by the contracting parties in anticipation of the Fourth Review meeting, including on how to further improve the effectiveness and efficiency of the review process under the Convention on Nuclear Safety.

(f) Code of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources

The Code of Conduct on the Safety and Security of Radioactive Sources (the Code of Conduct)⁴⁴⁸ 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 90 States as of the end of 2007.

Throughout 2007, work has continued to facilitate the implementation of the Code of Conduct's supplementary Guidance on the Import and Export of Radioactive Sources (the Guidance). Further to General Conference resolution GC(48)/RES/10.D, 45 States had written to the IAEA Director General by the end of 2007, indicating their commitment to follow the Guidance.

The first international Open-ended Meeting of Technical and Legal Experts for Sharing of Information as to States' Implementation of the Code of Conduct and its supplementary Guidance on the Import and Export of Radioactive Sources was held from 25 to 29 June 2007. The objective of the meeting was to promote a wide exchange of information on national implementation of the Code of Conduct and the Guidance. In line with the non-legally binding nature of the Code of Conduct and the Guidance, participation in the meeting and presentation of papers was on a voluntary basis and the meeting was open to all member and non-member States of the IAEA, whether or not they had made a political commitment to the Code and/or to the Guidance. The second such international meeting will be held from 26 to 28 May 2008.

⁴⁴⁷ United Nations, *Treaty Series*, vol. 1963, p. 293.

⁴⁴⁸ INFCIRC/663.

(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 2004 and subsequently endorsed by the General Conference in September 2004.

As recommended by the December 2005 open-ended meeting, periodic meetings were held to exchange information and experiences in the application of the Code of Conduct. Two regional meetings were held in 2007 for Asia and the Pacific and Latin America and Caribbean regions. These meetings allowed participating countries to exchange information and views on the recommendations in the Code of Conduct, to discuss the results of self assessments made on the status of research reactor safety and to identify needs for assistance in applying the Code of Conduct.

Preparations were started for an international meeting on the application of the Code of Conduct in 2008, close to the Fourth Review Meeting of the Contracting Parties to the Convention on Nuclear Safety.

(h) Safeguards Agreements

During 2007, a Safeguards Agreement pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons⁴⁴⁹ (NPT) with Burundi⁴⁵⁰ entered into force. A Safeguards Agreement pursuant to the Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty) entered into force for France.⁴⁵¹ In addition, Hungary,⁴⁵² Malta⁴⁵³ and Poland⁴⁵⁴ acceded to the Safeguards Agreement between the IAEA, European Atomic Energy Community (Euratom) and the non-nuclear-weapon States of Euratom. A Safeguards Agreement was signed by Bahrain but had not entered into force as of December 2007. Safeguards Agreements with Chad, Montenegro, Mozambique and Timor-Leste pursuant to the NPT were approved by the IAEA Board of Governors. In addition, an agreement with Pakistan⁴⁵⁵ for the application of safeguards in connection with the supply of a nuclear power station entered into force on 22 February 2007.

In 2007, Protocols Additional to the Safeguards Agreements between the IAEA and Burundi,⁴⁵⁶ Kazakhstan,⁴⁵⁷ Malawi,⁴⁵⁸ Mauritius,⁴⁵⁹ Niger,⁴⁶⁰ Nigeria,⁴⁶¹ Russian Federa-

⁴⁴⁹ United Nations, *Treaty Series*, vol. 729, p. 161.

⁴⁵⁰ Reproduced in IAEA Document: INFCIRC/719.

⁴⁵¹ Reproduced in IAEA Document: INFCIRC/718.

⁴⁵² Reproduced in IAEA Document: INFCIRC/193/Add.15.

⁴⁵³ Reproduced in IAEA Document: INFCIRC/193/Add.15.

⁴⁵⁴ Reproduced in IAEA Document: INFCIRC/193/Add.13.

⁴⁵⁵ Reproduced in IAEA Document: INFCIRC/705.

