

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

2013

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

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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 2013, the number of Member States of the United Nations was 193.

2. Peace and Security

(a) Peacekeeping missions and operations¹

(i) *Peacekeeping missions and operations established in 2013*

Mali²

By resolution 2100 (2013) of 25 April 2013, the Security Council, *inter alia*, condemned the offensive launched on 10 January 2013 by terrorist, extremist and armed groups towards the south of Mali, welcomed the swift action by the French forces, at the request of the transitional authorities of Mali, to stop the offensive of terrorist, extremist and armed groups towards the South of Mali, and took note of letters and a communiqué addressed to the Secretary-General from the transitional authorities of Mali, the President of the Economic Community of West African States (ECOWAS) Commission and the African Union (AU) Peace and Security Council, respectively, in support of the deployment of a United Nations stabilization mission in Mali.

By the same resolution, recalling the report of the Secretary-General³ that included recommendations and options for establishing a United Nations stabilization operation in Mali⁴ and acting under Chapter VII of the Charter of the United Nations, the Security Council decided to establish the United Nations Multidimensional Integrated

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

² See also the report of the Secretary-General on the situation in Mali (S/2013/582) and a statement by the President of the Security Council of 16 July 2013 (S/PRST/2013/10).

³ S/2013/189.

⁴ *Ibid.*, chap. VII.B, p. 12.

Stabilization Mission in Mali (MINUSMA) and requested the Secretary-General to subsume the United Nations Office in Mali (UNOM)⁵ into MINUSMA.⁶ The Security Council decided that the authority be transferred from the African-led International Support Mission in Mali (AFISMA)⁷ to MINUSMA on 1 July 2013, including military training, provision of equipment, intelligence and logistical support, at which point MINUSMA should commence the implementation of its mandate for an initial period of 12 months, and requested the Secretary-General to include in MINUSMA, in close coordination with the AU and ECOWAS, AFISMA military and police personnel appropriate to United Nations standards.

Resolution 2100 (2013) also defined the composition and mandate of MINUSMA,⁸ and authorized the Mission to use all necessary means, within the limits of its capacities and areas of development, to carry out its mandate. The Security Council authorized French troops, within the limits of their capacities and areas of deployment, and upon request of the Secretary-General, to use all necessary means, from the commencement of the activities of MINUSMA's mandate, to intervene in support of elements of MINUSMA when under imminent and serious threat.

(ii) *Changes in the mandate and/or extensions of time limits of ongoing peacekeeping operations or missions in 2013*

a. Cyprus

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established by Security Council resolution 186 (1964) of 4 March 1964.⁹ The Security Council decided

⁵ For more information about UNOM, see section A.2(b)(i)(a) of this chapter below.

⁶ For more information about MINUSMA, see <http://www.un.org/en/peacekeeping/missions/minusma/>. See also the report of the Secretary-General, recommending options for the establishment of a United Nations peacekeeping operation there (S/2013/189), the report of the Secretary-General on the situation in Mali, providing update on the developments since S/2013/189 and deployment of MINUSMA (S/2013/338), and the report of the Secretary-General on the situation in Mali, for the period from 10 June to 29 September 2013 (S/2013/582).

⁷ By its resolution 2085 (2012) of 20 December 2012, the Security Council authorized the deployment of AFISMA for an initial period of one year. See OP 9, and 9(a)–(f), of resolution 2085 (2012).

⁸ The Security Council decided that MINUSMA would comprise up to 11,200 military personnel and 1,440 police personnel. The Security Council decided that the mandate of MINUSMA should include, *inter alia*: (a) stabilization of key population centers and support for the reestablishment of State authority throughout the country (i) to support the transitional authorities of Mali, to stabilize the key population centers, especially in the north of Mali, and in this context, to deter threats and take active steps to prevent the return of armed elements to those areas, and (ii) to support the transitional authorities of Mali to extend and re-establish State administration throughout the country; (b) support for the implementation of the transitional road map, including the national political dialogue and the electoral process; protection of civilians and United Nations personnel; support for humanitarian assistance; support for cultural preservation; and support for national and international justice.

⁹ For more information about UNFICYP, see <https://unficy.unmissions.org> and <http://www.un.org/en/peacekeeping/missions/unficy/>. See also the report of the Secretary-General on the United Nations operation in Cyprus covering developments for the period from 21 June to 15 December 2012 (S/2013/7), for the period from 16 December 2012 to 20 June 2013 (S/2013/392), and for the period from 21 June to 15 December 2013 (S/2013/781).

to extend the mandate of UNFICYP by resolutions 2089 (2013) of 24 January 2013 and 2114 (2013) of 30 July 2013, until 31 July 2013 and 31 January 2014, respectively.

b. Syrian Arab Republic

In view of former Secretary-General Mr. Kofi Annan's decision to step down as Joint Special Envoy of the United Nations and the League of Arab States at the end of August 2012,¹⁰ the General Assembly in resolution 67/183 of 20 December 2012 welcomed the appointment of the new Joint Special Representative of the United Nations and the League of Arab States for Syria, Mr. Lakhdar Brahimi. In the same resolution, the General Assembly, *inter alia*, welcomed the report of the independent international commission of inquiry on the Syrian Arab Republic, submitted pursuant to Human Rights Council (HRC) resolution 19/22,¹¹ demanded that the Syrian authorities provide the commission of inquiry and individuals working on its behalf immediate, full and unfettered entry and access to all areas of the Syrian Arab Republic, and stressed the need to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into abuses and violations of international law.

Subsequently, in General Assembly resolution 67/262 of 15 May 2013, the General Assembly, *inter alia*, reaffirmed its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States for Syria and demanded that the Syrian authorities strictly observe their obligations under international law with respect to chemical and biological weapons.

c. Syrian Arab Republic and Israel

The United Nations Disengagement Observer Force (UNDOF) was established by Security Council resolution 350 (1974) of 31 March 1974.¹² The Security Council renewed the mandate of UNDOF by resolutions 2108 (2013) of 27 June 2013 and 2131 (2013) of 18 December 2013.¹³ In resolution 2131 (2013), the Security Council, *inter alia*, decided to renew the mandate of the UNDOF for a period of six months, underlined that there should be no military activity by Syrian armed opposition groups in the area of separation, and stressed the obligation of both parties to scrupulously and fully respect the terms of the 1974 Disengagement of Forces Agreement.

¹⁰ See *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(a)(i).

¹¹ A/HRC/21/50.

¹² For more information about UNDOF, see <http://www.un.org/en/peacekeeping/missions/undof/> and the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) for the period from 1 January to 31 March 2013 (S/2013/174), for the period from 1 April 2013 to 30 June 2013 (S/2013/345), for the period from 1 July to 12 September 2013 (S/2013/542), and for the period from 12 September to 3 December 2013 (S/2013/716).

¹³ The resolutions extended the mandate of UNDOF until 30 June 2013 and 31 December 2013, respectively.

d. Lebanon

The United Nations Interim Force in Lebanon (UNIFIL) was established by Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978.¹⁴ Following a request by the Lebanese Foreign Minister, presented in a letter dated 12 July 2013 addressed to the Secretary-General, the Secretary-General recommended that the Security Council consider the renewal of UNIFIL for a further period of one year.¹⁵ The Security Council renewed the mandate of UNIFIL by resolution 2115 (2013) of 29 August 2013, until 31 August 2014.

e. Western Sahara

The United Nations Mission for the Referendum in Western Sahara (MINURSO) was established by Security Council resolution 690 (1991) of 29 April 1991.¹⁶ By resolution 2099 (2013) of 25 April 2013, the Security Council decided to extend the mandate of MINURSO until 30 April 2014.

f. Democratic Republic of the Congo

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was established by Security Council resolution 1279 (1999) of 30 November 1999. As of 1 July 2010, MONUC was renamed United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).¹⁷

By resolution 2098 (2013) of 28 March 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of MONUSCO as set out in resolution 1925 (2010) until 31 March 2014. As elaborated upon below, the resolution also reflected several additional MONUSCO-related legal developments, most notably the signing of the Peace, Security and Cooperation Framework (PSC Framework) for the Democratic Republic of the Congo (DRC) and the region, as well as the establishment of an "Intervention Brigade".

Resolution 2098 (2013) welcomed the signing on 24 February 2013 of the PSC Framework for the DRC and the region and stressed the importance of this Agreement for the long-term stability of Eastern DRC and the region. In this regard, it encouraged

¹⁴ For more information about UNIFIL, see <http://www.un.org/en/peacekeeping/missions/unifil/>. See also the reports of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2013/120, S/2013/381 and S/2013/650).

¹⁵ Letter dated 31 July 2013 from the Secretary-General addressed to the President of the Security Council (S/2013/457).

¹⁶ For more information about MINURSO, see <http://www.un.org/en/peacekeeping/missions/minurso/> and the report of the Secretary General on the situation concerning Western Sahara (S/2013/220).

¹⁷ For more information about MONUSCO, see <http://www.un.org/en/peacekeeping/missions/monusco/> and the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) for the period from 15 November 2012 to 15 February 2013 (S/2013/96), for the period from 16 February to 28 June 2013 (S/2013/388), for the period from 29 June to 30 September 2013 (S/2013/581), and for the period from 1 October to 17 December 2013 (S/2013/757). See also the report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (S/2013/773), and the special report of the Secretary General on Democratic Republic of the Congo and the Great Lakes Region (S/2013/119).

the prompt establishment of a regional oversight mechanism involving the leaders of the region and a national oversight mechanism in order to accompany and oversee the implementation of the regional commitments for reform of the DRC. The Security Council called on the newly designated Special Envoy for the Great Lakes Region, in coordination with the Special Representative of the DRC, to lead, coordinate and assess the implementation of national and regional commitments under the PSC Framework, and further called on the Special Representative for the DRC, in collaboration with the Special Envoy for the Great Lakes Region, to support, coordinate and assess the implementation of national commitments in the DRC under the PSC Framework. The Security Council expressed its intention to review the progress of the implementation of the PSC Framework in the region, and indicated that in the event that any or all of the parties had not complied with the commitments set forth in the PSC Framework, it would take appropriate measures, as necessary.

Also in the same resolution, the Security Council decided that MONUSCO should, for an initial period of one year, on an exceptional basis and without creating a prejudice to the agreed principles of peacekeeping, include an “Intervention Brigade” under direct command of the MONUSCO Force Commander, with the responsibility of neutralizing armed groups as set out in paragraph 12(b) of the resolution and the objective of contributing to reducing the threat posed by armed groups to state authority and civilian security in Eastern DRC. The Security Council also decided that it would consider the continued presence of the Intervention Brigade in light of its performance and whether the DRC had made sufficient progress in implementing its commitments under the PSC Framework.

The Security Council further authorized MONUSCO, through its military component, in pursuit of the objectives described above, to take all necessary measures to achieve its mandate, which included: (a) protection of civilians; (b) neutralizing armed groups through the Intervention Brigade; (c) monitoring the implementation of the arms embargo; and (d) provision of support to national and international judicial processes.

g. Liberia¹⁸

The United Nations Mission in Liberia (UNMIL) was established by Security Council resolution 1509 (2003) of 19 September 2003.¹⁹ Acting under Chapter VII of the Charter of the United Nations, the Security Council decided by resolution 2116 (2013) of 18 September 2013 to extend the mandate of UNMIL until 30 September 2014.

h. Côte d’Ivoire²⁰

The United Nations Operation in Côte d’Ivoire (UNOCI) was established by Security Council resolution 1528 (2004) of 27 February 2004.²¹ By resolution 2112 (2013)

¹⁸ See section A.2(f)(xi) of this chapter below on sanctions as concerning Liberia.

¹⁹ For more information about UNMIL, see <http://unmil.unmissions.org> and <http://www.un.org/en/peacekeeping/missions/unmil/>. See also the twenty-fifth progress report of the Secretary-General on the United Nations Mission in Liberia (S/2013/124) and the twenty-sixth progress report of the Secretary-General on the United Nations Mission in Liberia (S/2013/479).

²⁰ See section A.2(f)(vii) of this chapter below on sanctions as concerning Côte d’Ivoire.

²¹ For more information about UNOCI, see <http://www.onuci.org> and <http://www.un.org/en/peacekeeping/missions/unoci/>. See also the special report of the Secretary-General of the United Nations

of 30 July 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNOCI until 30 June 2014.

In the same resolution, also acting under Chapter VII of the Charter of the United Nations, the Security Council decided, *inter alia*, that protection of civilians should remain the priority for UNOCI and that it should put renewed focus on supporting the Government of Côte d'Ivoire with disarmament, demobilization and reintegration, collection of weapons and security sector reform in accordance with paragraph 6 (a), (c) and (d) of the resolution, with the objective of gradually transitioning security responsibilities from UNOCI to the Government of Côte d'Ivoire. The Security Council also called upon UNOCI, where consistent with its authorities and responsibilities, to continue to support national and international efforts to bring to justice perpetrators of grave abuses of human rights and violations of international humanitarian law in Côte d'Ivoire, irrespective of their status or political affiliation. The Security Council further commended inter-mission cooperation between UNOCI and MINUSMA.

i. Haiti

The United Nations Stabilization Mission in Haiti (MINUSTAH) was established by Security Council resolution 1542 (2004) of 30 April 2004.²² By resolution 2119 (2013) of 10 October 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of MINUSTAH as contained in prior resolutions²³ until 15 October 2014, with the intention of further renewal.

j. Republic of the Sudan (Darfur)²⁴

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) was established and authorized by Security Council resolution 1769 (2007) of 31 July 2007.²⁵ By resolution 2113 (2013) of 30 July 2013, the Security Council decided to extend the mandate of UNAMID as set out in resolution 1769 (2007) until 31 August 2014. In the same resolution, the Security Council, *inter alia*, emphasized the Chapter VII mandate of UNAMID to deliver its core tasks to protect civilians without prejudice to the primary responsibility of the Government of the Sudan and to ensure the freedom of movement and security of humanitarian workers and personnel of UNAMID. The Security Council further emphasized the importance of UNAMID acting to promote human rights by bringing abuses and violations to the attention of the authorities, and requested the Secretary-General to provide reporting on human rights violations and abuses.

Operation in Côte d'Ivoire (S/2013/197) and the thirty-second progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2013/377).

²² For more information about MINUSTAH, see <http://minustah.org> and <http://www.un.org/en/peacekeeping/missions/minustah/>. See also the reports of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2013/139 and S/2013/493).

²³ See resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007), 1840 (2008), 1892 (2009), 1908 (2010), 1927 (2010), 1944 (2010), 2012 (2011) and 2070 (2012).

²⁴ See section A.2(f)(ii) of this chapter below on sanctions as concerning Darfur.

²⁵ For more information about UNAMID, see <http://unamid.unmissions.org> and <http://www.un.org/en/peacekeeping/missions/unamid/>. See also the reports of the Secretary-General on UNAMID (S/2013/22, S/2013/225, S/2013/420 and S/2013/607).

The Security Council also welcomed the Framework for AU and United Nations Facilitation of the Darfur Peace Progress,²⁶ and the priority given to UNAMID's efforts, in coordination with the United Nations country team, to support this framework. It further urged the signatory parties to implement the Doha Document for Peace in Darfur²⁷ in full, including by ensuring that the Darfur Regional Authority, National Human Rights Commission and Office for the Special Prosecutor in Darfur, as well as the Darfur Regional Security Committee are resourced and empowered to carry out their mandates.

k. Republic of the Sudan (Abyei)

The United Nations Interim Security Force for Abyei (UNIFSA) was established by Security Council resolution 1990 (2011) of 27 June 2011.²⁸ By resolution 2104 (2013) of 29 May 2013 and resolution 2126 (2013) of 25 November 2013, the Security Council decided to extend until 30 November 2013 and 31 May 2014, respectively, the mandate of the United Nations Interim Security Force for Abyei (UNISFA) as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011) of 14 December 2011 and paragraph 1 of resolution 2075 (2012) of 16 November 2012. Acting under Chapter VII of the Charter of the United Nations, the Security Council in both resolutions also determined that, for the purposes of paragraph 1 of resolution 2024 (2011), support to the operational activities of the Joint Border Verification and Monitoring Mission (JBVMM) should include support to the Ad Hoc Committees. Resolution 2104 (2013) also decided to increase the authorized troop ceiling for UNISFA to 5,326 as requested by the parties through the Joint Political and Security Mechanism decision, and expressed its intention to review, as appropriate, the mandate of UNISFA for possible reconfiguration of the mission in light of the compliance by the Sudan and South Sudan with the decisions set forth in resolution 2046 (2012) of 2 May 2012 and commitments made in related agreements.²⁹

²⁶ The Framework was finalized and transmitted to the Council by way of a letter dated 19 March 2012 from the Secretary-General to the President of the Security Council (S/2012/166), which also contained the guiding principles of the Framework. See also the report of the Secretary-General on UNAMID (17 April 2012) (S/2012/231), para. 2, and *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(a)(ii)(h).

²⁷ A/65/914-S/2011/449.

²⁸ For more information about UNISFA, see <http://www.un.org/en/peacekeeping/missions/unisfa/>. See also the reports of the Secretary-General on the situation in Abyei (S/2013/294 and S/2013/198).

²⁹ On 27 September 2012, nine agreements between the Sudan and South Sudan were signed under the auspices of the African Union High-Level Implementation Panel (AUHIP) in the Ethiopian capital Addis Ababa. The nine agreements were: the Agreement on Security Arrangements; the Framework Agreement on the Status of Nationals of the Other State; the Agreement on Border Issues (including demarcation); the Agreement on Trade and Trade-Related Issues; the Agreement on a framework for cooperation on Central Banking Issues; the Framework Agreement to Facilitate payment of post-service benefits; the Agreement on Certain Economic Matters: Division of Assets and Liabilities, Arrears and Claims and Joint Approach to the International Community; the Agreement on Oil and related Economic Matters; and the Cooperation Agreement.

I. Republic of South Sudan

The United Nations Mission in the Republic of South Sudan (UNMISS) was established by the Security Council in resolution 1996 (2011) of 8 July 2011.³⁰ By resolution 2109 (2013) of 11 July 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided, *inter alia*, to extend the mandate of UNMISS as set out in paragraph 3 of resolution 1996 (2011) through 15 July 2014. The Security Council noted the priority of the mandated tasks of UNMISS in resolution 1996 (2011) for the protection of civilians and for the achievement of an improved security environment.

(iii) *Other ongoing peacekeeping operations or missions*

a. Middle East

The United Nations Truce Supervision Organization (UNTSO) was established by resolution 50 (1948) on 29 May 1948 in order to supervise the observation of the truce in Palestine. UNTSO continued to operate in 2013.³¹

b. India and Pakistan

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was established by resolutions 39 (1948) and 47 (1948) of 20 January and 21 April 1948 respectively, in order to supervise, in the State of Jammu and Kashmir, the ceasefire between India and Pakistan. Following the India-Pakistan hostilities at the end of 1971 and a subsequent ceasefire of 17 December that year, the tasks of UNMOGIP have been to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of 17 December 1971 and to report thereon to the Secretary-General.³² UNMOGIP continued to operate in 2013.

c. Kosovo

The United Nations Interim Administration Mission in Kosovo (UNMIK) was established by resolution 1244 (1999) on 10 June 1999, and was mandated to help ensure conditions for a peace and normal life for all inhabitants of Kosovo and advance regional stability in the western Balkans.³³ UNMIK continued to operate in 2013.

³⁰ For more information about UNMISS, see <http://unmiss.unmissions.org> and <http://www.un.org/en/peacekeeping/missions/unmiss/>. See also the reports of the Secretary-General on South Sudan (S/2013/140, S/2013/366 and S/2013/651).

³¹ For more information about UNTSO, see <http://untso.unmissions.org> and <http://www.un.org/en/peacekeeping/missions/untso/>.