⁴⁵⁶ Reproduced in IAEA Document: INFCIRC/719/Add.1.

⁴⁵⁷ Reproduced in IAEA Document: INFCIRC/504/Add.1.

⁴⁵⁸ Reproduced in IAEA Document: INFCIRC/409/Add.1.

⁴⁵⁹ Reproduced in IAEA Document: INFCIRC/190/Add.1.

⁴⁶⁰ Reproduced in IAEA Document: INFCIRC/664/Add.1.

⁴⁶¹ Reproduced in IAEA Document: INFCIRC/358/Add.1.

tion⁴⁶² and The Former Yugoslav Republic of Macedonia⁴⁶³ entered into force. In addition, Hungary,⁴⁶⁴ Malta⁴⁶⁵ and Poland⁴⁶⁶ acceded to the Protocol Additional to the Safeguards Agreement between the IAEA, Euratom and the non-nuclear-weapon States of Euratom. Additional Protocols were signed by Dominican Republic, Kyrgyz Republic and Viet Nam but had not entered into force as of December 2007. Additional Protocols with Chad, Côte d'Ivoire, Montenegro, Mozambique and Timor-Leste were approved by the IAEA Board of Governors in 2007.

10. World Intellectual Property Organization

(a) Introduction

In the year 2007, 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 2007, the WIPO Technical Assistance and Capacity Building (TACB) activities continued to be directed towards the integration of Intellectual Property (IP) in national development policies and programs in accordance with WIPO's Strategic Goal Two, created within the framework of the United Nations Millennium Development Goals. The technical assistance program and activities have been designated in close consultation with member States, Intergovernmental Organizations and Non-governmental Organizations and particularly with developing countries and least developed countries (LDCs) with which an intensified cooperation has been tailored to respond to the diverse and specific needs in important IP areas.

In the period under review, substantive legislative and technical assistance was provided in support of national IP building capacity in areas such as: IP infrastructure and exploitation of IP systems; human resources development; information technology; Genetic Resources; Traditional Knowledge and Folklore and protection of traditional cultural expressions; Small and Medium-Sized Enterprises; and the establishment of collective management societies.

The WIPO General Assembly decided, at its thirty-fourth sessions held from 24 September to 3 October 2007, after having reviewed the discussions during the two sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), to establish a Committee on Development and Intellectual Property (CDIP). The CDIP, whose first session took place early March 2008, is mandated to develop a work-program for implementation of recommendations adopted in relation to the WIPO Development

⁴⁶² Reproduced in IAEA Document: INFCIRC/327/Add.1.

⁴⁶³ Reproduced in IAEA Document: INFCIRC/610/Add.2.

⁴⁶⁴ Reproduced in IAEA Document: INFCIRC/193/Add.16.

⁴⁶⁵ Reproduced in IAEA Document: INFCIRC/193/Add.16.

⁴⁶⁶ Reproduced in IAEA Document: INFCIRC/193/Add.14.

Agenda; monitor, assess, discuss and report on the implementation of all recommendations adopted by the PCDA by coordinating with relevant WIPO bodies and finally to discuss IP and development-related issues as agreed by the CDIP as well as those decided by the WIPO General Assembly.

(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, the 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 on the Law of Patents (SCP)*

At its thirty-fourth sessions, held from 24 September to 3 October 2007, the WIPO General Assembly decided that a Report on the International Patent System be prepared by the Secretariat of WIPO and be submitted for discussion to the next session of the SCP which will take place in June 2008. The Report provides a frame of the current situation of the international patent system and attempts to cover the different needs and interests of Member States mainly on broader issues such as the economic rationale of the patent system and its role in innovation and technology dissemination as well as the legal and organizational aspects relating to the patent system.

During the period under review, the Committee continued constructive discussions on the future work plan related to the draft of the Substantive Patent Law Treaty (SPLT). However, the debate revealed that some existing differences on the harmonization of national patent laws could not yet be resolved. It was therefore considered that negotiations on the SPLT should continue in the attempt to strike a balance between the rigidities demanded by an upward harmonization of national patent laws and the safeguard of the existing flexibilities and national policy space.

(ii) *Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)*

The SCT continued to concentrate its work on new types of marks, the trademark opposition procedure, trademarks and their relation with literary and artistic works, and on industrial design protection issues. The Committee continued to pursue its objective to modernize the international legal framework for trademark office administrative procedures and to find a common working field from diverging national and regional approaches in the area of trademarks, industrial designs and geographical indications law, including the law of unfair competition.

(iii) *Standing Committee on Copyright and Related Rights (SCCR)*

Two special sessions of the SCCR took place respectively in January and June 2007, to reach an agreement on and finalize the objectives, specific scope and object of protection, with a view to submitting the results to a possible Diplomatic Conference on the protection of the rights of broadcasting organizations. However, although the Committee urged that efforts to conclude a treaty on protection of broadcasting organizations be continued, it was felt that there was a need to take time to reflect before proceeding further to explore a possible agreement.

(iv) *Standing Committee on Information Technologies*

The Standards and Documentation Working Group of the Standing Committee on Information Technologies held its eighth session from 19 to 22 March 2007, during which were 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*

During the period under review, a total of 158,400 international patent applications were filed representing a 5.9 per cent rate of growth from the previous year. The most notable growth came from North East Asian countries which accounted for over 25.4 per cent of all international patent applications.

Two new States adhered in 2007 to the Patent Cooperation Treaty,⁴⁶⁷ namely Bahrain and Malta, bringing the total number of contracting Parties to 139.

(ii) *Trademarks*

The international trademark registration system continued to significantly grow in 2007, with 39,945 new international trademark applications which represent a growth of 9.5 per cent as compared to 2006. A considerable growth of 10.5 per cent was also reported by developing countries which accounted for 2,108 filings during the period under review.

In 2007, with the adherence of Azerbaijan, Oman and San Marino to the Madrid Protocol,⁴⁶⁸ the number of contracting parties rose to 74.

(iii) *Industrial designs*

In 2007, the Secretariat recorded 1,147 registrations of industrial designs. The number of designs contained in those registrations was 6,579.

⁴⁶⁷ United Nations, *Treaty Series*, vol. 1160, p. 231.

⁴⁶⁸ United Nations, *Treaty Series*, vol. 828, p. 391.

During the year under review, Albania, Armenia, the European Community and Mongolia became party to the Geneva Act of the Hague Agreement,⁴⁶⁹ bringing the total number of Contracting Parties to 25.

(iv) *Appellations of origin*

In 2007, the Secretariat inscribed 15 new appellations of origin, which brought to 810 the total number of appellations of origin in force under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (Lisbon Agreement).⁴⁷⁰

The total number of contracting parties of the Lisbon Agreement is 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 eleventh session held in July 2007 reviewed the progress made on its substantive agenda particularly with the contribution of the enhanced participation of representatives of indigenous and local communities which was made possible by various initiatives including the successful launch of the WIPO Voluntary Fund, as well as from the participation of various intergovernmental organizations.

(ii) *The WIPO Arbitration and Mediation Center*

During the period under review, the WIPO Arbitration and Mediation Center carried out some 150 arbitration and mediation proceedings and processed over 26,000 disputes in the area of domain names. More than 11,000 of those were received under the Uniform Domain Name Dispute Resolution Policy, the policy that applies to all registration in generic top-level domains as well as under related policies for country code top-level Domains.

(iii) *New members and new accessions*⁴⁷¹

In 2007, 31 new instruments of ratification and/or 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 party to the corresponding treaty by the end of 2007.

- (a) Convention Establishing the World Intellectual Property Organization: 0 (184);

⁴⁶⁹ United Nations, *Treaty Series*, vol. 2279, p. 31.

⁴⁷⁰ United Nations, *Treaty Series*, vol. 923, p. 189 and 205.