³² For more information about UNMOGIP, see <http://www.un.org/en/peacekeeping/missions/unmogip/>.

³³ For more information about UNMIK, see <https://unmik.unmissions.org> and <http://www.un.org/en/peacekeeping/missions/unmik/>. See also the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo for the period of 16 October 2012 to 15 January 2013 (S/2013/72), for the period from 16 January to 22 April 2013 (S/2013/254), for the period from 23 April to 15 July 2013 (S/2013/444) and for the period 16 July to 15 October 2013 (S/2013/631).

(iv) *Peacekeeping missions or operations concluded in 2013*

There were no peacekeeping missions or operations that were concluded in 2013.

(b) **Political and peacebuilding missions³⁴**(i) *Political and peacebuilding missions established in 2013*a. **Mali³⁵**

In resolution 2085 (2012) of 20 December 2012, the Security Council, *inter alia*, requested the Secretary-General to establish a multidisciplinary United Nations presence in Mali, in order to provide coordinated and coherent support to the political and security process. The Secretary-General was also requested in the same resolution to keep the Council informed of the situation in Mali and to report back to it every 90 days on the implementation of the resolution, including on the United Nations support to the political and security efforts to solve the crisis in Mali.

Accordingly, the United Nations Office in Mali (UNOM) was established and began its deployment on 21 January 2013.³⁶ The establishment of UNOM brought “additional capacities to United Nations in Mali, especially in terms of support to the political and security processes, rule of law, mine action and human rights”, thus “allowing the Organization to concentrate on supporting and assisting the Malians in their efforts to address the root causes of political tension and instability in the country”.³⁷

Notably, in accordance with resolution 2100 (2013) of 25 April 2013, the Security Council decided to establish the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and requested the Secretary-General to subsume UNOM into MINUSMA.³⁸

³⁴ The political and peacebuilding missions are listed in chronological order according to their date of establishment.

³⁵ For background information relating to the situation in Mali, see <http://www.un.org/en/peacekeeping/missions/minusma/background.shtml>. Of note is the 2012 rebellion and *coup d'état* which saw the appointment on 27 March 2012 of the President of Burkina Faso, Blaise Compaoré, by the Government of the Economic Community of West African States (ECOWAS) to mediate in the crisis. On 6 April 2012, the military junta and ECOWAS signed a Framework Agreement that led to the resignation of the then-President of Mali, Amadou Toumani Touré. The Agreement provided for the establishment of a transitional Government, headed by a Prime Minister with executive powers. Cheick Modibo Diarra was appointed interim Prime Minister on 17 April 2012, and on 20 August 2012, Diarra announced the formation of a Government of national unity. Following the *coup d'état*, the United Nations Secretary-General's Special Representative for West Africa, Said Djinnit, offered the support of the United Nations to the Malian authorities. The latter requested United Nations assistance to build their capacity in the areas of political negotiation, elections, governance, security sector reform and humanitarian assistance.

³⁶ Report of the Secretary-General on the situation in Mali (S/2013/189), para. 26.

³⁷ *Ibid.*, para. 91.

³⁸ For more information about MINUSMA, see section A.2(a)(i) of this chapter above.

b. Somalia

In resolution 2102 (2013) of 2 May 2013, the Security Council decided to establish the United Nations Assistance Mission in Somalia (UNSOM) by 3 June 2013, under the leadership of a Special Representative of the Secretary-General, for an initial period of twelve months with the intention to renew for further periods as appropriate.³⁹ The Security Council decided that the mandate of UNSOM would be, *inter alia*, to support the Federal Government of Somalia and the African Union Mission in Somalia (AMISOM)⁴⁰, as appropriate, by providing strategic policy advice on issues relating to peace building and state building.⁴¹

(ii) *Changes in the mandate and/or extensions of the time limits of ongoing political and peacebuilding missions in 2013*

a. Afghanistan

The United Nations Assistance Mission in Afghanistan (UNAMA) was established by Security Council resolution 1401 (2002) of 28 March 2002.⁴² On 19 March 2013, the Security Council decided by resolution 2096 (2013) to extend the mandate of UNAMA until 19 March 2014.

In the same resolution, the Security Council recognized that the renewed mandate of UNAMA took full account of the transition process and was in support of Afghanistan's full assumption of leadership and ownership in the security, governance and development areas, consistent with the understandings reached between Afghanistan and the international community in the London, Kabul and Bonn Conferences and the Lisbon Summit.⁴³ The Security Council further decided that UNAMA would continue to focus on, *inter alia*: (i) supporting, at the request of the Afghan authorities, the organization of future Afghan elections, including the 2014 presidential and provincial council elections; (ii) promoting the implementation of the Kabul Process; and (iii) supporting the efforts of the Afghan Government in fulfilling its commitments to improve governance and the rule of law.

³⁹ For more information about UNSOM, see <http://unsom.unmissions.org>. See also the report of the Secretary-General on Somalia for the period from 16 May to 15 August 2013 (S/2013/521) and for the period from 16 August to 15 November 2013 (S/2013/709).

⁴⁰ For more information about AMISOM, see section A.2(e)(ii)(c) of this chapter below.

⁴¹ The policy advice would be on, *inter alia*: (i) governance; (ii) security sector reform; rule of law, disengagement of combatants, disarmament, demobilization and reintegration, maritime security and mine action; (iii) the development of a federal system; the constitutional review process and a subsequent referendum on the constitution; and (iv) preparation for elections in 2016.

⁴² For more information about UNAMA, see <http://unama.unmissions.org>. See also the reports of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/67/778-S/2013/133, A/67/889-S/2013/350, A/67/889-S/2013/350 and A/67/981-S/2013/535).

⁴³ See letter dated 6 December 2011 from the Permanent Representatives of Afghanistan and Germany to the United Nations addressed to the Secretary-General (A/66/597-S/2011/762). The Security Council requested UNAMA to assist the Government of Afghanistan on its way towards ensuring full Afghan leadership and ownership, as defined by the Kabul Process. See report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2013/721).

b. Iraq

The United Nations Assistance Mission for Iraq (UNAMI) was established by Security Council resolution 1500 (2003) of 14 August 2003.⁴⁴ By resolution 2110 (2013) of 24 July 2013, the Security Council decided to extend the mandate UNAMI until 31 July 2014. It decided further that the Special Representative of the Secretary-General and UNAMI, at the request of the Government of Iraq, and taking into account the letter from the Minister of Foreign Affairs of Iraq to the Secretary-General (S/2013/430, annex), should continue their mandate as stipulated in resolution 2061 (2012) of 25 July 2012.

c. Sierra Leone

The United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) was established by Security Council resolution 1829 (2008) of 4 August 2008.⁴⁵ On 26 March 2013, the Security Council decided by resolution 2097 (2013) of 26 March 2013 to extend the mandate of UNIPSIL until 31 March 2014. In the same resolution, the Security Council decided that, in accordance with the views of the Government of Sierra Leone, conditions on the ground following the successful conclusion of elections in 2012, and in line with the recommendations of the report of the Secretary General,⁴⁶ UNIPSIL should be fully drawn down by March 2014. The Security Council also, among other things, requested that UNIPSIL focus its remaining activities on facilitating political dialogue, including support to the Government, particularly related to the planned constitutional review, security sector support, and strengthening of human rights institutions and their long-term sustainability.

d. Guinea Bissau

The United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) was established by Security Council resolution 1876 (2009) of 26 June 2009,⁴⁷ and two Security Council resolutions in 2013 extended its mandate. First, by resolution 2092 (2013) of 22 February 2013, the Security Council decided to extend the mandate of UNIOGBIS until 31 May 2013. The Security Council requested the Secretary General to continue to

⁴⁴ For more information about the activities of UNAMI, see <http://www.uniraq.org>. See also the first report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013).

⁴⁵ For more information about the activities of UNIPSIL, see <http://unipsil.unmissions.org>. See also the eighth and ninth reports of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone (S/2012/160 and S/2012/679, respectively).

⁴⁶ S/2013/118.

⁴⁷ For more information about UNIOGBIS, see <http://uniogbis.unmissions.org/en/>. See also the report of the Secretary-General on Guinea-Bissau (S/2013/26); the report of the Secretary-General on the restoration of constitutional order in Guinea-Bissau (S/2013/123); the consolidated report of the Secretary-General on UNIOGBIS and the restoration of constitutional order in Guinea-Bissau (S/2013/262); the Secretary-General's report on the activities of the UNIOGBIS (S/2013/681); the report on the restoration of constitutional order in Guinea-Bissau (S/2013/680); the report of the Secretary-General on the restoration of constitutional order in Guinea-Bissau (S/2013/499); the consolidated report of the Secretary-General on UNIOGBIS and the restoration of constitutional order in Guinea-Bissau (S/2013/262); the report of the Secretary-General on the restoration of constitutional order in Guinea-Bissau (S/2013/123) and the Secretary-General's report on UNIOGBIS covering developments since 17 July 2012 (S/2013/26).

work through UNIOGBS, in coordination with other partners, on the ongoing dialogue process among political parties, to facilitate the early finalization of a broader political agreement for the restoration of constitutional order and the holding of free, fair and transparent elections. Thereafter, in resolution 2103 (2013) of 22 May 2013, the Security Council decided to extend the mandate of UNIOGBIS for a period of 12 months until May 2014.

e. Central African Republic

The United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) began its operations on 1 January 2010, succeeding the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA),⁴⁸ which had been established by the Secretary-General on 15 February 2000.⁴⁹ BINUCA continued to operate throughout 2012. By resolution 2088 (2013) of 24 January 2013, the Security Council decided to extend the mandate of BINUCA until 31 January 2014.

In resolution 2121 (2013) of 10 October 2013, the Security Council, *inter alia*, took note of the report of the Secretary-General dated 5 August 2013⁵⁰ and a letter dated 16 September 2013 detailing recommendations on BINUCA and the situation in the Central African Republic.⁵¹ The Security Council decided to reinforce and update the mandate of BINUCA.⁵²

On 22 October 2013, the Secretary-General addressed the President of the Security Council in a letter, recommending that a guard unit be established to enable the implementation of the mandated tasks of BINUCA.⁵³ On 29 October 2013, the President of the Security Council addressed the Secretary-General, informing him that his letter concerning the establishment of a guard unit to enable to implementation of the mandated tasks

⁴⁸ See letter dated 3 March 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/128) and statement by the President of the Security Council of 7 April 2009 (S/PRST/2009/5).

⁴⁹ For more information about BINUCA, see <http://binuca.unmissions.org>. See also the reports of the Secretary General on the situation in the Central African Republic (S/2013/261, S/2013/470, S/2013/677, and S/2013/787) and the reports of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas (S/2013/297 and S/2013/671).

⁵⁰ See the report of the Secretary-General on the situation in the Central African Republic (S/2013/470). In resolution 2121 (2013), the Security Council reiterated its request to the Secretary-General to provide a report by 31 December 2013 on, *inter alia*, BINUCA's performance and effectiveness. See also the report of the Secretary-General on the situation in the Central African Republic (S/2013/787).

⁵¹ The letter of the Secretary-General relied, in part, on a review of the mandate and structure of BINUCA conducted by a multidisciplinary team from Headquarters from 21 to 26 August 2013 (S/2013/557).

⁵² The mandate would include the authority to (a) help restore the constitutional order; (b) exercise good offices, confidence-building and facilitation in order to anticipate, prevent, mitigate and resolve delivery of humanitarian assistance; (c) advise on security sector governance and reform (SSR), rule of law (including police, justice and corrections), and disarmament, demobilization and reintegration (DDR); (d) monitor, help, investigate and report to the Security Council on abuses or violations of human rights or violations of international humanitarian law committed throughout the CAR, including by the Lord's Resistance Army (LRA); and (e) coordinate international actors involved in the implementation of the tasks described above.

⁵³ S/2013/636 and S/2013/637.

of BINUCA had been brought to the attention of the members of the Security Council. The members took note of the information contained in the letter and the arrangements proposed therein.

f. Burundi⁵⁴

The United Nations Office in Burundi (BNUB) was established by Security Council resolution 1959 (2010) of 16 December 2010.⁵⁵ In resolution 2090 (2013) of 13 February 2013, the Security Council decided to extend the mandate of BNUB until 15 February 2014, consistent with paragraph 3 (a) to (d) of resolution 1959 (2010) and 2 (a) and (b) of resolution 2027 (2011) of 20 December 2011, and to focus on and support the Government of Burundi in the following areas: promoting and facilitating dialogue between national actors; strengthening the independence, capacities and legal frameworks of key national institutions; supporting efforts to fight impunity; promoting and protecting human rights; supporting the socioeconomic development of women and youth and the socioeconomic reintegration of conflict-affected populations; and providing support to Burundi's deepening regional integration.

g. Libya⁵⁶

The United Nations Support Mission in Libya (UNSMIL) was established by resolution 2009 (2011) of 16 September 2011 under Chapter VII of the Charter of the United Nations.

In resolution 2095 (2013) 14 March 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNSMIL for a further period of 12 months under the leadership of a Special Representative of the Secretary-General, and decided further that the mandate of UNSMIL, as an integrated special political mission, in full accordance with the principle of national ownership, would be to assist the Libyan Government to define national needs and priorities throughout Libya and to support Libyan efforts to, *inter alia*: (a) manage the process of democratic transition; (b) promote the rule of law and monitor and protect human rights; (c) restore public security; (d) counter illicit proliferation of all arms and related materiel of all types; and (e) coordinate international assistance and build government capacity across all relevant sectors.⁵⁷

⁵⁴ For more information about the situation in Burundi, see <http://www.un.org/en/peacekeeping/missions/past/onub/>. See also the report of the Secretary-General United Nations Office in Burundi (S/2013/36).

⁵⁵ For more information about the activities of BNUB, see <https://bnub.unmissions.org/>.

⁵⁶ See section A.2(f)(v) of this chapter below on sanctions concerning Libya.

⁵⁷ For a more detailed account of the UNSMIL mandate as defined by the Security Council, see paragraph 7 of resolution 2095 (2013).

(iii) *Other ongoing political and peacebuilding missions in 2013*

a. Middle East

The Office of the United Nations Special Coordinator for the Middle East (UNSCO), established by the Secretary-General on 1 October 1999,⁵⁸ continued to operate throughout 2013.

b. Lebanon

The Secretary-General decided in 2000 to appoint a senior official to serve as his representative in Lebanon.⁵⁹ The title of the representative was subsequently changed to Personal Representative for southern Lebanon and to Special Coordinator for Lebanon in 2005⁶⁰ and 2007⁶¹, respectively. The Office of the United Nations Special Coordinator for Lebanon (UNSCOL) continued to operate throughout 2013.⁶²

c. West Africa

The United Nations Office for West Africa (UNOWA), originally established by the Secretary-General in 2002,⁶³ with subsequent extensions of its mandate in 2004,⁶⁴ 2007⁶⁵ and 2010,⁶⁶ continued to operate throughout 2013.⁶⁷

d. Central Asia

The United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) was established by the Secretary-General on 10 December 2007.⁶⁸ UNRCCA continued to function throughout 2013.⁶⁹

⁵⁸ Exchange of letters between the Secretary-General and the President of the Security Council (S/1999/983 and S/1999/984).

⁵⁹ S/2000/718.

⁶⁰ Letter dated 29 March 2005 from the Secretary-General to the President of the Security Council (S/2005/216).

⁶¹ Letter dated 8 February 2007 from the Secretary-General to the President of the Security Council (S/2007/85).

⁶² For more information about UNSCOL, see <https://unscol.unmissions.org/>. See also the reports of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2013/120, S/2013/381 and S/2013/650).

⁶³ Exchange of letters between the Secretary-General and the President of the Security Council (S/2001/1128 and S/2001/1129).

⁶⁴ Exchange of letters between the Secretary-General and the President of the Security Council (S/2004/797 and S/2004/858).

⁶⁵ Exchange of letters between the Secretary-General and the President of the Security Council (S/2007/753 and S/2007/754).

⁶⁶ Exchange of letters between the Secretary-General and the President of the Security Council (S/2010/660 and S/2010/661).

⁶⁷ For more information about UNOWA, see <https://unowas.unmissions.org/>. See also the reports of the Secretary-General on the activities of the United Nations Office for West Africa (S/2013/384 and S/2013/732).

⁶⁸ Letter dated 7 May 2007 from the Secretary-General to the President of the Security Council (S/2007/279).

⁶⁹ For more information about UNRCCA, see <https://unrcca.unmissions.org/>.

e. Central African Region

The United Nations Regional Office for Central Africa (UNOCA),⁷⁰ located in Libreville, Gabon, was established by an exchange of letters in August 2010 between the Secretary-General and the Security Council.⁷¹ UNOCA began its operations on 2 March 2011 and continued its operations throughout 2013 after its mandate was extended in 2012 until 28 February 2014.⁷²

(iv) *Political and peacebuilding missions concluded in 2013*

a. Somalia

The United Nations Political Office for Somalia (UNPOS)⁷³ was established by the Secretary-General on 15 April 1995 to help to advance the cause of peace and reconciliation through contacts with Somali leaders, civic organisations and the states and organisations concerned, in accordance with its revised mandate in resolution 1863 (2009) of 16 January 2009. In resolution 2093 (2013) of 6 March 2013, the Security Council welcomed the review by the Secretary-General of the United Nations presence and engagement in Somalia (UNPOS); agreed with the Secretary-General that UNPOS had fulfilled its mandate and should be dissolved, and further agreed that UNPOS should be replaced by a new expanded Special Political Mission as soon as possible.⁷⁴ The Security Council recalled further that the conditions in Somalia were not yet appropriate for the deployment of a United Nations peacekeeping operation, and requested to keep the matter under review, including through the setting of benchmarks for when it might be appropriate to deploy a peacekeeping operation.

b. Mali

The United Nations Office in Mali (UNOM) was established in accordance with resolution 2085 (2012) and began its deployment on 21 January 2013.⁷⁵

Subsequently, in accordance with resolution 2100 (2013) of 25 April 2013, the Security Council decided to establish the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and requested the Secretary-General to subsume UNOM into MINUSMA.⁷⁶

⁷⁰ For more information about UNOCA, see <https://unoca.unmissions.org>.

⁷¹ Exchange of letters between the Secretary-General and the President of the Security Council dated 11 December 2009 (S/2009/697) and 30 August 2010 (S/2010/457).

⁷² Letter dated 13 August 2012 from the Secretary-General to the President of the Security Council (S/2012/656). See also *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(b)(ii)(d).

⁷³ For more information about UNPOS, see <http://unpos.unmissions.org>.

⁷⁴ UNPOS completed its mandate on 2 June 2013, and, as described in section A.2(b)(i)(b) of this chapter above, UNSOM was launched on 3 June 2013. It should also be noted that, in resolution 2093 (2013) of 6 March 2013, the Security Council decided that the United Nations Support Office for AMISOM should be integrated within the framework of the new UNSOM.

⁷⁵ Report of the Secretary-General on the situation in Mali (S/2013/189), para. 26. For more information about the establishment of UNOM, see section A.2(b)(i)(a) of this chapter above.

⁷⁶ For more information about MINUSMA, see section A.2(a)(i) of this chapter above.

(c) Other bodies

(i) *Cameroon-Nigeria Mixed Commission*

On 15 November 2002, the Secretary-General established the Cameroon-Nigeria Mixed Commission (CNMC), at the request of the Presidents of Nigeria and Cameroon, to facilitate the implementation of the 10 October 2002 ruling of the International Court of Justice⁷⁷ on the Cameroon-Nigeria boundary dispute.⁷⁸ The mandate of the Mixed Commission included supporting the demarcation of the land boundary and delineation of the maritime boundary, facilitating the withdrawal and transfer of authority along the boundary, addressing the situation of affected populations and making recommendations on confidence-building measures.

The Mixed Commission continued its work in 2013. In a press statement that welcomed the peaceful conclusion of the special transitional regime established by the Greentree Agreement⁷⁹ concerning the Bakassi Peninsula on 13 August 2013,⁸⁰ the Security Council commended the efforts of the Mixed Commission in facilitating the performance of the obligations under the 10 October 2002 Judgment and the demarcating of the land and maritime boundary between Cameroon and Nigeria.

(ii) *Organisation for the Prohibition of Chemical Weapons-United Nations Joint Mission for the Elimination of the Chemical Weapons Programme of the Syrian Arab Republic*

The Organisation for the Prohibition of Chemical Weapons-United Nations Joint Mission for the Elimination of the Chemical Weapons Programme of the Syrian Arab Republic (OPCW-UN Joint Mission) was established on 16 October 2013, based on recommendations developed in close consultations between the United Nations Secretary-General and the OPCW Director-General, for the purposes of achieving the timely elimination of the Syrian chemical weapons programme in the safest and most secure manner possible.

The mandate of the Joint Mission derived from OPCW Executive Council decision EC-M-33/DEC.1 and United Nations Security Council resolution 2118 (2013), both dated 27 September 2013, and followed by recommendations on the setting-up of the Joint Mission presented in a letter dated 7 October 2013 from the United Nations Secretary-General to the President of the Security Council.⁸¹

⁷⁷ *Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea Intervening)*, Judgment, 10 October 2002.

⁷⁸ For more information about CNMC, see <http://unowas.unmissions.org/cameroon-nigeria-mixed-commission/>.

⁷⁹ United Nations, *Treaty Series*, vol. 2542, p. 13. The Greentree Agreement was signed between Cameroon and Nigeria on 12 June 2006 under the auspices of Mr. Kofi Annan, and set the modalities and time frame for the implementation of the 10 October 2002 ruling of the International Court of Justice on the Cameroon-Nigeria boundary dispute. See also letters from the Secretary-General addressed to the President of the Security Council on 20 and 28 June 2006 respectively (S/2006/419 and S/2006/454).

⁸⁰ SC/11094–AFR/2680.

⁸¹ S/2013/591.

As regards the operation of the OPCW and the United Nations within the Joint Mission, the former was to serve as the lead technical agency, conducting inspections and engaging with the Government of the Syrian Arab Republic in verifying chemical weapons and facilities, while the latter was to play a strategic coordination role and serve as an operational enabler for the Mission.⁸²

The Joint Mission's work to accomplish its objectives was set for three phases: Phase I would be focused on establishing an initial presence in Damascus and develop an initial operating capability. Phase II would take place through 1 November 2013 for the OPCW to complete its initial inspections of all Syrian chemical weapons production and storage facilities, and oversee the destruction by the Syrian Arab Republic of all chemical weapons production and mixing and filling equipment. Phase III would take place from 1 November 2013 to 30 June 2014, where the Joint Mission would be expected to support, monitor and verify the destruction of the Syrian chemical weapons programme.⁸³

(iii) *Commission of Inquiry to the Democratic People's Republic of Korea*

In resolution 22/13 of 21 March 2013, the Human Rights Council established the Commission of Inquiry on human rights in the Democratic People's Republic of Korea to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, with a view to ensuring full accountability, in particular for violations which may amount to crimes against humanity.⁸⁴ Among the violations to be investigated are those pertaining to the right to food, those associated with prison camps, torture and inhuman treatment, arbitrary detention, discrimination, freedom of expression, the right to life, freedom of movement, and enforced disappearances, including in the form of abductions of nationals of other States. The same resolution requested that the commission present a written report to the Council at its twenty-fifth session in March 2014.

(iv) *International Commission of Inquiry for the Central African Republic*

The International Commission of Inquiry for the Central African Republic was established by Security Council resolution 2127 (2013) of 5 December 2013 under Chapter VII of the Charter of the United Nations. Composed of experts in both humanitarian law and human rights law, it was mandated for an initial period of one year to immediately investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in the Central African Republic by all parties since 1 January 2013, to compile information, to help identify the perpetrators of such violations and abuses, point to their possible criminal responsibility and to help ensure that those responsible were held accountable.

In the same resolution, the Secretary-General was further requested to report to the Security Council on the findings of the commission of inquiry six months and one year after the adoption of the resolution.

⁸² *Ibid.*, p. 3.

⁸³ *Ibid.*, p. 5–6.

⁸⁴ A/HRC/RES/22/13.

(d) Missions of the Security Council⁸⁵**(i) Yemen**

In two letters dated 3 and 25 January 2013 respectively, the President of the Security Council informed the Secretary-General that the members of the Council had decided to send a mission to Yemen on 27 January 2013.⁸⁶

Pursuant to its terms of reference,⁸⁷ the primary purpose of the mission was to reaffirm the continued support of the Security Council for the ongoing political transition process in Yemen, in accordance with the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism⁸⁸ leading towards elections in February 2014. The mission also sought to, *inter alia*, assess the implementation of Security Council resolution 2051 (2012) of 12 June 2012; consider the security situation and carry out security sector reforms; highlight the Security Council's continued concern about those hindering or interfering in the transition; and express strong support for the role of the international community in implementing the GCC Initiative.

On 19 March 2013, the Security Council published a report of its findings and observations from the mission.⁸⁹ The report noted, *inter alia*, the status of the political transition process,⁹⁰ the status of the security situation and security reform process,⁹¹ and the economic and humanitarian situation.⁹²

(ii) Africa

In a letter dated 18 May 2011, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Ethiopia, the Sudan and Kenya from 19 to 26 May 2011.⁹³

The Security Council published its report of the mission on 8 April 2013, providing details of the various visits that took place during the mission.⁹⁴

⁸⁵ The actions of Member States authorized by the Security Council are listed in chronological order according to their date of authorization.

⁸⁶ Exchange of letters between the Secretary-General and President of the Security Council (S/2013/61).

⁸⁷ *Ibid.*, annex. See also the report of the Security Council mission to Yemen, 27 January 2013 (S/2013/173), at para. 2.

⁸⁸ The GCC Initiative and Implementation Mechanism was signed in Riyadh on 23 November 2011 in accordance with Security Council resolutions 2014 (2011) of 21 October 2011 and 2051 (2012) of 12 June 2012.

⁸⁹ Report of the Security Council mission to Yemen, 27 January 2013 (S/2013/173), at para. 1.

⁹⁰ *Ibid.*, paras. 5–10.

⁹¹ *Ibid.*, para. 11–17.

⁹² *Ibid.*, paras. 18–21.

⁹³ S/2011/319. See also the briefing by the Security Council mission to Africa on 6 June 2011 (S/PV.6546) and *United Nations Juridical Yearbook*, 2011, chap. III, sect. A.2(d).

⁹⁴ S/2013/221.

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

(i) Authorization by the Security Council in 2013

Central African Republic

By its resolution 2127 (2013) of 5 December 2013, the Security Council authorized the establishment of the African-led International Support Mission in the Central African Republic (MISCA) for a period of twelve months, to be reviewed six months after the adoption of the resolution. The primary responsibility of MISCA, as set out by the Security Council, would be to protect civilians and restore security and public order, through the use of appropriate measures. The Security Council emphasized the need for MISCA, and all military forces in CAR, while carrying out their mandate, to act in full respect of the sovereignty, territorial integrity and unity of CAR and in full compliance with applicable international humanitarian law, human rights law and refugee law, and recalled the importance of training in this regard.

In the same resolution, the Security Council took note of the African Union Peace and Security Council (AU PSC) Communiqué of 13 November 2013⁹⁵ welcoming the proposed strengthening of the French forces to better support MISCA, and authorized the French forces in the CAR, within the limits of their capacities and areas of deployment, and for a temporary period, to take all necessary measures to support MISCA in the discharge of its mandate.

(ii) Changes in authorization and/or extension of time limits in 2013

a. Afghanistan

The International Security and Assistance Force (ISAF) in Afghanistan was initially authorized by Security Council resolution 1386 (2001) of 20 December 2001, as envisaged in Annex 1 to the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, signed in Bonn on 5 December 2001,⁹⁶ and Security Council resolution 1510 (2003) of 13 October 2003.

In its resolution 2120 (2013) of 10 October 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the authorization of the International Security Assistance Force (ISAF), as defined in resolutions 1386 (2001) and 1510 (2003), for a period of twelve months until 31 December 2014. The Security Council further authorized Member States participating in ISAF to take all necessary measures to fulfil its mandate and welcomed, *inter alia*, the agreement between the Government of Afghanistan and countries contributing to ISAF to gradually transfer lead security responsibility in Afghanistan to the Afghan Government country-wide by the end of 2014.

b. Bosnia and Herzegovina

In its resolution 1575 (2004) adopted on 22 November 2004, the Security Council, acting under Chapter VII of the Charter of the United Nations, authorized the Member States,

⁹⁵ PSC/PR/COMM.1 (CDVI).

⁹⁶ S/2001/1154.

acting through or in cooperation with the European Union (EU), to establish for an initial planned period of 12 months a multinational stabilization force (EUFOR) as a legal successor to the Stabilization Force (SFOR) under unified command and control and having the main peace stabilization role under the military aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively, the Peace Agreement).⁹⁷

In resolution 2123 (2013) of 10 December 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, reaffirmed, *inter alia*, its support for the Peace Agreement, as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995,⁹⁸ and called upon the parties to comply strictly with their obligations under those Agreements. The Security Council further authorized the Member States, acting through or in cooperation with the EU, to establish for a further period of twelve months, starting from the day of the adoption of the same resolution, a multinational stabilization force (EUFOR ALTHEA) as a legal successor of SFOR.

c. Somalia⁹⁹

The African Union Mission in Somalia (AMISOM) was initially authorized by the Security Council, acting under Chapter VII of the Charter of the United Nations, in resolution 1744 (2007) of 20 February 2007.¹⁰⁰ In resolution 2093 (2013) of 6 March 2013, the Security Council decided to authorize the Member States of the African Union (AU) to maintain the deployment of AMISOM until 28 February 2014 in order to, *inter alia*, maintain a presence in the four sectors set out in the AMISOM Strategic Concept of 5 January 2012, reduce the threat posed by Al-Shabab and other armed opposition groups in coordination with the Security Forces of the Federal Government of Somalia, and establish conditions for effective and legitimate governance across Somalia. The Security Council further encouraged AMISOM to develop an effective approach to the protection of civilians, as requested by the AU Peace and Security Council.

The authorization was further extended to 31 October 2014 pursuant to resolution 2124 (2013) of 12 November 2013. In the same resolution, the Security Council, *inter alia*, took note of the AU Peace and Security Council's 10 October Communiqué¹⁰¹ on the Joint AU-United Nations Review of AMISOM, agreed with the Secretary-General that conditions in Somalia were not yet appropriate for the deployment of a United Nations peacekeeping operation as set out in the Secretary-General's 14 October 2013 letter,¹⁰² and requested the Secretary-General to keep progress against the benchmarks under continu-

⁹⁷ S/1995/999, annex. The EUFOR mandate had been previously extended by resolutions 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), 1895 (2009), 1948 (2010), 2019 (2011) and 2074 (2012).

⁹⁸ S/1995/1021.

⁹⁹ See also the reports of the Secretary-General on Somalia (S/2013/709) and (S/2013/521); and the report of the Secretary-General on Somalia in response to Security Council resolutions 2093 (2013) and 2111 (2013) (letter) (S/2013/606). See section A.2(f)(iv) of this chapter below on sanctions relating to Somalia, and see also with regard to acts of piracy off the coast of Somalia, section A.2(j) of this chapter below.

¹⁰⁰ For more information about AMISOM, see <http://amisom-au.org>.

¹⁰¹ PSC/PR/COMM. (CCCXCIX).

¹⁰² S/2013/606.

ous review, in consultation with the AU, and with a view to creating conducive conditions for the potential deployment of a United Nations Peacekeeping operation and the hand-over of security responsibilities to national authorities.¹⁰³

d. Mali

By its resolution 2085 (2012) of 20 December 2012, the Security Council authorized the deployment of the African-led International Support Mission in Mali (AFISMA) for an initial period of one year.¹⁰⁴

Subsequently, in accordance with resolution 2100 (2013) of 25 April 2013, the Security Council decided to establish the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)¹⁰⁵ and decided that the authority be transferred from AFISMA to MINUSMA on 1 July 2013, including military training, provision of equipment, intelligence and logistical support, at which point MINUSMA should commence the implementation of its mandate for an initial period of 12 months, and requested the Secretary-General to include in MINUSMA, in close coordination with the AU and ECOWAS, AFISMA military and police personnel appropriate to United Nations standards.

e. Republic of the Sudan (Darfur)¹⁰⁶

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) was established and authorized by Security Council resolution 1769 (2007) of 31 July 2007.¹⁰⁷ By resolution 2113 (2013) of 30 July 2013, the Security Council decided to extend the mandate of UNAMID as set out in resolution 1769 (2007) until 31 August 2014. In the same resolution, the Security Council, *inter alia*, emphasized the Chapter VII mandate of UNAMID to deliver its core tasks to protect civilians without prejudice to the primary responsibility of the Government of the Sudan and to ensure the freedom of movement and security of humanitarian workers and personnel of UNAMID. The Security Council further emphasized the importance of UNAMID acting to promote human rights by bringing abuses and violations to the attention of the authorities, and requested the Secretary-General to provide reporting on human rights violations and abuses.

The Security Council also welcomed the Framework for AU and United Nations Facilitation of the Darfur Peace Progress,¹⁰⁸ and the priority given to UNAMID's efforts,

¹⁰³ The Security Council further requested, *inter alia*, that the AU increase AMISOM's force strength from 17,731 to 22,126. It underlined that, in line with the Joint United Nations AU Review of AMISOM, the increases in the force strength were to provide a short-term enhancement of AMISOM's military capacity for a period of 18 to 24 months as part of an overall exit strategy for AMISOM, after which a decrease in AMISOM's force strength would be considered.

¹⁰⁴ See OP 9, and 9(a)-(f), of resolution 2085 (2012).

¹⁰⁵ For more information about MINUSMA, see section A.2(a)(i) of this chapter above.

¹⁰⁶ See also, section A.2(a)(ii)(f) of this chapter above.

¹⁰⁷ For more information about UNAMID, see <http://unamid.unmissions.org> and <http://www.un.org/en/peacekeeping/missions/unamid/>. See also the reports of the Secretary-General on UNAMID (S/2013/22, S/2013/225, S/2013/420 and S/2013/607).

¹⁰⁸ The Framework was finalized and transmitted to the Council by way of a letter dated 19 March 2012 from the Secretary-General to the President of the Security Council (S/2012/166), which also contained the guiding principles of the Framework. See also the report of the Secretary-General on

in coordination with the United Nations country team, to support this framework. It further urged the signatory parties to implement the Doha Document for Peace in Darfur¹⁰⁹ in full, including by ensuring that the Darfur Regional Authority, National Human Rights Commission and Office for the Special Prosecutor in Darfur, as well as the Darfur Regional Security Committee are resourced and empowered to carry out their mandates.

f. Libya¹¹⁰

The United Nations Support Mission in Libya (UNSMIL) was established by resolution 2009 (2011) of 16 September 2011 under Chapter VII of the Charter of the United Nations.

In resolution 2095 (2013) 14 March 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNSMIL for a further period of 12 months under the leadership of a Special Representative of the Secretary-General, and decided further that the mandate of UNSMIL, as an integrated special political mission, in full accordance with the principle of national ownership, would be to assist the Libyan Government to define national needs and priorities throughout Libya and to support Libyan efforts to, *inter alia*: (a) manage the process of democratic transition; (b) promote the rule of law and monitor and protect human rights; (c) restore public security; (d) counter illicit proliferation of all arms and related materiel of all types; and (e) coordinate international assistance and build government capacity across all relevant sectors.¹¹¹

(f) Sanctions imposed under Chapter VII of the Charter of the United Nations¹¹²

(i) Democratic People's Republic of Korea

In 2013, the Security Council issued two resolutions concerning military tests performed by the Democratic People's Republic of Korea (DPRK). First, in resolution 2087 (2013) of 22 January 2013, the Security Council condemned the DPRK's launch of 12 December 2012 which used ballistic missile technology and was in violation of resolutions 1718 (2006) and 1874 (2009). The Security Council recalled that the obligation to freeze assets specified in paragraph 8(d) of resolution 1718 (2006) should apply to the individuals and entities listed in annexes I and II of the resolution, and that the measures to prevent travel or transit specified in paragraph 8(e) of resolution 1718 (2006) should apply

UNAMID of 17 April 2012 (S/2012/231), para. 2, and *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(a)(ii)(h).

¹⁰⁹ A/65/914–S/2011/449.

¹¹⁰ See also, section A.2(b)(ii)(g) of this chapter above.

¹¹¹ For a more detailed account of the UNSMIL mandate as defined by the Security Council, see paragraph 7 of resolution 2095 (2013).

¹¹² The sanctions imposed under Chapter VII of the Charter of the United Nations are listed in chronological order according to the date of adoption of the respective Security Council resolutions. For more information about the sanction regimes established by the Security Council, see the Security Council's website relating to subsidiary organs at <http://www.un.org/en/sc/subsidiary/>.

to the individuals listed in annex I. The Security Council further directed the Committee established pursuant to resolution 1718 (2006) to issue an Implementation Assistance Notice regarding situations where a vessel had refused to allow an inspection after such an inspection had been authorized by the vessel's flag state or any DPRK-flagged vessel had refused to be inspected pursuant to paragraph 12 of resolution 1874 (2009).¹¹³

In addition, by resolution 2094 (2013) of 7 March 2013, the Security Council expressed the gravest concern at the nuclear test conducted by the DPRK on 12 February 2013 in violation of resolutions 1718 (2006), 1874 (2009) and the above mentioned resolution, as well the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it posed to peace and stability in the region and beyond. The Security Council, acting under Chapter VII of the Charter of the United Nations and taking measures under its Article 41, decided that the DPRK should not conduct any further launches that use ballistic, missile technology, nuclear tests or any other provocation. It further decided that measures specified in paragraph 8 (*d*) of resolution 1718 (2006) should apply to the individuals and entities listed in annexes I and II of the resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them.¹¹⁴ The Security Council further decided that, if such an individual were a DPRK national, then States should expel the individual from their territories for the purpose of repatriation to the DPRK, consistent with applicable national and international law.

In the same resolution, the Security Council recalled the creation, pursuant to paragraph 26 of resolution 1874 (2009), of a Panel of Experts, under the direction of the Committee, to carry out the tasks provided for by that paragraph, and decided to extend until 7 April 2014 the Panel's mandate, as renewed by resolution 2050 (2012).

(ii) *Republic of the Sudan*

By resolution 2091 (2013) of 14 February 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, extended until 17 February 2014 the mandate of the Panel of Experts, originally appointed pursuant to Security Council resolution 1591 (2005), in order to assist the Committee of the Security Council with its oversight

¹¹³ The Security Council recalled paragraph 14 of resolution 1874 (2009), as well as the seizure and provisions of resolutions 1718 (2006) and 1874 (2009) and clarified that methods of disposal available to States included, but were not limited to, destruction, rendering inoperable, storage or transferring to another State other than the originating or destination States for disposal. The Security Council further clarified that the measures imposed by resolutions 1718 (2006) and 1874 (2009) prohibited the transfer of any items if a State relevant to a transaction had information that provided reasonable grounds to believe that a designated individual or entity was the originator, intended recipient or facilitator of the item's transfer.