⁴⁷¹ For the texts and status of the conventions listed in this section, see under "Treaties" at <http://wipo.int>.

- (b) Paris Convention for the Protection of Industrial Property: 2 (173);
- (c) Berne Convention for the Protection of Literary and Artistic Works: 0 (163);
- (d) Patent Cooperation Treaty: 2(139);
- (e) Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks: 3(74);
- (f) Trademark Law Treaty: 2(40);
- (g) Patent Law Treaty: 3 (17);
- (h) Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods: 0 (35);
- (i) Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks: 1 (82);
- (j) Locarno Agreement Establishing an International Classification for Industrial Designs: 1 (49);
- (k) Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks: 1 (24);
- (l) WIPO Copyright Treaty: 3 (64);
- (m) WIPO Performances and Phonograms Treaty: 3 (62);
- (n) Lisbon Agreement for the Protection of Appellations of Origin and their International Registration: 0 (26);
- (o) Strasbourg Agreement Concerning the International Patent Classification: 2 (58);
- (p) Nairobi Treaty on the Protection of the Olympic Symbol: 0(46);
- (q) Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure: 2 (68);
- (r) Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations: 2 (86);
- (s) Hague Agreement Concerning the International Registration of Industrial Designs: 3 (48);
- (t) Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite: 1 (30);
- (u) Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms: 0 (76).

11. 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 WTO's 150th member on 11 January 2007. The accession package of the Kingdom of Tonga was adopted at the Sixth WTO Ministerial Conference (15 December 2006). Tonga became the WTO's 151st member on 27 July 2007.

(ii) *Ongoing accessions*

As of the date of this document, the following applicants are in the process of accession to the WTO (in alphabetical order):

Afghanistan	Lebanese Republic
Algeria	Liberia
Andorra	Libyan Arab Jamahiriya
Azerbaijan	Montenegro
Bahamas	Russian Federation
Belarus	Samoa
Bhutan	Sao Tomé and Príncipe
Bosnia and Herzegovina	Serbia
Cape Verde	Seychelles
Comoros, Union of the	Sudan
Ethiopia	Tajikistan
Iran	Ukraine
Iraq	Uzbekistan
Kazakhstan	Vanuatu ⁴⁷³
Lao People's Democratic Republic	Yemen

- The General Council approved Cape Verde's accession package on 18 December 2007. Cape Verde will become a WTO member 30 days after informing the WTO of the domestic ratification of its accession package.

Of the remaining accessions:

- 22 applicants have submitted a Memorandum on the Foreign Trade Regime – a key document containing the factual information needed for activating the work of the Working Party;
- 22 Working Parties have held their first meeting;
- 20 applicants have tabled their offers on goods and/or services to initiate bilateral market access negotiations with interested Members; and
- A draft Working Party Report or Elements of a draft Report (a document that lays down the basis for the draft Working Party Report) has been prepared for 8 applicants.

⁴⁷² Final meeting of the Working Party on the Accession of Vanuatu was held on 29 October 2001.

A Working Party has not yet been established to examine a request for accession from Syria⁴⁷³ and Equatorial Guinea.⁴⁷⁴

(b) Dispute settlement

During 2007, 13 requests for consultations were received pursuant to article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes. The Dispute Settlement Body established panels in the following cases:

- Mexico—Definitive countervailing measures on olive oil from the European Communities (WT/DS341);
- Chile—Provisional Safeguard Measure on Certain Milk Products / Definitive Safeguard Measure on Certain Milk Products (WT/DS351, WT/DS356);
- India—Measures affecting the importation and sale of wines and spirits from the European Communities (WT/DS352);
- United States—Continued Existence and Application of Zeroing Methodology (WT/DS350);
- India—Additional and Extra-Additional Duties on Imports from the United States (WT/DS360);
- Brazil—Anti-Dumping Measures on imports of Certain Resins from Argentina (WT/DS355);
- China—Certain Measures Granting Refunds, Reductions or Exemptions from Taxes and other Payment (WT/DS358);
- China—Certain Measures Granting Refunds, Reductions or Exemptions from Taxes and Other Payments (WT/DS359);
- China—Measures Affecting the Protection and Enforcement of Intellectual Property Rights (WT/DS361);
- Colombia—Indicative Prices and Restrictions on Ports of Entry (WT/DS366);
- China—Measures Affecting Trading Rights and Distribution Services for certain Publications and Audiovisual Entertainment Products (WT/DS363);
- United States—Domestic Support and Export Credit Guarantees for Agricultural Products (WT/DS365);
- United States—Subsidies and Other Domestic Support for Corn and other Agricultural Products (WT/DS357);
- Australia—Measures Affecting the Importation of Apples from New Zealand (WT/DS367).