¹¹⁴ The Security Council decided that the measures specified in paragraph 8 (*e*) of resolution 1718 (2006) and the exemptions set forth in paragraph 10 of resolution 1718 (2006) should also apply to any individual who a State determines is working on behalf or at the direction of a designated individual or entity or individual assisting the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), as well as resolution 2094 (2013).

of relevant sanctions measures as well as other tasks set forth in subparagraph 3 (a) of the same resolution.¹¹⁵

In the same resolution, the Security Council requested the Panel of Experts to continue to investigate the role of armed, military, and political groups in attacks against UNAMID personnel in Darfur, and noted that individuals and entities who plan, sponsor, or participate in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria for travel bans provided in paragraph 3 (c) of resolution 1591 (2005).

(iii) *Guinea-Bissau*

By resolution 2048 (2012) of 18 May 2012, the Security Council decided, *inter alia*, that all Member States should take necessary measures to prevent the entry into or transit through their territories of individuals listed in the annex of the resolution or designated by the Committee established pursuant to paragraph 9 of the same resolution.¹¹⁶

By resolution 2092 (2013) of 22 February 2013, the Security Council expressed its willingness to consider further action against those involved in drug trafficking and organized crime in Guinea-Bissau in line with paragraphs 6 and 7 of its resolution 2048 (2012).

(iv) *Somalia and Eritrea*

In 2013, the Security Council adopted four resolutions concerning arms embargoes imposed on Somalia and Eritrea. First, by resolution 2093 (2013) of 6 March 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that for a period of twelve months from the adoption of the resolution, the measures imposed in paragraph 5 of resolution 733 (1992)¹¹⁷ should not apply to deliveries of weapons or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia and the provision of security for the Somali people, except in relation to items set out in the annex to the resolution.

Second, by resolution 2111 (2013) of 24 July 2013, the Security Council reaffirmed the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) as elaborated upon in resolution 1425 (2002) and modified by resolution 2093 (2013); it further decided that the supply of items in the annex to the resolution to the Federal Government of Somalia by Member States or international, regional and subregional organizations would require an advance approval by the Security Council Committee pursuant to

¹¹⁵ The Panel of Experts for the Sudan was originally appointed pursuant to Security Council resolution 1591 (2005) with the mandate, *inter alia*, to assist the Committee in monitoring the implementation of the measures concerning the arms embargo set out in paragraph 9 of resolution 1556 (2004), the consolidated travel ban and freezing of assets set out in subparagraphs 3(f) and (g) of resolution 1591 (2005), and to make recommendations to the Committee on actions the Security Council may want to consider.

¹¹⁶ *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(f)(xii).

¹¹⁷ Resolution 733 (1992) implemented a general and complete arms embargo on all deliveries of weapons and military equipment to Somalia, which was further elaborated by resolution 1425 (2002).

resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea¹¹⁸ on a case-by-case basis. The Security Council decided that weapons or military equipment sold or supplied solely for the development of the Security Forces of the Federal Government of Somalia may not be resold to, transferred to, or made available for use by, any individual or entity not in the service of the Security Forces of the Federal Government of Somalia.¹¹⁹

In the same resolution, the Security Council decided that the arms embargo on Somalia should not apply to, *inter alia*, supplies of weapons or military equipment or the provision of assistance, intended solely for the support of or use by the United Nations personnel, including UNSOM and AMISOM. It decided also that the arms embargo on Eritrea should not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved on a case-by-case basis in advance by the Committee. The Security Council further reiterated that the Somali authorities should take the necessary measures to prevent the export of charcoal from Somalia and requested that AMISOM support and assist the Somali authorities in doing so, as part of AMISOM's implementation of its mandate set out in paragraph 1 of resolution 2093 (2013); the Security Council reiterated that all Member States should take the necessary measures to prevent the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia.

Thirdly, and also on the matter of the charcoal trade, by resolution 2124 (2013) of 12 November 2013, the Security Council expressed concern at continuing violations of the Security Council charcoal ban and requested the Secretary-General and his Special Representative to raise awareness amongst relevant Member States of their obligations under the charcoal ban, as set out in resolution 2036 (2012). In the same resolution, the Security Council underlined the importance of the Federal Government of Somalia and Member States complying with all aspects of the arms embargo, including the reporting and notification requirements set out in resolution 2111 (2013).

Finally, in resolution 2125 (2013) of 18 November 2013, concerning the situation with respect to piracy and armed robbery at sea off the coast of Somalia, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992)¹²⁰ does not apply

¹¹⁸ The Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia was first created on 24 April 1992 to oversee the general and complete arms embargo imposed by Security Council resolution 733 (1992) and to undertake the tasks set out by the Security Council in paragraph 11 of resolution 751 (1992) and, subsequently, in paragraph 4 of resolution 1356 (2001) and paragraph 11 of resolution 1844 (2008). Following the adoption of resolution 1907 (2009), which imposed a sanctions regime on Eritrea and expanded the Committee's mandate, the Committee changed its name on 26 February 2010 to "Security Council Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea". The expanded mandate of the Committee is delineated in paragraph 18 of resolution 1907 (2009), paragraph 13 of resolution 2023 (2011) and paragraph 23 of resolution 2036 (2012).

¹¹⁹ The Security Council decided that the Federal Government of Somalia had the primary responsibility to notify the Committee, at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the Security Forces of the Federal Government of Somalia, as permitted in paragraph 6 of the resolution and excluding the items listed in the annex of the resolution.

¹²⁰ The embargo was further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 (2013) of 6 March 2013.

to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional and subregional organisations undertaking measures cooperating with Somali authorities in the fight against piracy and armed robbery at sea.

(v) *Libya*

By resolution 2095 (2013) of 14 March 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided, *inter alia*, that supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, should no longer require the approval of a Committee of the Security Council, as previously provided for in paragraph 9(a) of resolution 1970 (2011). It further decided that supplies of non-lethal military equipment, and the provision of any technical assistance, training or financial assistance, when intended solely for security or disarmament assistance to the Libyan Government, should no longer require notification to, or the absence of a negative decision by, the Committee, as previously provided for in paragraph 13(a) of resolution 2009 (2011).

The Security Council further directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures concerning asset freezes imposed by resolutions 1970 (2011) and 1973 (2011), as modified by resolution 2009 (2011), with respect to the Libyan Investment Authority (LIA) and the Libyan Africa Investment Portfolio (LAIP). It decided that the Committee should, in consultation with the Libyan Government, lift the designation of these entities as soon as practical to ensure the assets are made available to and for the benefit of the people of Libya.

In the same resolution, the Security Council decided to extend the mandate of the Panel of Experts established by resolution 1973 (2011) and modified by resolution 2040 (2012) for a period of thirteen months, and expressed its intent to review the mandate and take appropriate action regarding further extension no later than twelve months from the adoption of the resolution.¹²¹

(vi) *Democratic Republic of the Congo*

By resolution 2098 (2013) of 28 March 2013, the Security Council reiterated its call on all parties to cooperate fully with the United Nations Organizations Stabilization Mission in the DRC (MONUSCO)¹²² and recalled its decision to extend sanctions measures outlined in paragraph 3 of resolution 2078 (2012) of 28 November 2012¹²³ to individuals and

¹²¹ The Security Council also decided that the Panel should, *inter alia*, carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011); (b) gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the relevant sanctions measures, in particular regarding incidents of non-compliance; and (c) make recommendations on actions that the Security Council, the Committee, the Libyan authorities or other States may consider to improve implementation of the relevant measures.

¹²² For more information about MONUSCO, see section A.2(a)(ii)(e) of this chapter above.

¹²³ See also *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(f)(ii).

entities who plan, sponsor or participate in attacks against MONUSCO peacekeepers until 1 February 2014.

(vii) *Côte d'Ivoire*

By resolution 2101 (2013) of 25 April 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided, *inter alia*, that, for a period ending on 30 April 2014, all States should take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, whether or not originating in their territories. The Security Council also decided that the measures shall not apply to a number of categories of supplies.¹²⁴

In the same resolution, the Security Council decided to renew until 30 April 2014 the financial and travel measures imposed by paragraphs 9 to 12 of resolution 1572 (2004) and paragraph 12 of resolution 1975 (2011), and to renew until 30 April 2014 the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005), with a readiness to renew measures in light of progress made towards Kimberly Process implementation.

The Security Council further decided to extend the mandate of the Group of Experts on Côte d'Ivoire established pursuant to paragraph 9 of Security Council resolution 1643 (2005), as set out in paragraph 7 of resolution 1727 (2006),¹²⁵ until 30 April 2014, and requested the Secretary-General to take the necessary measures to support its action. Furthermore, acting under Chapter VII of the Charter of the United Nations, the Security Council in resolution 2112 (2013) of 30 July 2013 decided to extend the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI)¹²⁶ until 30 June 2014.¹²⁷ Specifically, the Security Council noted UNOCI's mandate to monitor the implementation of the arms

¹²⁴ The categories included: (a) supplies intended solely for the support of or use by UNOCI; (b) supplies of non-lethal military equipment intended solely for humanitarian or protective use; (c) supplies of protective clothing; (d) supplies temporarily exported by Côte d'Ivoire to the forces of a State taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility; (e) supplies of non-lethal law enforcement equipment intended to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order; and (f) supplies of arms and other related lethal equipment to the Ivorian security forces, intended solely for support of or use in the Ivorian process of SSR.

¹²⁵ Pursuant to paragraph 7 of resolution 1727 (2006), the Group of Experts was mandated, *inter alia*, to: exchange information with UNOCI and the French forces in the context of their monitoring mandate set out in paragraphs 2 and 12 of resolution 1609 (2005); gather and analyse all relevant information in Côte d'Ivoire and elsewhere, in cooperation with the governments of those countries, on flows of arms and related materiel; and ensure the effective implementation of the measures related to the arms embargo, the import of all rough diamond imposed respectively by paragraph 7 of resolution 1572 (2004) and by paragraph 6 of resolution 1643 (2005). A Midterm report (S/2013/605) of the Group of Experts was submitted in accordance with paragraph 19 of Security Council resolution 2101 (2013).

¹²⁶ For more information about UNOCI, see section A.2(a)(ii)(g) of this chapter above.

¹²⁷ For more information about UNOCI, see <http://www.onuci.org> and <http://www.un.org/en/peacekeeping/missions/unoci/>. See also the special report of the Secretary-General of the United Nations Operation in Côte d'Ivoire (S/2013/197) and the thirty-second progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2013/377).

embargo imposed by paragraph 7 of resolution 1572 (2004) of 15 November 2004, and in cooperation with the Group of Experts established under resolution 1584 (2005) of 1 February 2005.

(viii) *Islamic Republic of Iran*

By resolution 2105 (2013) of 5 June 2013, the Security Council, acting under Article 41 of Chapter VII of the Charter of the United Nations, decided to extend until 9 July 2014 the mandate of the Panel of Experts monitoring sanctions against Iran, as specified in paragraph 29 of resolution 1929 (2010),¹²⁸ and expressed its intent to review the mandate and take appropriate action regarding further extension no later than 9 June 2014.

(ix) *Iraq*

By resolution 2107 (2013) of 27 June 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to terminate the measures in paragraphs 2(c), 2(d) and 3(c) of resolution 686 (1991), paragraph 30 of resolution 687 (1991) and the arrangements set forth in paragraph 14 of resolution 1284 (1999),¹²⁹ and reaffirmed in subsequent relevant resolutions. The measures imposed by those resolutions dealt with the obligation of Iraq to fully cooperate in the repatriation or return of all Kuwaiti and third country nationals or remains, to return all Kuwaiti property, including archives, seized by Iraq.

(x) *Central African Republic*

In resolution 2127 (2013) of 5 December 2013, the Security Council decided that, for an initial period of one year from the date of adoption of the resolution, all Member States should immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the CAR, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types.¹³⁰ The Security Council also decided that the arms embargo should not apply to certain exempted sup-

¹²⁸ By resolution 2105 (2013), the Security Council requested the Secretary-General to create for an initial period of one year, in consultation with the Security Council Committee created pursuant to resolution 1737 (2006), a group of up to eight experts under the direction of the Committee to, *inter alia*, assist the Committee in carrying out its mandate as specified in paragraph 18 of resolution 1737 (2006) and paragraph 28 of the same resolution; gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and the same resolution, in particular incidents of non-compliance; and make recommendations on actions the Security Council, or the Committee or State, may consider to improve implementation of the relevant measures.

¹²⁹ Resolution 1284 (1999) also requested the Secretary-General to report to the Security Council on the compliance by Iraq with the above-mentioned obligations.

¹³⁰ The resolution defined arms and related materiel to include weapons and ammunition, military vehicles and equipment, paramilitary equipment, spare parts for the aforementioned, and technical assistance, training, financial or other assistance related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories.

plies.¹³¹ The Security Council decided that all Member States were authorized to and shall, upon discovery of items prohibited by the resolution, seize, register and dispose items the supply, sale, transfer or export of which is prohibited by the resolution.

The Security Council also expressed its strong intent to swiftly consider imposing targeted measures, including travel bans and assets freezes, against individuals who act to undermine the peace, stability and security, including by engaging in acts that threaten or violate transitional agreements, or by engaging or providing, support for actions that threaten or impede the political process or fuel violence, including through violations of human rights and international humanitarian law, the recruitment and use of children in armed conflict in violation of applicable international law, sexual violence, or supporting the illegal armed groups or criminal networks through the illicit exploitation of natural resources, including diamonds, in the CAR, or by violating the arms embargo.

In the same resolution, the Security Council decided to establish a Committee of the Security Council with the mandate, *inter alia*: to monitor the implementation of the above described measures with a view to strengthening, facilitating and improving their implementation; and to review information regarding those individuals who may be engaging in proscribed acts. It further called upon all Member States to report to the Committee within ninety days from the adoption of this resolution on the steps they have taken with a view to implementing the resolution effectively.

(xi) *Liberia and West Africa*

By resolution 2128 (2013) of 10 December 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, reaffirmed that the measures imposed by paragraph 1 of resolution 1532 (2004) relating to the former Liberian President Charles Taylor remained in force, and decided to renew for a period of twelve months the measures on travel imposed by resolution 1521 (2003) and on arms imposed by resolutions 1521 (2003), 1683 (2006), 1731 (2006) and 1961 (2010). The Security Council also decided to review the above measures six months from the adoption of the resolution, with a view to modifying or lifting all or part of the measures of the sanctions regime dependent upon Liberia's progress towards meeting the conditions set out in resolution 1521 (2003) for terminating those measures.

¹³¹ The enumerated exemptions included: (a) supplies intended solely for the support of or use by MICOPAX, MISCA, BINUCA and its guard unit, the AU-RTF, and the French forces deployed in the CAR; (b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training; (c) protective clothing, including flak jackets and military helmets; (d) supplies of small arms and other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area; (e) supplies of arms and other related lethal equipment to the CAR security forces intended solely for support of or use in the CAR process of SSR; or (f) other sales or supply of arms and related materiel, or provision of assistance or personnel. Several of the listed exemptions required advance approval by the Committee of the Security Council. For the complete list of exemptions and associated conditions, see paragraph 54 of resolution 2127 (2013).

(g) Terrorism

(i) Security Council

By presidential statement of 15 January 2013,¹³² the Security Council stressed the importance of the continued implementation of the United Nations Global Counter-Terrorism Strategy in an integrated and balanced manner and in all its aspects, and took note of the third review of the United Nations Global Counter-Terrorism Strategy by the General Assembly in 2012¹³³. On behalf of the Security Council, the President, in the same statement, also, *inter alia*, recalled applicable international counter-terrorism instruments, stressed the need for their full implementation, renewed its call to States to consider becoming parties as soon as possible to all relevant international conventions and protocols, and to fully implement their obligations under those to which they are party, and recognized Member States' continuing efforts to conclude negotiations on the Draft Comprehensive Convention on International Terrorism.¹³⁴

(ii) General Assembly

On 16 December 2013, the General Assembly adopted resolution 68/119 entitled "Measures to eliminate international terrorism".¹³⁵

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

a. Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

The 1267 Committee was first established by Security Council resolution 1267 (1999) of 15 October 1999 and set forth a sanctions regime concerning the Taliban. The regime was modified and strengthened by subsequent resolutions, including resolutions 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009) and 1989 (2011) so that the sanctions measures would be applicable to designated individuals and entities associated with Al-Qaida, wherever located.

¹³² S/PRST/2013/1.

¹³³ See *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(g)(i).

¹³⁴ The Security Council further reiterated the obligations of Member States pursuant to resolution 1540 (2004), including the obligation to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery. The Security Council also recalled the crucial role of the Counter Terrorism Committee and its Executive Directorate (CTED) in ensuring the full implementation of resolutions 1373 (2001) and 1624 (2005), and underlined the importance of capacity building and technical assistance with a view to increasing the capabilities of Member States for an effective implementation of its resolutions. The Security Council further reiterated the obligations of Member States pursuant to resolution 1540 (2004), including the obligation to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery. For more information, see the website of the Counter-Terrorism Implementation Task Force at <http://www.un.org/counterterrorism/ctitf/>.

¹³⁵ For more information about resolution 68/119, see section A.16(f)(ii) of this chapter below.

By presidential statement of 15 January 2013, the Security Council, *inter alia*, noted with appreciation the activities undertaken in the area of capacity building by United Nations entities, including the Counter Terrorism Implementation Task Force (CTITF), and recalled the appointment of the Ombudsperson in the Al-Qaida sanctions regime and procedural improvements in the Al-Qaida and Taliban sanctions regimes.¹³⁶

b. Counter-Terrorism Committee

The Counter-Terrorism Committee (CTC) was established pursuant to Security Council resolution 1373 (2001) of 28 September 2001, in the wake of the 11 September terrorist attacks in the United States of America, to bolster the ability of United Nations Member States to prevent terrorist acts both within their borders and across regions.

In resolution 2129 (2013) of 17 December 2013, the Security Council underlined that the overarching goal of the CTC was to ensure the full implementation of resolution 1373 (2001) and recalled the Counter-Terrorism Committee Executive Directorate's (CTED) crucial role in supporting the Committee in the fulfilment of its mandate.

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

On 28 April 2004, the Security Council adopted resolution 1540 (2004) by which it decided that all States would refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery; and established a Committee to report on the implementation of the same resolution. The mandate of the Committee was subsequently extended by resolutions 1673 (2006), 1810 (2008) and 1977 (2011) of 20 April 2011 until 25 April 2021.

In a letter dated 26 December 2013,¹³⁷ the Chair of the Committee addressed to the President of the Security Council the review of the implementation of resolution 1540 (2004) for 2013.¹³⁸

It should also be noted that, in resolution 2118 (2013) on the situation in the Middle East, the Security Council decided that Member States should immediately inform

¹³⁶ S/PRST/2013/1.

¹³⁷ S/2013/769.

¹³⁸ In its resolution 1540 (2004), the Security Council expressed its intention to monitor closely the implementation of the resolution and, at the appropriate level, to take further decisions that may be required to that end. On 20 April 2011, the Security Council, noting that the full implementation of resolution 1540 (2004) by all States was a long-term task, unanimously adopted resolution 1977 (2011) extending the mandate of the Security Council Committee established pursuant to resolution 1540 (2004) for 10 years. In paragraph 9 of resolution 1977 (2011), the Security Council decided that the Committee should continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through its programme of work, which includes the compilation and general examination of information on the status of the implementation by States of resolution 1540 (2004) and on efforts by States at outreach, dialogue, assistance and cooperation.

the Security Council of any violation of resolution 1540 (2004), including acquisition by non-State actors of chemical weapons, their means of delivery and related materials.¹³⁹

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

(i) Children and armed conflict

On 15 May 2013, the Secretary-General published a report on the implementation of the Security Council's resolutions and presidential statements on children and armed conflict¹⁴⁰ as requested in the Council's resolution 2068 (2012) of 19 September 2012.¹⁴¹ Covering the period from January to December 2012, this report, *inter alia*, described emerging challenges regarding the impact of the evolving nature of armed conflict, explored some additional tools to enforce compliance by armed forces and armed groups with child rights obligations, and provided an update on cooperation with regional organizations.¹⁴²

(ii) Sexual violence in conflict¹⁴³

In resolution 2106 (2013) of 24 June 2013, the Security Council took note of the analysis and recommendations contained in the Secretary-General's report of 12 March 2013,¹⁴⁴ and remained deeply concerned over the slow implementation of important aspects of resolution 1960 (2010) of 16 December 2010 which concerned the prevention of sexual violence in armed conflict and post-conflict situations. The Security Council affirmed that sexual violence, when used and commissioned as a method or tactic of war or a widespread or systematic attack against civilian populations, can significantly exacerbate and prolong situations of armed conflict and may impede the restoration of international peace and security.

In the same resolution, the Security Council urged existing sanctions committees to apply targeted sanctions against those who perpetrate and direct sexual violence in conflict, in accordance with the relevant criteria for designation and consistent with resolution 1960 (2010). The Security Council also requested the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance on sexual exploitation and abuse by United Nations personnel and urged concerned Members States to ensure full accountability including prosecutions. It requested the Secretary-General and relevant United Nations entities to assist national authorities, with the effective participation of women, in addressing sexual violence concerns in disarmament, demobilization and re-integration, security sector reform and justice sector reform initiatives.

¹³⁹ For more information regarding chemical weapons, see section A.3(b) of this chapter below on nuclear disarmament and non-proliferation issues.

¹⁴⁰ A/67/845-S/2013/245.

¹⁴¹ See *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.2(h)(i).

¹⁴² A/67/845-S/2013/245, para. 4.

¹⁴³ See the report of the Secretary-General (S/2013/149).

¹⁴⁴ S/2013/149.

(iii) *Women and peace and security*¹⁴⁵

In resolution 2122 (2013) of 18 October 2013, the Security Council took note with appreciation of the report of the Secretary-General on women and peace and security of 4 September 2013,¹⁴⁶ and reaffirmed that women's and girls' empowerment and gender equality are critical to the maintenance of international peace and security. The Security Council also emphasized that persisting barriers to the full implementation of resolution 1325 (2000)¹⁴⁷ would only be dismantled through dedicated commitment to women's empowerment. The Security Council reiterated its intention to convene a High-Level Review in 2015 to assess progress at the global, regional and national levels in implementing resolution 1325 (2000), renew commitments, and address obstacles and constraints that have emerged in the implementation of resolution 1325 (2000).¹⁴⁸

(i) *Piracy*

On 18 November 2013, the Security Council adopted resolution 2125 (2013), where it welcomed the report of the Secretary-General¹⁴⁹ submitted pursuant to Security Council resolution 2077 (2012) of 21 November 2012 on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

Acting under Chapter VII of the Charter of the United Nations, the Security Council reiterated that it condemned and deplored all acts of piracy and armed robbery at sea off the coast of Somalia. In addition, the Security Council decided to renew its call to States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in accordance with resolution 2125 (2013) and international law; in particular, the Security Council called upon States and regional organizations to seize and dispose of boats, vessels, arms, and other related equipment used in commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use. The Security Council also decided to renew the authorizations set out in paragraph 10 of resolution 1846 (2008) of 2 December 2008 and paragraph 6 of resolution 1851 (2008)¹⁵⁰ of

¹⁴⁵ For more information about the legal activities of the United Nations relating to women, see section A.6(e) of this chapter below.

¹⁴⁶ S/2013/525.

¹⁴⁷ In this resolution, the Security Council called upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court.

¹⁴⁸ For more information about resolutions 2106 (2013) of 24 June 2013 and 2122 (2013) of 18 October 2013, see section A.6(e) of this chapter below.

¹⁴⁹ S/2013/623.

¹⁵⁰ By these resolutions the Security Council had authorized, for a limited period of 12 months from their respective adoption, States and regional organizations cooperating with the Transitional Federal Government (TFG) in the fight against piracy and armed robbery at sea off the coast of Somalia

16 December 2008 for a further period of twelve months from the date of the adoption of resolution 2125 (2013). It affirmed, however, that the renewed authorizations would apply only with respect to the situation in Somalia and should not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the United Nations Convention of the Law of the Sea of 10 December 1982.¹⁵¹ The Security Council also affirmed that such authorizations were renewed only following the receipt of the 12 November 2013 letter from the Permanent Representative of Somalia to the United Nations, which, *inter alia*, expressed the appreciation of Somali authorities to the Security Council for its assistance, requested that the provisions of resolution 2077 (2012) be renewed for an additional twelve months, and conveyed the consent of Somali authorities.

The Security Council further reiterated its decision to continue its consideration of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support, as set forth in resolution 2015 (2011) of 24 October 2011, and the importance of such courts having jurisdiction over not only suspects captured at sea but also anyone who incites or intentionally facilitates piracy operations.¹⁵² Finally, it should be noted that the same resolution also addressed the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) of 23 January 1992.¹⁵³

(j) Transnational organized crime

On 18 December 2013, the President of the Security Council issued a statement in connection with the item “Peace and Security in Africa”, which focused, in part, on the serious threats posed by drug-trafficking and related transnational organized crime to international peace and stability in West Africa and the Sahel region.¹⁵⁴ The President also expressed deep concern regarding the increasing links, in some cases, between drug trafficking and other forms of transnational organized crime in the region, including arms and human trafficking, as well as terrorism. Through the same statement, the Security Council took note with appreciation of the 17 June 2013 report of the Secretary-General on transnational organized crime and illicit drug trafficking in West Africa and the Sahel region,¹⁵⁵ and welcomed his recommendations. In his report, the Secretary-General encouraged

to enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea and to use, within the territorial waters of Somalia, all necessary means to repress acts of piracy and armed robbery at sea. The authorizations were further renewed by paragraph 7 of resolution 1867 (2009), paragraph 7 of resolution 1950 (2010), paragraph 9 of resolution 2020 (2011), and paragraph 12 of resolution 2077 (2012).

¹⁵¹ United Nations, *Treaty Series*, vol. 1833, p. 3.

¹⁵² The Security Council also decided that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 (2013) does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States.

¹⁵³ For more information regarding the arms embargo on Somalia, see section A.2(f)(iv) of this chapter above.

¹⁵⁴ S/PRST/2013/22.

¹⁵⁵ S/2013/359.

Member States to strengthen their pursuit of effective countermeasures through existing initiatives, most notably the United Nations Office on Drugs and Crime Regional Programme for West Africa 2012–2014, which supported the implementation of the ECOWAS Regional Action Plan 2008–2011,¹⁵⁶ and included important inter-agency initiatives, such as the West Africa Coast Initiative programme. It further urged Member States to adopt a balanced approach to addressing existing security challenges that complements law enforcement efforts with judicial and drug prevention capacity-building, within the framework of the rule of law.

By the same statement, the Security Council called on States that have not yet ratified or implemented the relevant international conventions to do so. The Security Council also underlined the need to strengthen the transnational cooperation of law enforcement agencies, including through the inclusion of maritime security sector reforms and through the adoption of bilateral and regional agreements to facilitate measures, in accordance with international law, against drug trafficking by sea and for the prosecution of suspects engaged in such trafficking, following maritime interdictions on the high seas.

3. Disarmament and related matters¹⁵⁷

(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 comprised all Member States of the United Nations.

The Commission held its organizational session for 2013 in New York on 4 December 2012.¹⁵⁸ The Commission then met in New York from 1 to 19 April 2013 and discussed, *inter alia*, recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons, as well as practical confidence-building measures in the field of conventional weapons.¹⁵⁹

¹⁵⁶ On 28 and 29 October 2008, the Economic Community of West African States (ECOWAS), with support from the United Nations Office on Drugs and Crime (UNODC) and the United Nations Office for West Africa (UNOWA), and in partnership with the European Union, convened a Ministerial Conference in Praia to address the serious threat of drug trafficking to sub regional security. The resulting Political Declaration and Regional Action Plan adopted by the Ministerial Conference and subsequently endorsed at the ECOWAS summit held in Abuja on 19 December 2008 have established the basis for a strong political commitment and a detailed cooperation framework to combat drug trafficking and organized crime in West Africa.

¹⁵⁷ For more information about disarmament and related matters, see *The United Nations Disarmament Yearbook*, vol. 38, 2013 (United Nations publication, Sales No. E.14.IX.7). Also available at the website <https://www.un.org/disarmament/>.

¹⁵⁸ See A/CN.10/PV.329.

¹⁵⁹ See A/CN.10/PV.330–335. From 1 to 3 April, the Disarmament Commission held a general exchange of views on all agenda items. See A/CN.10/PV.330–333. Working Groups I and II held eleven meetings, from 3 to 17 April 2013, to discuss the agenda items entitled “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”, respectively.

The Commission had before it the annual report of the Conference on Disarmament for 2012,¹⁶⁰ together with all the official records of the sixty-seventh session of the General Assembly relating to disarmament matters, as well as working papers relating to the substantive questions on its agenda.¹⁶¹

On 19 April 2013, the Commission adopted, by consensus, the reports of its subsidiary bodies and the conclusions contained therein. There were no recommendations put forward by the Commission. On the same day, the Commission adopted, as a whole, its report to be submitted to the sixty-eighth session of the General Assembly.¹⁶²

(ii) *Conference on Disarmament*¹⁶³

The Conference on Disarmament was in session from 21 January to 29 March, 13 May to 28 June and 29 July to 13 September 2013, during which time it held 29 informal plenary meetings. On 22 January 2013, the Conference adopted its agenda for the 2013 session, which included, *inter alia*, the items “Cessation of the nuclear arms race and nuclear disarmament”, “Prevention of nuclear war, including all related matters”, “Prevention of an arms race in outer space”, “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, “New types of weapons of mass destruction and new systems of such weapons; radiological weapons”, “Comprehensive programme of disarmament” and “Transparency in armaments”. Throughout the 2013 session, successive presidents of the Conference conducted intensive consultations with a view to reaching consensus on a programme of work on the basis of relevant proposals, but no consensus was reached on a programme of work for the 2013 session.¹⁶⁴ On 12 September 2013, the Conference adopted its annual report and transmitted it to the General Assembly for its consideration.¹⁶⁵

(iii) *General Assembly*

In 2013, the General Assembly adopted two resolutions and two decisions concerning institutional activities relating to the disarmament machinery.¹⁶⁶ Of particular note here, by resolution 68/64 entitled “Report of the Conference on Disarmament”, the General Assembly, *inter alia*, reaffirmed the role of the Conference on Disarmament as

¹⁶⁰ *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 42 (A/67/42)*.

¹⁶¹ *Ibid.*, *Sixty-eighth Session, Supplement No. 42 (A/68/42)*, chap. III. B.

¹⁶² *Ibid.*

¹⁶³ 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. It succeeded other Geneva-based negotiating fora, which include the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Committee on Disarmament (1962–68), and the Conference of the Committee on Disarmament (1969–78).

¹⁶⁴ CD/1963.

¹⁶⁵ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 42 (A/68/42)*.

¹⁶⁶ See General Assembly resolutions 68/63 entitled “Report of the Disarmament Commission” and 68/64 entitled “Report of the Conference on Disarmament”; and decisions 68/519 entitled “Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations” and 68/520 entitled “Proposed programme of work and timetable of the First Committee for 2014”.

the sole multilateral disarmament negotiating forum of the international community. The General Assembly called upon the Conference on Disarmament to further intensify consultations and explore possibilities for overcoming its ongoing deadlock by adopting and implementing a balanced and comprehensive programme of work at the earliest possible date during its 2014 session.

(iv) *Security Council*¹⁶⁷

By presidential statement of 6 August 2013, the Security Council encouraged international and regional cooperation in identifying the origin and transfer of small arms and light weapons in order to prevent their diversion to Al-Qaida and other terrorist groups. The statement also affirmed that the obligation of Member States to enforce Security Council arms embargoes should be coupled with enhanced international and regional cooperation concerning arms exports.¹⁶⁸

(b) Nuclear disarmament and non-proliferation issues

In 2013, several preparatory meetings and conferences were held on nuclear disarmament and non-proliferation matters. On 26 April 2013, the Second Preparatory Meeting for the Third Conference of States Parties and Signatories that establish Nuclear-Weapon-Free Zones and Mongolia was held in Geneva. The Preparatory Meeting was itself stressed as an important milestone along the way to the Third Conference to be held in Vienna in 2015.

The Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 1968¹⁶⁹ (NPT), also held its second session from 22 April to 3 May 2013 in Geneva, with the participation of 111 States parties to the NPT. This meeting was the second of three sessions to be held prior to the 2015 Review Conference. The Preparatory Committee held 17 meetings at which it addressed substantive and procedural issues related to the NPT and the upcoming Review Conference in 2015.¹⁷⁰ In particular, the Committee considered regional issues, including the implementation of the 1995 resolution on the Middle East, as well as the peaceful use of nuclear energy.

In addition, the International Atomic Energy Agency (IAEA) held its 57th General Conference of Member States from 16 to 20 September 2013 in Vienna. The Conference adopted 17 resolutions and three decisions¹⁷¹ relating to the work of IAEA in key areas, including: measures to strengthen international cooperation in nuclear, radiation, transport and waste safety; the implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea; and the application of IAEA safeguards in the Middle East.

¹⁶⁷ For further details on Security Council resolutions, see section 2 of the present chapter.

¹⁶⁸ S/PRST/2013/12. See also section 2 (g) of the present chapter on peace and security.

¹⁶⁹ United Nations, *Treaty Series*, vol. 729, p. 161.

¹⁷⁰ Report of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on its second session (NPT/CONF.2015/PC.II/12).

¹⁷¹ General Conference resolutions GC(57)/RES/1-17 and decisions GC(57)/DEC/10-12.

Finally, on 27 September 2013, the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, 1996¹⁷² (CTBT) took place. Foreign ministers and other high-level representatives met at the United Nations Headquarters in New York to discuss concrete measures to facilitate the entry into force of the CTBT. In their Final Declaration, the ratifying States and other States signatories called on all States to refrain from nuclear weapon test explosions or any other nuclear explosions, the development of and use of new nuclear weapon technologies and any action that would undermine the object and purpose and the implementation of the provisions of the CTBT and to maintain all existing moratoria on nuclear test explosions.¹⁷³

(i) *General Assembly*

On 5 December 2013, the General Assembly adopted, upon the recommendation of the First Committee, 15 resolutions and two decisions concerning nuclear weapons and non-proliferation issues,¹⁷⁴ several of which are highlighted below.

The General Assembly adopted a number of resolutions which called for the development of new international instruments on disarmament and non-proliferation matters. In resolution 68/28, the General Assembly, *inter alia*, reaffirmed the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It also appealed to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character.

In resolution 68/32, the General Assembly, *inter alia*, called for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a

¹⁷² A/50/1027.

¹⁷³ For the full text of the Final Declaration, see http://www.ctbto.org/fileadmin/user_upload/Art_14_2013/Statements/Final_Declaration.pdf.

¹⁷⁴ The following General Assembly resolutions were adopted on the recommendation of the First Committee: 68/26 entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)"; 68/27 entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East"; 68/28 entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"; 68/32 entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament"; 68/35 entitled "Follow-up to nuclear disarmament obligations agreed to at the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons"; 68/39 entitled "Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments"; 68/40 entitled "Reducing nuclear danger"; 68/42 entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons"; 68/46 entitled "Taking forward multilateral nuclear disarmament negotiations"; 68/47 entitled "Nuclear disarmament"; 68/49 entitled "Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)"; 68/51 entitled "United action towards the total elimination of nuclear weapons"; 68/53 entitled "Prohibition of the dumping of radioactive wastes"; 68/65 entitled "The risk of nuclear proliferation in the Middle East"; and 68/68 entitled "Comprehensive Nuclear-Test-Ban Treaty". The General Assembly also adopted, on the recommendation of the First Committee, decisions 68/517 entitled "Missiles" and 68/518 entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices". See also General Assembly resolution 68/10 entitled "Report of the International Atomic Energy Agency", adopted on 6 November 2013.

comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction. The General Assembly decided to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard. It also declared 26 September as the International Day for the Total Elimination of Nuclear Weapons.

In resolution 68/42, the General Assembly, *inter alia*, underlined again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. It further called upon all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

In resolution 68/47, entitled “Nuclear Disarmament”, the General Assembly, *inter alia*, called upon the nuclear-weapon States, pending the achievement of the total elimination of nuclear weapons, to agree on an internationally and legally binding instrument on a joint undertaking not to be the first to use nuclear weapons, and called upon all States to conclude an internationally and legally binding instrument on security assurances of non-use and non-threat of use of nuclear weapons against non-nuclear-weapon States. It also called for the full implementation of the action plan as set out in the conclusions and recommendations for follow-on actions of the Final Document of the 2010 Review Conference, particularly the 22-point action plan on nuclear disarmament.

In resolution 68/51, entitled “United action towards the total elimination of nuclear weapons”, the General Assembly, *inter alia*, reaffirmed the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, to which all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons are committed under article VI thereof. It also reiterated its call for the immediate commencement of negotiation on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and its early conclusion, and called upon all nuclear-weapon States and States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to declare and maintain moratoriums on the production of fissile material for any nuclear weapons or other nuclear explosive devices pending the entry into force of the treaty.

Lastly, in resolution 68/53, entitled “Prohibition of the dumping of radioactive wastes”, the General Assembly, *inter alia*, requested the Conference on Disarmament to take radioactive wastes into account in the negotiations for a convention on the prohibition of radioactive weapons. It also appealed to all Member States that have not yet taken the steps necessary to become party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management¹⁷⁵ to do so as soon as possible.

The General Assembly also addressed the implementation of existing international instruments. In resolution 68/35, entitled “Follow-up to nuclear disarmament obligations

¹⁷⁵ United Nations, *Treaty Series*, vol. 2153, p. 303.

agreed to at the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”, the General Assembly, *inter alia*, determined to pursue practical steps for systematic and progressive efforts to implement article VI and the Treaty on the Non-Proliferation of Nuclear Weapons¹⁷⁶ and paragraphs 3 and 4(c) of the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.¹⁷⁷ It also urged the States parties to the Treaty to follow up on the implementation of the nuclear disarmament obligations under the Treaty agreed to at the 1995, 2000 and 2010 Review Conferences within the framework of review conferences and their preparatory committees.

Similarly, in resolution 68/39, concerning accelerating the implementation of nuclear disarmament commitments towards a nuclear-weapon-free world, the General Assembly, *inter alia*, reiterated that each article of the Treaty on the Non-Proliferation of Nuclear Weapons¹⁷⁸ is binding on the States parties at all times and in all circumstances and that all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty, and called upon all States parties to comply fully with all decisions, resolutions and commitments made at the 1995, 2000 and 2010 Review Conferences.

In resolution 68/68, entitled “Comprehensive Nuclear-Test-Ban Treaty”,¹⁷⁹ the General Assembly, *inter alia*, welcomed the contributions by the signatory States to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, in particular its efforts to ensure that the verification regime of the Treaty will be capable of meeting the verification requirements of the Treaty upon its entry into force, in accordance with article IV of the Treaty. It also shared the grave concern of the Security Council about the nuclear test conducted by the DPRK on 12 February 2013, expressed in Council resolution 2094 (2013), and called for full compliance with the obligations under the relevant resolutions. It further urged all States that have not yet signed the Treaty, in particular those whose ratification is needed for its entry into force, to sign and ratify it as soon as possible.

(ii) *Security Council*

In 2013, the Security Council adopted three resolutions relating to nuclear disarmament and non-proliferation issues. Two resolutions related to the mandates of the Panels of Experts established to monitor sanctions measures imposed on the Democratic People’s Republic of Korea (DPRK) and the Islamic Republic of Iran, respectively, while the other resolution, *inter alia*, condemned a 2012 launch using ballistic missile technology by the DPRK.