During 2007, the Dispute Settlement Body adopted Panel Reports and Appellate Body Reports in the following cases:

- United States—Measures Relating to Zeroing and Sunset Reviews WT/DS322 (Appellate Body and Panel reports);

⁴⁷³ Documents WT/ACC/SYR/1, 2 and 3.

⁴⁷⁴ Document WT/ACC/GNQ/1.

- United States—Anti-Dumping Measure on Shrimp from Ecuador (WT/DS335) (Panel report);
- Mexico—Dumping Duties on Steel Pipes and Tubes from Guatemala (WT/DS331) (Panel report);
- Turkey—Measures Affecting the Importation of Rice (WT/DS334) (Panel report);
- Brazil—Measures Affecting Imports of Retreaded Tyres (WT/DS332) (Panel and Appellate Body reports);
- Japan—Countervailing Duties on Dynamic Random Access Memories from Korea (WT/DS336) (Panel and Appellate Body reports).

(c) Waivers under article IX of the WTO Agreement⁴⁷⁵

MEMBER	TYPE	DECISION OF	EXPIRY	DOCUMENT
Argentina	Introduction of Harmonized System 1996 changes into WTO Schedules of Tariff Concessions Extension of Time-Limit	27 July 2007	30 April 2008	WT/L/692
Panama	Introduction of Harmonized System 1996 changes into WTO Schedules of Tariff Concessions Extension of Time-Limit	27 July 2007	30 April 2008	WT/L/693
Argentina, Australia, Brazil, China, Costa Rica, Croatia, El Salvador, European Communities, Iceland, India, Republic of Korea, Mexico, New Zealand, Nicaragua, Norway, Singapore, Chinese Taipei, Thailand, United States, and Uruguay	Introduction of Harmonized System 2002 changes into WTO Schedules of Tariff Concessions	18 December 2007	31 December 2008	WT/L/712

⁴⁷⁵ Marrakech Agreement establishing the WTO, 15 April 1994. United Nations, *Treaty Series*, vols. 1867, 1868 and 1869, p. 3, and annex A in volumes 1890, 1895, 1915 and 1928.

MEMBER	TYPE	DECISION OF	EXPIRY	DOCUMENT
Argentina, Australia, Brazil, Canada, Costa Rica, Croatia, El Salvador, European Communities, Guatemala, Honduras; Hong Kong, China; India, Korea; Macao, China; Malaysia, Mexico, New Zealand, Nicaragua, Norway, Pakistan, Singapore, Switzerland, Thailand, United States, and Uruguay	Introduction of Harmonized System 2007 changes into WTO Schedules of Tariff Concessions	18 December 2007	31 December 2008	WT/L/713
United States	Former Territory of the Pacific Islands	27 July 2007	31 December 2016	WT/L/694
Mongolia	Export duties on raw cashmere	27 July 2007	29 January 2012	WT/L/695

12. Organisation for the Prohibition of Chemical Weapons

(a) Membership

In 2007 one State, namely Barbados, became party to the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction⁴⁷⁶ (hereinafter “the Chemical Weapons Convention” or “CWC”). At the end of the year the number of State parties stood at 182.

(b) Destruction of chemical weapons

Under article III, paragraph 1, of the Chemical Weapons Convention, each State party shall declare whether it owns or possesses chemical weapons. As at the end of 2007, six State Parties had declared the possession of chemical weapons. Under Article I, paragraph 2, of the Chemical Weapons Convention “Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control [. . .]”. Such destruction was to be concluded not later than 10 years after entry into force of the Convention, i.e. on 29 April 2007 (see article IV, paragraph 6, of the CWC). However, the CWC makes provision for an extension of the deadline for completing the destruction of the declared chemical weapons stockpiles for up to five years (i.e. until 29 April 2012) on the request of a State party. At its eleventh session, held from 5 to 8 December 2006, the Conference of the State parties of

⁴⁷⁶ United Nations, *Treaty Series*, vol. 1974, p. 45.

the Organization for the Prohibition of Chemical Weapons (OPCW) approved such requests for extensions of the deadline made by possessor State parties.

In July 2007, Albania became the first State party to complete the destruction of its entire stockpile of chemical weapons declared to the OPCW, and at the end of 2007, there were five State parties remaining with declared chemical weapons stockpiles.

(c) Legal status, privileges and immunities and international agreements

Article VIII, paragraphs 48 and 49, of the CWC provides for privileges and immunities to the OPCW, delegates of States, representatives appointed to the Executive Council, the Director-General and the staff of the OPCW as are necessary for the independent exercise of their functions. These privileges and immunities must be defined in agreements concluded between States parties and the OPCW pursuant to Article VIII, paragraph 50, of the CWC. In addition, there are provisions for privileges and immunities enjoyed during the conduct of verification activities set forth in part II, section B, of the annex of the CWC on Implementation and Verification (hereinafter “the Verification Annex”).

During 2007 the OPCW signed three agreements with State Parties on the privileges and immunities of the OPCW: Burkina Faso on 7 February 2007; the Eastern Republic of Uruguay on 20 February 2007; and the Republic of Chile on 30 October 2007. None of these agreements had entered into force as of December 2007. On 3 July 2007 the Agreement between the OPCW and the Kingdom of Spain on the Privileges and Immunities of the OPCW, which had been signed on 16 September 2003, entered into force upon receipt of the instrument of ratification of the Kingdom of Spain.

In addition, pursuant to paragraph 3 of part III of the Verification Annex to the Chemical Weapons Convention, each State Party must conclude facility agreements with the OPCW for certain declared facilities that are subject to on-site inspections. Facility agreements may also be negotiated for other declared facilities that are subject to on-site inspections. During the reporting period seven facility agreements were concluded between the OPCW and the United States of America. They were signed on 8 February 2007 and entered into force on the same day. One further facility agreement concluded during 2007 was between the OPCW and the Italian Republic. This agreement was signed on 29 June 2007 and entered into force on the same day.

During 2007 the OPCW also concluded the following instruments:

The European Community entered into a Contribution Agreement with the OPCW, in support of the OPCW activities within the framework of implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction. This agreement was signed on 23 August 2007 and entered into force on the same day.

Four memoranda of understanding regarding sample preparation and evaluation of results for the 22nd official OPCW Proficiency Test were concluded between the OPCW and laboratories in various State Parties. Two memoranda of understanding were signed on 14 March 2007 with laboratories in China and USA respectively. On 18 September 2007, a memorandum of understanding was signed with a laboratory in the United Kingdom and on 31 July 2007, a memorandum of understanding was signed with a laboratory in Poland. The four memoranda entered into force on the dates of their respective signatures.

An arrangement for a training course was also concluded between the OPCW and the Republic of Serbia. It was signed and entered into force on 6 June 2007.

Finally, a Memorandum of Understanding regarding voluntary contributions to support the cost of the design and production of a memorial to the victims of chemical warfare, which had been signed between the OPCW and the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 28 July 2006, entered into force on 9 May 2007.