Concerning the 2012 launch by the DPRK, the Security Council, by resolution 2087 (2013) of 22 January 2013, *inter alia*, condemned the launch and demanded that the DPRK comply with resolutions 1718 (2006) and 1874 (2009) by suspending all activities

¹⁷⁶ *Ibid.*, vol. 729, p. 176.

¹⁷⁷ See 1995 review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I (NPT/CONF.1995/32 (Part I) and Corr.2), annex.

¹⁷⁸ United Nations, *Treaty Series*, vol. 729, p. 176.

¹⁷⁹ The resolution was adopted by a recorded vote of 181 in favour to 1 against, with 3 abstentions.

related to its ballistic missile program. It also called upon all Member States to implement fully their obligations pursuant to resolutions 1718 (2006) and 1874 (2009).

With regard to sanctions monitoring, the Security Council, by resolution 2094 (2013) of 7 March 2013, acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41, the Security Council, decided, *inter alia*, to extend until 7 April 2014 the mandate of the Panel of Experts, which had been created by the Secretary-General pursuant to paragraph 26 of resolution 1874 (2009) to assist in the monitoring of the relevant sanctions measures imposed on the DPRK.¹⁸⁰ Similarly, by resolution 2105 (2013) of 5 June 2013, acting under Article 41 of Chapter VII of the Charter of the United Nations, decided, *inter alia*, to extend until 9 July 2014 the mandate of the Panel of Experts, which had been created by the Secretary-General pursuant to paragraph 29 of resolution 1929 (2010), to assist in the monitoring of the relevant sanctions measures imposed on the Islamic Republic of Iran.

(c) Biological and chemical weapons issues

With regard to biological weapons issues, pursuant to the final document of the Seventh Review Conference of the States Parties¹⁸¹ to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972 (Biological Weapons Convention¹⁸²), the Meeting of Experts and the Meeting of States Parties were held in Geneva from 12 to 16 August 2013 and from 9 to 13 December 2013, respectively.¹⁸³

The Meeting of Experts held two sessions devoted to each of the standing agenda items,¹⁸⁴ and two sessions devoted to the biennial item on how to enable fuller participation in the confidence-building measures. At its closing meeting on 16 August 2013, the Meeting of Experts adopted its report by consensus.¹⁸⁵ The Meeting of States Parties considered the work of the Meeting of Experts on the three standing agenda items, the biennial item of how to enable fuller participation in the confidence-building measures, the annual item on progress with universalization of the Convention,¹⁸⁶ and the annual report of the Implementation Support Unit.¹⁸⁷ At its closing meeting on 13 December 2013, the Meeting

¹⁸⁰ For more information regarding sanctions relating to the DPRK and the Islamic Republic of Iran, see section 2(f)(vi)–(vii) above.

¹⁸¹ BWC/CONF.VII/7.

¹⁸² United Nations, *Treaty Series*, vol. 1015, p. 164.

¹⁸³ BWC/CONF.VII/7, chap. III.

¹⁸⁴ The Seventh Review Conference had decided that the following topics should be standing agenda items, which would be addressed by both the Meeting of Experts and the Meeting of States Parties every year from 2012 to 2015: (a) cooperation and assistance, with a particular focus on strengthening cooperation and assistance under article X; (b) review of developments in the field of science and technology related to the Convention; and (c) strengthening national implementation. The Conference had also decided that the item “How to enable fuller participation in the confidence-building measures” would be considered in 2012 and 2013.

¹⁸⁵ BWC/MSP/2013/MX/3.

¹⁸⁶ BWC/MSP/2013/X and Add.X.

¹⁸⁷ *Ibid.*

of States Parties considered arrangements for the Meeting of Experts and the Meeting of States Parties in 2014 and adopted its report by consensus.¹⁸⁸

With regard to chemical weapons, the eighteenth session of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1992 (Chemical Weapons Convention¹⁸⁹) was held in The Hague, from 2 to 5 December 2013. The issues considered included, *inter alia*, the status of implementation of the Chemical Weapons Convention, fostering international cooperation for peaceful purposes in the field of chemical activities and ensuring the universality of the Convention. On 5 December, the Conference considered and adopted the report of its eighteenth session.¹⁹⁰

On 27 September 2013, the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) issued a decision on the destruction of Syrian chemical weapons.¹⁹¹ The Executive Council noted, *inter alia*, that the Syrian Arab Republic deposited its instrument of accession to the Convention on 14 September 2013 and declared that the Syrian Arab Republic shall comply with the Security Council's stipulations and observe them faithfully and sincerely. The Security Council also decided that the Syrian Arab Republic shall complete the elimination of all chemical weapons material and equipment in the first half of 2014, including intermediate destruction milestones, to be decided by the Security Council no later than 15 November 2013.¹⁹² In addition, it was decided that the Syrian Arab Republic shall complete as soon as possible and in any case no later than 1 November 2013, the destruction of chemical weapons production and mixing/filling equipment.

(i) *General Assembly*

On 5 December 2013, the General Assembly adopted two resolutions relating to biological and chemical weapons.¹⁹³ By resolution 68/45 entitled "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction", the General Assembly, *inter alia*, underlined that the full, effective and non-discriminatory implementation of all articles of the Convention is a major contribution to international peace and security through the elimination of existing stockpiles of chemical weapons and the prohibition of their acquisition and use. It also reaffirmed the obligation of States parties to complete the destruction of chemical weapons stockpiles and the destruction or conversion of chemical weapons production facilities in accordance with the provisions of the Convention and the Annex on Implementation and Verification (Verification Annex). Furthermore, all States parties were urged to meet their obligations under the Convention in full and on

¹⁸⁸ BWC/MSP/2012/5.

¹⁸⁹ United Nations, *Treaty Series*, vol. 1974, p. 45.

¹⁹⁰ C-18/5.

¹⁹¹ EC-M-33/DEC.1.

¹⁹² *Ibid.* On 15 November 2013, the Executive Council of the OPCW issued a decision on the "Detailed Requirements for the Destruction of Syrian Chemical Weapons and Syrian Chemical Weapons Production Facilities" (EC-M-34/DEC.1).

¹⁹³ The resolutions were adopted upon the recommendation of the First Committee.

time and to support the Organization for the Prohibition of Chemical Weapons in its implementation activities.

By resolution 68/69 entitled “Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction”, the General Assembly noted with appreciation the work of the Implementation Support Unit (“the Unit”) and welcomed the decision of the Seventh Review Conference to renew its mandate and request the Unit to perform tasks mandated by the Sixth Review Conference to support, as appropriate, the implementation by the States parties of the decisions and recommendations of the Seventh Review Conference. Furthermore, the General Assembly encouraged States parties to provide, at least biannually, appropriate information on their implementation of article X of the Convention and to collaborate to offer assistance or training, upon request, in support of the legislative and other implementation measures of States parties needed to ensure their compliance with the Convention.

(ii) *Security Council*

By resolution 2118 (2013) of 27 September 2013, the Security Council, *inter alia*, condemned any use of chemical weapons in the Syrian Arab Republic, in particular the attack on 21 August 2013, in violation of international law. It endorsed the decision of the OPCW Executive Council of 27 September 2013, which contained special procedures for the expeditious destruction of the Syrian Arab Republic’s chemical weapons program and stringent verification thereof and called for its full implementation in the most expedient and safest manner. It decided that the Syrian Arab Republic shall comply with all aspects of the decision of the OPCW Executive Council of 27 September 2013 and that Member States shall inform immediately the Security Council of any violation of resolution 1540 (2004). It further decided that, in the event of non-compliance with the resolution, including unauthorized transfer of chemical weapons, or any use of chemical weapons by anyone in the Syrian Arab Republic, to impose measures under Chapter VII of the United Nations Charter. The Security Council also expressed its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable.

(iii) *United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic*

On 12 December 2013, the Secretary-General transmitted the report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013¹⁹⁴ simultaneously to the Security Council and the General Assembly. The United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic was established by the Secretary-General based on his authority under General Assembly resolution 42/37 C and Security Council resolution 620 (1988). On the basis of the analysis of the evidence gathered during the investigation between April and November 2013 and the laboratory results obtained, the

¹⁹⁴ A/67/997-S/2013/553.

Mission concluded that chemical weapons had been used in the ongoing conflict in the Syrian Arab Republic, not only in the Ghouta area of Damascus on 21 August 2013 as concluded in the Secretary-General's report¹⁹⁵, but also on a smaller scale in Jobar on 24 August 2013, Saraqueb on 29 April 2013, Ashrafiyah Sahnaya on 25 August 2013 and Khan Al Asal on 19 March 2013.

(d) Conventional weapons issues

There were several legal developments on conventional weapons issues in 2013. Most notable was the work of the United Nations Conference on an Arms Trade Treaty and the adoption of the Arms Trade Treaty, which sought to establish international standards for regulating or improving the regulation of the international trade in conventional arms. Relevant developments also occurred in relation to several other weapons, including anti-personnel mines and improvised explosive devices, as well as other international conferences.

(i) *International Trade in Conventional Arms*

The United Nations Conference on an Arms Trade Treaty was held from 18 to 28 March 2013 at the United Nations Headquarters in New York. At its 14th meeting, on 26 March, the Conference established a Drafting Committee to conduct a technical review of the President of the Conference's final draft text of the Treaty. At its 17th meeting, on 28 March, the President proposed the draft text of the Arms Trade Treaty for the Conference's adoption.¹⁹⁶ The draft text, however, was not adopted by the Conference.¹⁹⁷ On 28 March, the Conference adopted its report by consensus.¹⁹⁸

On 2 April 2013, the General Assembly, with a recorded vote of 154 in favour to 3, with 23 abstentions, adopted the Arms Trade Treaty (ATT),¹⁹⁹ which sought to regulate the international trade in conventional arms, from small arms to battle tanks, combat aircraft and warships. By resolution 68/31, the General Assembly welcomed the adoption of the ATT,²⁰⁰ and noted that the Treaty was opened for signature at United Nations Headquarters in New York on 3 June 2013, and would remain open for signature thereafter until its entry into force. The General Assembly called upon all States that had not yet done so to sign and, thereafter, according to their respective constitutional processes, ratify, accept or approve the Treaty at the earliest possible date.

By resolution 2117 (2013), the Security Council acknowledged the adoption of the Arms Trade Treaty and noted that threats arising from the illicit transfer and misuse of small arms and light weapons in some regions of the world continued to pose threats to

¹⁹⁵ *Ibid.*

¹⁹⁶ A/CONF.217/2013/L.3.

¹⁹⁷ The President of the Conference proposed for the Conference's adoption by consensus draft decision A/CONF.217/2013/L.3, to which a draft text of the Arms Trade Treaty was annexed. The President concluded that there was no consensus and the decision was not adopted. See A/CONF.217/2013/2.

¹⁹⁸ A/CONF.217/2013/2.

¹⁹⁹ General Assembly resolution 234B of 2 April 2013.

²⁰⁰ See resolution 67/234B.

international peace and security. Accordingly, the Security Council, *inter alia*, called on Member States subject to Council-mandated arms embargoes to implement and enforce the embargo, reaffirmed its decision that States shall eliminate the supply of weapons, including small arms and light weapons to terrorists, and called for States to support weapons collection, disarmament, demobilization and reintegration of ex-combatants.

(ii) *Other conventional weapons issues*

In addition to its work relating to the ATT, on 5 December 2013, the General Assembly adopted five other resolutions dealing with conventional arms issues.²⁰¹ Notably, regarding the illicit trade of small arms and light weapons, the General Assembly, in its resolution 68/48, *inter alia*, welcomed the inclusion of small arms and light weapons in the scope of the ATT, and recalled its endorsement of the outcome of the Second United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.²⁰² It also encouraged all relevant initiatives, including those of the United Nations, other international organizations, regional and subregional organizations, non-governmental organizations and civil society, for the successful implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.²⁰³

Also of note is resolution 68/66, 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”, by which the General Assembly called upon all States that had not yet done so to take all measures to become parties, as soon as possible, to the Convention, 1980,²⁰⁴ and the Protocols thereto.²⁰⁵ The General Assembly further called upon all States parties to the Convention that had not yet done so to 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.²⁰⁶ The General Assembly noted that, in its final report, the Meeting

²⁰¹ General Assembly resolutions: 68/30 entitled “Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction”; 68/31 entitled “The Arms Trade Treaty”; 68/34 entitled “Assistance to States for Curbing the Illicit Traffic in Small Arms and Light Weapons and Collecting Them”; 68/48 entitled “The Illicit Trade in Small Arms and Light Weapons in all its Aspects”; 68/52 entitled “Problems arising from the Accumulation of Conventional Ammunition Stockpiles in Surplus”; 68/66 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 resolutions were adopted on the recommendation of the First Committee.

²⁰² General Assembly resolution 68/48 of 5 December 2013, preamble and para. 4. See also A/CONF.192/2012/RC/4, annexes I and II.

²⁰³ General Assembly resolution 68/48 of 5 December 2013, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001 (A/CONF.192/15), chap. IV, para. 24.

²⁰⁴ United Nations, *Treaty Series*, vol. 1342, p. 137.

²⁰⁵ *Ibid.*, vol. 2024, p. 163, vol. 2048, p. 93, vol. 2399, p. 100.

²⁰⁶ United Nations, *Treaty Series*, vol. 2260, p. 82.

of the High Contracting Parties to the Convention held in Geneva on 15 and 16 November 2012 did not make any recommendation or decision regarding the continuation of discussions on mines other than anti-personnel mines.

(iii) *Other international conferences and meetings*

In addition to the United Nations Conference on an Arms Trade Treaty, a number of other international conferences and meetings addressed conventional weapons issues in 2013.

The third Inter-sessional Meeting to the Convention on Cluster Munitions took place in Geneva, Switzerland, from 15 to 18 April 2013. The informal meeting, whose objective was to strengthen Member States' ability to implement the Convention on Cluster Munitions, considered, *inter alia*, issues relating to the national implementation measures of the Convention, transparency measures, clearance and risk reduction, as well as victim assistance and the universalization of the treaty.

The Meeting of the High Contracting 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, 1980²⁰⁷ (Convention on Conventional Weapons) was held in Geneva on 14 and 15 November 2013. The Meeting considered, *inter alia*, the report on promoting universality of the Convention and its Protocols,²⁰⁸ which is in response to the request for "the CCW Implementation Support Unit to continue to report annually to the Meeting of the High Contracting Parties on the efforts undertaken towards and progress made on universalization".²⁰⁹ The Meeting also welcomed the report of the CCW Sponsorship Programme,²¹⁰ the report of the Implementation Support Unit,²¹¹ and the report of the estimated costs of the 2014 Meeting of the High Contracting Parties.²¹² On 15 November, the Meeting adopted its final report.²¹³

With regard to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996 (Amended Protocol II)²¹⁴ annexed to the Convention on Conventional Weapons, the fifteenth Annual Conference of the High Contracting Parties to Amended Protocol II was held on 13 November 2013 in Geneva. The Conference, *inter alia*, reviewed the operation and status of the Protocol and considered issues arising from improvised explosive devices, including efforts to promote international humanitarian law compliance. It also took note of the reports on the operation and status of the Protocol and considered matters arising from reports by High

²⁰⁷ *Ibid.*, vol. 1342, p. 137.

²⁰⁸ CCW/MSP/2013/4.

²⁰⁹ Final declaration, Final document of the Fourth Review Conference, CCW/CONF.IV/4/Add.1, para. 9, p. 11.

²¹⁰ CCW/MSP/2013/3/Add.1.

²¹¹ CCW/MSP/2013/5.

²¹² CCW/MSP/2013/6.

²¹³ CCW/MSP/2013/2.

²¹⁴ United Nations, *Treaty Series*, vol. 2048, p. 93.

Contracting Parties, according to article 13 (4) of the Amended Protocol and the development of technologies to protect civilians against the indiscriminate effects of mines.

The 2013 Meeting of Experts relating to the Protocol on Explosive Remnants of War (Protocol V)²¹⁵ was held from 10 to 12 April 2013 in Geneva. The main focus of the Meeting of Experts was on the following issues: Generic Preventive Measures; national reporting; article 4; clearance and victim assistance. The Seventh Conference of the High Contracting Parties to Protocol V was held in Geneva on 11 and 12 November 2013, to consider, *inter alia*, the work of the Meeting of Experts.²¹⁶

The Thirteenth Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, 1997 (Mine-Ban Convention)²¹⁷ was held in Geneva from 2 to 5 December 2013. The Meeting considered, *inter alia*, the Geneva Progress report on the challenges that have been encountered and the work that remains in meeting the Cartagena Action Plan commitments prior to the Convention's Third Review Conference 2014,²¹⁸ as well as the reports presented by the President of the Twelfth Meeting of the States Parties concerning issues pertaining to extensions to article 5 deadlines.²¹⁹ It also evaluated the activities of the implementation support unit²²⁰ and considered the general status and operation of the Mine-Ban Convention. At its final plenary session, on 5 December 2013, the Meeting adopted its report.²²¹

(e) Regional disarmament activities of the United Nations

(i) *Africa*

In 2013, several United Nations bodies engaged in regional disarmament activities in Africa. First, the United Nations Office of Disarmament Affairs (UNODA), through the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC), and in partnership with the International Action Network on Small Arms (IANSA) organized a two-day seminar in Addis Ababa, from 7 to 8 March 2013, to prepare the effective participation of African Member States and to deepen their understanding on relevant issues associated with the United Nations final negotiations conference on the Arms Trade Treaty.²²²

²¹⁵ *Ibid.*, vol. 2399, p. 100.

²¹⁶ At its fourth plenary meeting, the Conference adopted its final document (CCW/PV/CONF/2013/11).

²¹⁷ United Nations, *Treaty Series*, vol. 2056, p. 211.

²¹⁸ APLC/MSP.13/2013/WP.9.

²¹⁹ APLC/MSP.13/2013/5. Under article 5(1), each State party agrees to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for the State party. United Nations, *Treaty Series*, vol. 2056, p. 211.

²²⁰ APLC/MSP.13/2013/3.

²²¹ APLC/MSP.13/2013/2.

²²² For more information, see report of the Secretary-General: United Nations Regional Centre for Peace and Disarmament in Africa (A/68/114).

In addition to its work on small arms, UNREC also worked on providing substantive input to the African regional seminar on the universalization of the Convention on Cluster Munitions, assisting in the elaboration of a national plan of action on small arms for the period 2012–2016; facilitating the development of the African common position on the Arms Trade Treaty, the harmonization of legislation on small arms, and the African Security Sector Reform Programme.²²³

Moreover, the United Nations Regional Office for Central Africa, in its role as the secretariat of the United Nations Standing Advisory Committee for Security Questions in Central Africa (UNSAC), organized the thirty-sixth and thirty-seventh ministerial meetings of UNSAC.²²⁴ Of particular note, UNSAC adopted the Kigali Declaration,²²⁵ which called on national stakeholders to work together for a successful transition process in the Central African Republic,²²⁶ and called upon all States members of UNSAC to support the Central African Republic in its efforts to prevent the illegal proliferation of and cross-border trafficking in small arms and light weapons.²²⁷

(ii) *Asia and the Pacific*

The United Nations Regional Centre for Peace, Disarmament and Development in Asia and the Pacific (UNRCPD) focused its activities in 2013 on promoting the implementation of global disarmament and non-proliferation instruments; enhancing regional dialogue and confidence-building in the areas of disarmament, non-proliferation and regional security; and outreach and advocacy.²²⁸ The Regional Centre also organized a seminar facilitating regional dialogue on key issues regarding the Arms Trade Treaty and its negotiation, held in Kuala Lumpur, on 26 and 27 February 2013, prior to the final United Nations Conference on the Treaty.²²⁹

(iii) *Latin America and the Caribbean*

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) focused its activities in 2013 on supporting States in combating the illicit trafficking in small arms, light weapons, ammunition and

²²³ *Ibid.*

²²⁴ For more information, see report of the Secretary-General entitled “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa” (A/68/384).