(d) Review of the Chemical Weapons Convention

Article VIII, paragraph 22, of the Chemical Weapons Convention provides that no later than one year after the expiry of the fifth and the tenth year after the entry into force of the Convention, the Conference shall convene in special sessions to undertake reviews of the operation of the Convention (hereinafter referred to as “Review Conference”).

An Open-Ended Working Group for preparations for the Second Review Conference (that had been scheduled for 17 to 28 April 2008) was established by the Executive Council of the OPCW at its forty-third Session,⁴⁷⁷ at the recommendation of the Conference of the State Parties at its tenth Session.⁴⁷⁸ The Open-Ended Working Group held 11 meetings in 2007, at which it considered issues including, among other issues, the role of the Convention in enhancing international peace and security, the measures to ensure universality, and the implications of scientific and technological developments for the provision of assistance and protection against chemical weapons and for the national implementation of the Convention.

Meetings of State parties and chemical industry representatives and non-governmental organisations for the preparation of the Second Review Conference were also held on 11 June and 19 November 2007, respectively.

(e) OPCW legislative assistance activities

Throughout 2007, the Technical Secretariat of the OPCW, upon request, continued to render assistance in a tailored and systematic manner to State parties that were yet to adopt legislative or administrative measures to implement their obligations under the Convention. Such implementation support was aimed particularly at helping State parties to establish or designate a National Authority to serve as the national focal point for effective liaison with the OPCW and other State Parties as required by article VII, paragraph 4 of the CWC, and to adopt legislation, including penal legislation as required by article VII, paragraph 1, of the CWC.

In its implementation support efforts, the Technical Secretariat of the OPCW was guided by the decision on the plan of action regarding the implementation of article VII obligations adopted by the Conference of the State parties on 24 October 2003 and its follow-up decisions dated 11 November 2005 and 6 December 2006, respectively. During its twelfth session, the Conference of the State Parties adopted a new decision regarding the implemen-

⁴⁷⁷ EC-43/2, dated 6 December 2005.

⁴⁷⁸ C-10/5, dated 11 November 2005.

tation of article VII.⁴⁷⁹ The Conference emphasised the importance for those State parties that have not yet established or designated their national authority or have not yet adopted comprehensive implementing legislation to keep the OPCW informed of the steps taken, the difficulties encountered in this process, and of their assistance requirements so as to allow assistance rendered by the OPCW to effectively address their needs, practical national implementation issues and concerns on *inter alia*, matters related to industry and trade.

During 2007, the Technical Secretariat continued making use of a variety of tools to provide assistance to State parties upon request. It contributed to 30 training courses, workshops, on-site technical assistance visits and other activities related to national implementation for officials, including those from National Authorities, customs, industry and national parliaments. Among these events, three thematic workshops focussed on legislative drafting alone. Three meetings were held for parliamentarians, at the national level in Liberia and Peru, and at the regional level for State parties in Latin America and the Caribbean. The role of parliamentarians for early adoption of national implementing legislation was also discussed during the Ninth Annual Meeting of National Authorities in November 2007. The regional and sub-regional meetings and workshops for National Authorities from Africa, Asia, Eastern Europe, and Latin America and the Caribbean offered further opportunities of assistance in promoting awareness about the Convention's requirement and training the personnel of National Authorities and gave rise to discussion, including during bilateral consultations, on the practical aspects of national implementation.

In addition, in 2007, the Technical Secretariat also reviewed and provided comments on 44 drafts of implementing legislation and subsidiary regulations that had been submitted by 35 State parties. It continued to provide information on implementing legislation and on administrative measures for implementation at the request of State parties.

In developing its implementation support plan for 2007, the Technical Secretariat took account of the particular requirements of those State parties that had recently joined the Chemical Weapons Convention and had requested such assistance.

The Secretariat continued to maintain informal working contact with State 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.

At of 31 December 2007, 175 out of 182 State parties (96 per cent) had designated or established a National Authority while 78 State parties (43 per cent) had comprehensive implementing legislation in place.

⁴⁷⁹ C-12/DEC.9, dated 9 November 2007.