²²⁵ See Kigali Declaration, annex to *ibid.* The thirty-sixth ministerial meeting was held from 20 to 23 August 2013 in Kigali.

²²⁶ Following the seizure of power by the Seleka rebel coalition in 2013, a transition process was taking place in the Central African Republic.

²²⁷ A/68/384, annex.

²²⁸ For more information, see report of the Secretary-General on the United Nations Regional Centre for Peace, Disarmament and Development in Asia and the Pacific (A/68/112).

²²⁹ On 14 and 15 December 2013, the Centre also held the Twelfth Annual United Nations-Republic of Korea Joint Conference on Disarmament and Non-proliferation Issues, hosted by the Republic of Korea, to address the theme “Non-proliferation Regime in the 21st Century: Challenges and the Way Forward”. For more information, see <http://unrcpd.org/event/rok-un-joint-conference/>.

explosives, which posed serious threats to public security in the region. UN-LiREC provided, upon request, capacity-building assistance, training, legal support, technical assistance and outreach and advocacy functions to ensure the national implementation of global and regional instruments in the areas of disarmament, arms control and non-proliferation.

(iv) *General Assembly*

On 5 December 2013, the General Assembly adopted eight resolutions dealing with regional disarmament.²³⁰ Seven of the resolutions concerned regional disarmament activities and the other related to the Declaration of the Indian Ocean as a zone of peace. Two of the resolutions are of particular note.

By resolution 68/55, entitled “Confidence-building measures in the regional and sub-regional context”, the General Assembly, *inter alia*, called upon Member States to refrain from the use or threat of use of force in accordance with the purposes and principles of the Charter of the United Nations. It also urged States to comply strictly with all bilateral, regional and international agreements, including arms control and disarmament agreements, to which they are party.

In resolution 68/62, entitled “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa”, the General Assembly, *inter alia*, welcomed the adoption of the Code of Conduct concerning the Prevention and Repression of Piracy, Armed Robbery against Ships, and Illegal Maritime Activity in West and Central Africa, which defined the regional maritime security strategy and paved the way for a legally binding instrument. It also requested the United Nations Regional Office for Central Africa to facilitate the efforts undertaken by the States members of the Standing Advisory Committee, in particular for their execution of the Implementation Plan for the Kinshasa Convention.²³¹

(f) **Outer space (disarmament aspects)**

The Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities²³² recommended specific measures on possible transparency and confidence-building measures in outer space activities that could be adopted voluntarily by States on a unilateral, bilateral, regional and multilateral basis, including

²³⁰ The following General Assembly resolutions were adopted on the recommendation of the First Committee: 68/24 entitled “Implementation of the Declaration of the Indian Ocean as a Zone of Peace”; 68/54 entitled “Regional disarmament”; 68/55 entitled “Confidence-building measures in the regional and subregional context”; 68/59 entitled “United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific”; 68/60 entitled “United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean”; 68/61 entitled “United Nations Regional Centre for Peace and Disarmament in Africa”; 68/62 entitled “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa” and 68/67 entitled “Strengthening of security and cooperation in the Mediterranean region”.

²³¹ See A/65/717–S/2011/53, annex.

²³² The Group of Governmental Experts, which was established pursuant to General Assembly resolution 65/68, held its second and third session in Geneva and in New York from 1 to 5 April 2013 and from 8 to 12 July 2013.

information exchange on space activities, risk reduction notifications, contact and visits to space launch sites and facilities and consultative mechanisms.²³³

Of particular relevance to the question of weapons in outer space, is the text of a joint statement by the Ministers of Foreign Affairs of Indonesia and the Russian Federation declaring that their respective Member States would not be the first to place weapons of any kind in outer space which was addressed to the Secretary-General of the Conference on Disarmament.²³⁴

General Assembly

By resolution 68/29 on the “Prevention of an arms race in outer space”, the General Assembly, *inter alia*, called upon all States to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space as well as to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation. The General Assembly also reiterated that the Conference on Disarmament, as the sole multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects. It invited the Conference on Disarmament to establish a working group under the agenda item “Prevention of an arms race in outer space” as early as possible during its 2014 session.²³⁵

Regarding the issue of transparency and confidence-building measures in outer space activities, the General Assembly adopted resolution 68/50, which, *inter alia*, encouraged Member States to review and implement, to the greatest extent practicable, the proposed transparency and confidence-building measures contained in the report of the Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities,²³⁶ through relevant national mechanisms, on a voluntary basis and in a manner consistent with the national interest of Member States.

(g) Other disarmament measures and international security

General Assembly

In 2013, the General Assembly adopted seven resolutions and one decision concerning other disarmament measures and international security,²³⁷ two of which are of particular note here.

²³³ Note on the first session of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities, document A/68/189.

²³⁴ “Letter dated 29 July 2013 from the Permanent Representatives of Indonesia and the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the joint statement by the Ministers of Foreign Affairs of Indonesia and the Russian Federation to declare that they will not, in any way, be the first to place weapons of any kind in outer space, signed in Bandar Sery Begawan on 1st July 2013”, CD/1954. The Conference on Disarmament held one plenary meeting on the item entitled “Prevention of an arms race in outer space”, CD/PV.1283.

²³⁵ General Assembly resolution 68/29 of 5 December 2013.

²³⁶ A/68/189.

²³⁷ The following General Assembly resolutions were adopted upon the recommendation of the First Committee: 68/33 entitled “Women, disarmament, non-proliferation and arms control”; 68/36

By resolution 68/38, entitled “Promotion of multilateralism in the area of disarmament and non-proliferation”, the General Assembly, *inter alia*, called upon all Member States to renew and fulfil their individual and collective commitments to multilateral cooperation as an important means of pursuing and achieving their common objectives in the area of disarmament and non-proliferation. It also requested the States parties to the relevant instruments on weapons of mass destruction to consult and cooperate among themselves in resolving their concerns with regard to cases of non-compliance as well as on implementation, in accordance with the procedures defined in those instruments, 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.

In addition, by resolution 68/41, entitled “Measure to prevent terrorists from acquiring weapons of mass destruction”, the General Assembly, *inter alia*, appealed to all Member States to consider early accession to and ratification of the International Convention for the Suppression of acts of Nuclear Terrorism.²³⁸ It further urged all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture.

4. Legal aspects of peaceful uses of outer space

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

The Legal Subcommittee on the Peaceful Uses of Outer Space held its fifty-second session at the United Nations Office in Vienna from 8 to 19 April 2013.²³⁹ The Legal Subcommittee addressed a number of matters of relevance, including the status and application of United Nations treaties on outer space; the definition and delimitation of outer space; matters specific to space assets arising from the Convention on International Interests in Mobile Equipment; space debris mitigation measures; and the peaceful use and exploration of outer space.²⁴⁰

With regard to United Nations treaties on outer space, it should be noted that the Committee, *inter alia*, reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.²⁴¹ The Subcommittee also welcomed reports from Member States regarding their progress towards becoming parties to the

entitled “Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control”; 68/37 entitled “Relationship between disarmament and development”; 68/38 entitled “Promotion of multilateralism in the area of disarmament and non-proliferation”; 68/41 entitled “Measures to prevent terrorists from acquiring weapons of mass destruction”; 68/43 entitled “Transparency in armaments”; 68/44 entitled “National legislation on transfer of arms, military equipment and dual-use goods and technology”. Decision 68/516 entitled “Role of science and technology in the context of international security and disarmament”.

²³⁸ United Nations, *Treaty Series*, vol. 2445, p. 89.

²³⁹ For the report of the Legal Subcommittee, see A/AC.105/1045.

²⁴⁰ *Ibid.*, para. 3.

²⁴¹ See report of the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, A/AC.105/1045, annex I.

five United Nations treaties,²⁴² and views were exchanged on the sufficiency of the treaties going forward.²⁴³ The Subcommittee endorsed the recommendation that the mandate of the Working Group be extended for one additional year, and it was agreed that the Subcommittee, at its fifty-third session in 2014, would review the need to extend the mandate of the Working Group beyond that period.

Regarding matters related to the definition and delimitation of outer space and the character and utilization of geostationary orbit, the Subcommittee reconvened its Working Group on the Definition and Delimitation of Outer Space. The Working Group provided a report on its meetings,²⁴⁴ which was endorsed by the Subcommittee. The Subcommittee agreed to reconvene the Working Group on Matters Relating to the Definition and Delimitation of Outer Space at its fifty-third session.

Concerning 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”,²⁴⁵ the Subcommittee noted that the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets,²⁴⁶ adopted at a diplomatic conference held in Berlin from 27 February to 9 March 2012, had been signed by Burkina Faso, Germany, Saudi Arabia and Zimbabwe and that, in order for it to enter into force, 10 ratifications, acceptances, approvals or accessions were needed, as well as certification by the supervisory authority confirming that the international registry for space assets was fully operational.²⁴⁷

Under the agenda item “General exchange of information on legal mechanisms relating to space debris mitigation measures”, the Subcommittee, *inter alia*, noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation Guidelines of the Committee (2007) and/or with the Inter-Agency Space Debris Coordination Committee (IADC) Space Debris Mitigation Guidelines and that other States had developed their own space debris mitigation standards based on those guidelines. The Subcommittee also noted that some States were using the IADC Space Debris Mitigation Guidelines, the European Code of Conduct for Space Debris Mitigation and International Organization for Standardization (ISO) standard 24113 (Space systems: space debris mitigation requirements) as references in their regulatory frameworks established for national space activities.²⁴⁸

²⁴² A/AC.105/1045, para. 38.

²⁴³ *Ibid.*, paras. 39–50. The five United Nations treaties under consideration were: 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; Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, United Nations, *Treaty Series*, vol. 672, p. 119; Convention on International Liability for Damage Caused by Space Objects, United Nations, *Treaty Series*, vol. 961, p. 187; Convention on Registration of Objects Launched into Outer Space, United Nations, *Treaty Series*, vol. 1023, p. 15; and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, United Nations, *Treaty Series*, vol. 1363, p. 3.

²⁴⁴ See report of the Chair of the Working Group on the Definition and Delimitation of Outer Space, A/AC.105/1045, annex II.

²⁴⁵ *Ibid.*, paras. 107–114.

²⁴⁶ United Nations, *Treaty Series*, vol. 2307, p. 285.

²⁴⁷ A/AC.105/1045, para. 111.

²⁴⁸ *Ibid.*, para. 138.

Regarding the agenda item entitled “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space”, the Subcommittee considered the revised draft set of recommendations on national legislation relevant to the peaceful exploration and use of outer space,²⁴⁹ agreed on the text of the set of recommendations, as amended, and recommended that the text be submitted as a separate draft resolution for consideration by the General Assembly at its sixty-eighth session.²⁵⁰

Concerning future work, the Subcommittee noted the proposal by Japan, and co-sponsored by Austria, Canada, France, Nigeria and the United States,²⁵¹ that the Subcommittee should include on its agenda a new item entitled “General exchange of information on practices in relation to non-legally binding instruments for outer space activities”.²⁵² The Subcommittee agreed that the agenda item entitled “Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets” should be discontinued as an item for discussion. It also agreed that the representative of the International Institute for the Unification of Private Law (UNIDROIT) should be invited to update the Subcommittee on developments relating to the Protocol under the agenda item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”.²⁵³

The Committee on the Peaceful Uses of Outer Space held its fifty-sixth session in Vienna from 12 to 21 June 2013. The Committee took note of the Legal Subcommittee’s report and endorsed the recommendations contained therein.²⁵⁴

(b) General Assembly

In 2013, the General Assembly adopted three resolutions relating to the legal aspects of the peaceful uses of outer space.²⁵⁵ Of particular note, in its resolution 68/75 of 11 December 2013 on international cooperation in the peaceful uses of outer space, the General Assembly endorsed the report of the Committee on the Peaceful Uses of Outer Space and, *inter alia*, agreed that the Legal Subcommittee, at its fifty-third session, should consider the substantive items and reconvene the working groups recommended by the Committee,²⁵⁶ taking into account the concerns of all countries, in particular those of

²⁴⁹ A/AC.105/C.2/L.289.

²⁵⁰ See Set of Recommendations on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, for Submission as a separate draft resolution for consideration by the General Assembly at its sixty-eighth session, A/AC.105/1045, annex III.

²⁵¹ A/AC.105/C.2/L.291.

²⁵² A/AC.105/1045, para. 179.

²⁵³ *Ibid.*, para. 183.

²⁵⁴ For the report of the Committee on the Peaceful use of Outer Space, see *Official records of the General Assembly, Sixty-eighth Session, Supplement No. 20 (A/68/20)*.

²⁵⁵ General Assembly resolutions 68/50 of 5 December 2013 entitled “Transparency and confidence-building measures in outer space activities”; 68/74 of 11 December 2013 entitled “Recommendations on national legislation relevant to the peaceful exploration and use of outer space”; and 68/75 of 11 December 2013 entitled “International cooperation in the peaceful uses of outer space”.

²⁵⁶ A/68/20, paras. 251–255.

developing countries. Furthermore, the General Assembly urged States that had not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties in accordance with their domestic law, as well as incorporating them in their national legislation.

The General Assembly also adopted resolution 68/50 of 5 December 2013 on transparency and confidence-building measures in outer space activities, as well as resolution 68/74 of 11 December 2013 on recommendations on national legislation relevant to the peaceful exploration and use of outer space.

5. Human rights²⁵⁷

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

(i) *Human Rights Council*

The Human Rights Council, established in 2006,²⁵⁸ meets as a quasi-standing body in three annual regular sessions and additional special sessions as needed. Reporting to the General Assembly, its agenda and programme of work provide the opportunity to discuss all thematic human rights issues and human rights situations that require the attention of the General Assembly.

The Human Rights Council's mandate includes the review on a periodic basis of the fulfilment of the human rights obligations of all Member States, including the members of the Council, over a cycle of four years through the Universal Periodic Review (UPR).²⁵⁹ The Council also assumed the thirty-eight country and thematic special procedures existing under its predecessor, the Commission on Human Rights, while reviewing the mandate and criteria for the establishment of these special procedures.²⁶⁰ In addition, the Council has adopted a confidential complaint procedure, based on the "1503 procedure" employed by the Commission, which allows individuals and organizations to continue to

²⁵⁷ This section covers the resolutions adopted, if any, by the Security Council, the General Assembly and the Economic and Social Council. It also includes a selective coverage of the legal activities of the Human Rights Council, in particular activities of Special Rapporteurs and selected resolutions on specific human rights issues. Other legal developments in human rights may be found under the section in the present chapter entitled "Peace and security". The present section does not cover resolutions addressing human rights issues arising in particular States, nor does it cover in detail the legal activities of the treaty bodies (namely, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, the Committee Against Torture, the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and the Committee on the Rights of Persons with Disabilities). Detailed information and documents relating to human rights are available on the website of the Office of the United Nations High Commissioner for Human Rights at <http://www.ohchr.org>.

²⁵⁸ General Assembly resolution 60/251 of 15 March 2006. For further details on its establishment, see the *United Nations Juridical Yearbook*, 2006, chapter III, section 5.

²⁵⁹ The first universal periodic review (UPR) cycle covered the period 2008–2011. The second universal periodic review cycle commenced in 2012 and will run through 2016. For a list of States included and calendar of review sessions, see the section on the UPR at <http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>.

²⁶⁰ Human Rights Council decision 1/102 of 30 June 2006.

bring complaints revealing a consistent pattern of gross and reliably attested violations of human rights.²⁶¹

In 2013, the Human Rights Council held its twenty-second, twenty-third and twenty-fourth regular sessions.²⁶²

(ii) *Human Rights Council Advisory Committee*

The Human Rights Council Advisory Committee was established pursuant to Human Rights Council resolution 5/1 of 18 June 2007.²⁶³ The Advisory Committee is composed of eighteen experts, and functions as a think-tank for the Council, working under its direction and providing expertise in the manner and form requested by the Council, focusing mainly on studies and research-based advice, suggestions for further enhancing its procedural efficiency, as well as further research proposals within the scope of the work set out by the Council. The Advisory Committee held its tenth session from 18 to 22 February 2013 and its eleventh session from 12 to 16 August 2013 in Geneva.²⁶⁴

(iii) *Human Rights Committee*

The Human Rights Committee was established under the International Covenant on Civil and Political Rights, 1966²⁶⁵ to monitor the implementation of the Covenant and its Optional Protocols²⁶⁶ in the territory of States parties. The Committee held its 107th session in New York from 11 to 28 March 2013, and its 108th and 109th sessions in Geneva from 8 to 26 July 2013 and from 14 October to 1 November 2013, respectively.²⁶⁷

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

The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council²⁶⁸ to monitor the implementation of the International Covenant on Economic, Social and Cultural Rights, 1966²⁶⁹ by its States parties. The

²⁶¹ More detailed information on the mandate, work and methods of the Human Rights Council is available at the homepage of the Human Rights Council at <http://www.ohchr.org>.

²⁶² For the reports of the twenty-second and twenty-third sessions, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53 (A/68/53)*. For the report of the twenty-fourth session, see *ibid.*, *Supplement No. 53A (A/68/53/Add.1)*.

²⁶³ The Human Rights Council Advisory Committee replaced the Sub-Commission on the Promotion and Protection of Human Rights as the main subsidiary body of the Human Rights Council.

²⁶⁴ For the reports of the Advisory Committee on its tenth and eleventh sessions, see *A/HRC/AC/10/3* and *A/HRC/AC/11/2*, respectively.

²⁶⁵ United Nations, *Treaty Series*, vol. 999, p. 171.

²⁶⁶ Optional Protocol to the International Covenant on Civil and Political Rights, *ibid.*; and Second Optional Protocol to the International Covenant on Civil and Political Rights, *ibid.*, vol. 1642, p. 414.

²⁶⁷ For the report of the 107th session, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 40 (A/68/40)*, vols. I and II. For the report of the 108th and 109th sessions, see *ibid.*, *Sixty-ninth Session, Supplement No. 40 (A/69/40)*, vols. I and II.

²⁶⁸ Economic and Social Council resolution 1985/17 of 28 May 1985.

²⁶⁹ United Nations, *Treaty Series*, vol. 993, p. 3.

Committee held its fiftieth and fifty-first sessions in Geneva from 29 April to 17 May and from 4 to 29 November 2013, respectively.²⁷⁰

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

The Committee on the Elimination of Racial Discrimination was established under the International Convention on the Elimination of All Forms of Racial Discrimination, 1966²⁷¹ to monitor the implementation of this Convention by its States parties. The Committee held its eighty-second and eighty-third sessions in Geneva from 11 February to 1 March and 12 to 30 August 2013, respectively.²⁷²

(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, 1979²⁷³ to monitor the implementation of this Convention by its States parties. The Committee held its fifty-fourth session in Geneva from 11 February to 1 March 2013, its fifty-fifth session in New York from 8 to 26 July 2013, and its fifty-sixth session in Geneva from 13 September to 18 October 2013.²⁷⁴

(vii) *Committee against Torture*

The Committee against Torture was established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984²⁷⁵ to monitor the implementation of the Convention by its States parties. In 2013, the Committee held its fiftieth and fifty-first sessions in Geneva from 6 May to 31 May and from 28 October to 22 November, respectively.²⁷⁶ The Subcommittee on Prevention of Torture, established in October 2006 under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,²⁷⁷ held its nineteenth, twentieth and twenty-first sessions from 18 to 22 February, from 17 to 21 June and from 11 to 15 November 2013, respectively.

²⁷⁰ See *Official Records of the Economic and Social Council 2014, Supplement No. 2, E/2014/22*.

²⁷¹ United Nations, *Treaty Series*, vol. 660, p. 195.

²⁷² For the report of the eighty-second session, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 18 (A/68/18)*. For the report of the eighty-third session, see *ibid.*, *Sixty-ninth Session, Supplement No. 18 (A/69/18)*.

²⁷³ United Nations, *Treaty Series*, vol. 1249, p. 13.

²⁷⁴ For the report of the fifty-fourth session, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 38 (A/68/38)*. For the report of the fifty-fifth, fifty-sixth and fifty-seventh sessions, see *ibid.*, *Sixty-ninth Session, Supplement No. 38 (A/69/38)*.

²⁷⁵ United Nations, *Treaty Series*, vol. 1465, p. 85.

²⁷⁶ For the report of the fiftieth session, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 44 (A/68/44)*. For the report of the fifty-first session, see *ibid.*, *Sixty-ninth Session, Supplement No. 44 (A/69/44)*.

²⁷⁷ United Nations, *Treaty Series*, vol. 2375, p. 237.

(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, 1989²⁷⁸ to monitor the implementation of this Convention by its States parties. The Committee held its sixty-second, sixty-third and sixty-fourth sessions in Geneva, from 14 January to 1 February, from 27 May to 14 June, and from 16 September to 4 October 2013, respectively.²⁷⁹

(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, 1990,²⁸⁰ to monitor the implementation of this Convention by its States parties in their territories. In 2013, the Committee held its eighteenth and nineteenth sessions in Geneva from 15 to 26 April and from 9 to 13 September, respectively.²⁸¹

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

The Committee on the Rights of Persons with Disabilities is the body of independent experts established under the Convention on the Rights of Persons with Disabilities, 2006²⁸² and its 2006 Optional Protocol²⁸³ to monitor the implementation of this Convention and Optional Protocol by States parties. The Committee meets in Geneva and holds two regular sessions per year. The Committee held its ninth session from 15 to 19 April 2013, and its tenth session from 2 to 13 September 2013.²⁸⁴

(xi) *Committee on Enforced Disappearances*

The Committee on Enforced Disappearances was established under the International Convention for the Protection of All Persons from Enforced Disappearance, 2006²⁸⁵ to monitor the implementation of the Convention by its States parties. The Committee held

²⁷⁸ *Ibid.*, vol. 1577, p. 3.

²⁷⁹ For the report of the sixty-second, sixty-third, and sixty-fourth sessions, see *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 41 (A/69/41)*.

²⁸⁰ United Nations, *Treaty Series*, vol. 2220, p. 3.

²⁸¹ For the report of the eighteenth session, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 48 (A/68/48)*. For the report of the nineteenth session, see *ibid.*, *Sixty-ninth Session, Supplement No. 48 (A/69/48)*.

²⁸² United Nations, *Treaty Series*, vol. 2515, p. 3.

²⁸³ *Ibid.*, vol. 2518, p. 283.

²⁸⁴ For the reports of the ninth and tenth sessions, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 55 (A/70/55)*.

²⁸⁵ General Assembly resolution 61/177 of 20 December 2006, annex.

its fourth and fifth sessions in Geneva from 8 to 19 April and from 4 to 15 November 2013, respectively.²⁸⁶

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

(i) Human Rights Council

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere, submitted two reports to the Human Rights Council during 2013. The first report²⁸⁷ addressed the human rights and democratic challenges that extremist political parties, movements and groups, as well as similar extremist ideological movements continued to pose. The second report focused on the role of education in preventing racism, racial discrimination, xenophobia and related intolerance in line with the provisions of the Durban Declaration and Programme of Action.²⁸⁸

On 13 June 2013, the Human Rights Council adopted, without a vote, the report on the Effective Implementation of the Durban Declaration and Programme of Action on its tenth session²⁸⁹, submitted by the Intergovernmental Working Group in accordance with Human Rights Council resolution 11/12 and decision 3/103.²⁹⁰ The Group, *inter alia*, stressed the critical role of political parties and political leaders in combating racism, racial discrimination and xenophobia and related intolerance and urged them to engage with the civil society in this fight.

On 22 March 2013, the Human Rights Council adopted resolution 22/31, entitled “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief”, without a vote, in which the Council, *inter alia*, appreciated the report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred and the Rabat Plan of Action contained therein, and encouraged States and relevant stakeholders to take effective measures to implement its recommendations and conclusions.

On 27 September 2013, the Human Rights Council adopted resolution 24/26, entitled “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance”.²⁹¹ In the resolution, the Council, *inter alia*, took note of the report of the Intergovernmental Working Group on the Effective

²⁸⁶ For the report of the fourth session, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 56 (A/68/56)*. For the report of the fifth session, see *ibid.*, *Sixty-ninth Session, Supplement No. 56 (A/69/56)*.

²⁸⁷ A/HRC/23/24. The report was submitted pursuant to General Assembly resolution 67/154 of 20 December 2012 and was entitled “Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 67/154”.

²⁸⁸ A/HRC/23/56.

²⁸⁹ A/HRC/16/64.

²⁹⁰ A/HRC/DEC/3/103.

²⁹¹ The resolution was adopted by a vote of 32 in favour to 2 against, with 13 abstentions.

Implementation of the Durban Declaration and Programme of Action,²⁹² and decided that the Working Group should convene its twelfth session from 6 to 17 October 2014.

(ii) *General Assembly*

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere, submitted two reports to the General Assembly. In the first report,²⁹³ the Special Rapporteur addressed the implementation of General Assembly resolution 67/154 of 20 December 2012. The Special Rapporteur stressed, *inter alia*, that any commemorative celebration of the Nazi Waffen SS organization and its crimes against humanity, doing injustice to the memory of the victims of crimes against humanity, should be prohibited by States and affirmed that failure by States to effectively address such practices was incompatible with the obligations of States Members of the United Nations. He also recalled that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements, should be in conformity with the relevant international human rights standards and thus urged States to fully respect and implement their obligations under article 4 of the International Convention on the Elimination of All forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights.

In his second report to the General Assembly,²⁹⁴ submitted pursuant to General Assembly resolution 67/155 of 20 December 2012, entitled “Contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, the Special Rapporteur focused on the intersection between discrimination and poverty and discussed the manifestation of poverty and racism in the areas of economic and social rights. He therefore invited Member States to adopt comprehensive approaches for tackling the intersection of poverty and discrimination which is prevalent around the world. He also recalled the overarching prohibition of discrimination on national, racial, ethnic, religious or other grounds according to international human rights law, and recommended the States to review legislation and policies which may directly or indirectly discriminate against particular groups and individuals.

The Secretary-General also submitted two reports to the General Assembly. The first report,²⁹⁵ entitled “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, submitted in follow-up to General Assembly resolution 67/155, summarized information received from various actors. The Secretary-General concluded, *inter alia*, that Member States and other stakeholders are invited to participate actively in the deliberations on the Durban follow-up mechanisms and to implement the recommendations emanating therefrom.

²⁹² A/HRC/23/19.

²⁹³ A/68/329.

²⁹⁴ A/68/333.

²⁹⁵ A/68/564.

The second report,²⁹⁶ entitled “How to make the International Decade for People of African Descent effective”, took into consideration the responses to the questionnaire circulated in March and April 2013 to Member States, requesting inputs for its elaboration from United Nations bodies, programmes and funds and the specialized agencies, regional organizations, and civil society. It stressed that a decade would ensure the effective implementation of the crucial provisions laid out in the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and other relevant international instruments and introduced practical steps, at the national, regional and international levels, to be taken to make the Decade effective.

On 18 December 2013, the General Assembly adopted resolution 68/150 entitled “Combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”.²⁹⁷ The General Assembly expressed deep concern about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organizations and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements. It reaffirmed the relevant provisions of the Durban Declaration²⁹⁸ and of the outcome document of the Durban Review Conference,²⁹⁹ in which States condemned 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.

On the same day, the General Assembly adopted resolution 68/151 entitled “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”.³⁰⁰ The General Assembly reaffirmed, *inter alia*, the paramount importance of universal adherence to and full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,³⁰¹ adopted by the General Assembly on 21 December 1965, to address the scourges of racism and racial discrimination. It also expressed grave concern that the universal ratification of the Convention had not yet been reached and called upon those States that had not done so to accede to the Convention.

²⁹⁶ A/67/879.

²⁹⁷ The resolution was adopted on the recommendation of the Third Committee, by a recorded vote of 135 in favour to 4 against, with 51 abstentions.

²⁹⁸ A/CONF.189/12 and Corr.1, chap. I.

²⁹⁹ A/CONF.211/8, chap. I.

³⁰⁰ The resolution was adopted on the recommendation of the Third Committee, by a recorded vote of 169 in favour to 1 against, with 14 abstentions.

³⁰¹ United Nations, *Treaty Series*, vol. 660, p. 195.

(c) Right to development and poverty reduction

(i) *Human Rights Council*³⁰²

The Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona, submitted her report to the Human Rights Council.³⁰³ The report, focusing on the right to participation of people living in poverty, presented the human rights approach to participation and a framework based on human rights for how to include people living in poverty in the design, implementation and evaluation of policies and programmes in a meaningful and effective way, taking into account the obstacles they face.

On 26 September 2013, the Human Rights Council adopted resolution 24/4, entitled “The right to development”,³⁰⁴ in which it, *inter alia*, took note of the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right of development³⁰⁵ and the report of the Working Group on the Right to Development on its fourteenth session.³⁰⁶

(ii) *General Assembly*³⁰⁷

In 2013, there were two reports and two resolutions arising from the work of the General Assembly on the right to development and poverty reduction which are of particular relevance. First, in accordance with Human Rights Council resolution 17/13 of 17 June 2011, the Secretary-General submitted the report of the Special Rapporteur on extreme poverty and human rights to the General Assembly.³⁰⁸ The report identified unpaid care work as a major human rights issue and analyzed the relationship between unpaid care and poverty and inequality and women’s rights. It also stressed that the international human rights framework and the obligations and accountability of States must be an important source of guidance in the recognition, reduction and redistribution of unpaid care work.

In addition, the Secretary-General submitted, along with the United Nations High Commissioner for Human Rights, a consolidated report to the General Assembly entitled “The right to development”,³⁰⁹ summarising the activities undertaken by the Office of the United Nations High Commissioner for Human Rights and United Nations human rights mechanisms with regard to the promotion and realization of the right to development covering the period from July 2012 to May 2013.

³⁰² See also resolution 22/12 of 19 March 2013 entitled “The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation” and the report of the Working Group on the Right to Development on its fourteenth session (Geneva, 13–17 May 2013) (A/HRC/24/37).

³⁰³ A/HRC/23/36.

³⁰⁴ A/HRC/27/5.

³⁰⁵ A/HRC/24/27.

³⁰⁶ A/HRC/24/37.

³⁰⁷ See also resolutions 68/37 entitled “Relationship between disarmament and development” and 68/135 entitled “Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly”.

³⁰⁸ A/68/293.

³⁰⁹ A/HRC/24/27.

The General Assembly also adopted two resolutions of particular relevance on this topic. On 20 December 2013, the General Assembly adopted resolution 68/158 entitled “The right to development”.³¹⁰ The General Assembly, *inter alia*, called for the immediate, full and effective implementation of the recommendations adopted by the Working Group on the right to development at its fourteenth session³¹¹ by the Office of the United Nations High Commissioner for Human Rights and other relevant actors. It further welcomed the launching, in the Working Group on the right to development, of the process for considering, revising and refining the draft right to development criteria and corresponding operational subcriteria,³¹² with the first reading of the draft criteria and operational subcriteria.

On the same day, the General Assembly adopted resolution 68/226 entitled “Eradication of poverty and other development issues: implementation of the Second United Nations Decade for the Eradication of Poverty (2008–2017)”,³¹³ in which it reaffirmed that poverty eradication was the greatest global challenge facing the world and that the objective of the Second United Nations Decade for the Eradication of Poverty was to support the follow-up to the implementation of the internationally agreed development goals, including the Millennium Development Goals. It also called upon Member States and relevant stakeholders to address poverty eradication in the elaboration of the post-2005 development agenda.

(d) Right of peoples to self-determination

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

a. Human Rights Council

On 22 March 2013, the Human Rights Council adopted resolution 22/27 entitled “Right of the Palestinian people to self-determination”.³¹⁴ The Council reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State. It also urged all Member States and relevant bodies of the United Nations System to support and assist the Palestinian people in the early realization of their right to self-determination.

b. General Assembly

On 18 December 2013, the General Assembly adopted two resolutions³¹⁵ concerning the right of peoples to self-determination.

³¹⁰ The resolution was adopted on the recommendation of the Third Committee, by a recorded vote of 158 in favour to 4 against, with 28 abstentions.

³¹¹ A/HRC/24/37.

³¹² A/HRC/15/WG.2/TF/2/Add.2.

³¹³ The resolution was adopted on the recommendation of the Second Committee, without a vote.

³¹⁴ The resolution was adopted by a recorded vote of 46 in favour to 14 against, with 0 abstentions.

³¹⁵ General Assembly resolutions 68/153 and 68/154 of 18 December 2013. The resolutions were adopted upon the recommendation of the Fourth Committee,

In resolution 68/153,³¹⁶ entitled “Universal realization of the right of peoples to self-determination”, the General Assembly declared its firm opposition to acts of foreign military intervention, aggression and occupation, since such acts have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world. It further called upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned. The General Assembly also took note of the report of the Secretary-General on the right of peoples to self-determination.³¹⁷

On the same day, the General Assembly adopted resolution 68/154, entitled “The Right of the Palestinian people to self-determination”.³¹⁸ The General Assembly, *inter alia*, welcomed the resumption of negotiations within the Middle East peace process, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative³¹⁹ and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict. It also reaffirmed the right of the Palestinian people to self-determination, including the right to an independent State of Palestine.

(ii) *Mercenaries*

a. Human Rights Council

On 1 July 2013, 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 a report to the Human Rights Council;³²⁰ the report discussed trends and differences in regulatory approaches in 13 African countries. The Working Group found that, while there are common elements in laws of these countries, the diverse contexts at the national level affect the way in which private military and/or security companies (PMSCs) are regulated, and the regulatory approach of each country significantly varies. It reiterated the need for effective regulation of the activities of PMSCs. The Working Group further reiterated its view that a comprehensive, legally binding international regulatory instrument in this area is the best way to ensure adequate protection of human rights.

The Human Rights Council also adopted a resolution on the topic. On 26 September 2013, the Council adopted resolution 24/13, entitled “The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”.³²¹ The Council, *inter alia*, condemned mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat

³¹⁶ The resolution was adopted without a vote.

³¹⁷ A/68/318.

³¹⁸ The resolution was adopted on the recommendation of the Third Committee, by a record vote of 178 in favour to 7 against, with 4 abstentions.

³¹⁹ A/56/1026-S/2002/932, annex II, resolution 14/221.

³²⁰ A/HRC/24/45.

³²¹ The resolution was adopted by a recorded vote of 31 in favour to 15 against, with 1 abstention.

that they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples. The Council requested all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes. It also decided to renew, for a period of three years, the mandate of the Working Group on the use of mercenaries.

b. General Assembly

On 18 December 2013, the General Assembly adopted resolution 68/152 entitled “Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”.³²² The General Assembly, *inter alia*, took note with appreciation of the latest report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.³²³ 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. The General Assembly 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, if so requested, in accordance with national law and applicable bilateral or international treaties. It further called upon Member States to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials.

(e) Economic, social and cultural rights

Human Rights Council

There were a number of developments relating to economic, social and cultural rights in 2013.

In accordance with Human Rights Council resolution 19/5 of 22 March 2012, in 2013 the Secretary-General submitted a report on the “Question of the realization in all countries of economic, social and cultural rights”.³²⁴ The report addressed, *inter alia*, the normative framework of women’s economic, social and cultural rights, recalling the main achievements of treaty bodies in clarifying the content of those rights. It also concluded that a comprehensive and collaborative approach from treaty bodies and special procedures was likely to yield better results in this area.

In addition, on 21 March 2013, the Human Rights Council adopted resolution 22/5, entitled “Question of the realization in all countries of economic, social and cultural rights”. The Council, *inter alia*, welcomed the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 5 May 2013, and encouraged all States that have not yet signed and ratified the Optional Protocol to consider

³²² The resolution was adopted on the recommendation of the Third Committee, by a record vote of 128 in favour to 55 against, with 8 abstentions.

³²³ See A/68/339.

³²⁴ A/HRC/25/31.

doing so and to consider making declarations under articles 10 and 11. It also underlined that States parties should pay particular attention to the mutual reinforcement of the rights and obligations contained in the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

(i) *Right to food*

a. **Human Rights Council**

Both the Special Rapporteur on the right to food, Mr. Olivier De Schutter, and the Human Rights Council Advisory Committee submitted reports on this subject to the Council.

The report of the Special Rapporteur³²⁵ addressed threats to women's right to food, and examined the obstacles women face in access to employment, social protection and the productive resources needed for food production, food processing and value chain development. It recommended that States effectively respond to women and girls' needs and priorities in their food security strategies. It also concluded that States' obligation to remove all discriminatory provisions in the law, and to combat discrimination that had its source in social and cultural norms, was an immediate obligation that had to be complied with without delay.

The first report of the Advisory Committee, entitled "Final Study of the Human Rights Council Advisory Committee on rural women and the right to food",³²⁶ examined the right to food of rural women by underlining the international legal framework applicable to rural women, analyzing the patterns of discrimination harming them, and proposing strategies and policies for their legal protection. And in the second report, entitled "Final Study of the Advisory Committee on the promotion of human rights of the urban poor: strategies and best practices",³²⁷ the Committee examined the situation of the urban poor and their enjoyment of the right to food, including strategies to improve their protection and best practices. It also concluded that as the global urban population continued to grow at a rapid pace, the need to focus attention on ensuring their full enjoyment of basic human rights must become a priority for the future at the local, national, regional and international levels, with a special focus on female-headed households and temporary or seasonal workers.

By resolution 22/9, entitled "The right to food", the Human Rights Council, *inter alia*, recognized that the commitments made at the World Food Summit in 1996 to halve the number of undernourished people were not being fulfilled, and urged all States and international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding for realizing the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium

³²⁵ A/HRC/22/50.

³²⁶ A/HRC/22/72.

³²⁷ A/HRC/22/61.

Declaration. The Council called upon States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1, and article 11, paragraph 2 thereof, in particular with regard to the right to adequate food. It also decided to extend the mandate of the Special Rapporteur on the right to food for a period of three years.

b. General Assembly

On 20 September 2013, the Secretary General transmitted to the General Assembly an interim report of the Special Rapporteur on the right to food, in accordance with Assembly resolution 67/174. The report outlined the contours of an emerging global right to food movement. The Special Rapporteur encouraged States to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the entry into force of which would further encourage the development of a jurisprudence protecting the right to food. He further encouraged the Food and Agriculture Organization of the United Nations (FAO) Committee on World Food Security to serve as a catalyst to accelerate progress towards the establishment of legal, institutional and policy frameworks that are conducive to the full realization of the right to food for all, and to use the review of the implementation of the Right to Food Guidelines at its forty-first session in 2014 to encourage all Member States to make effective use of the right to food to eradicate hunger and malnutrition.

On 18 December 2013, the General Assembly adopted resolution 68/177 entitled “The right to food”.³²⁸ The General Assembly, *inter alia*, took note with appreciation of the interim report of the Special Rapporteur on the right to food.³²⁹ It reaffirmed the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities. It further reaffirmed that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the FAO in November 2004³³⁰ represent a practical tool to promote the realization of the right to food for all and contribute to the achievement of food security.

(ii) *Right to education*

a. Human Rights Council

The Special Rapporteur on the right to education, Mr. Kishore Singh, submitted his annual report to the Human Rights Council.³³¹ The report focused on the justiciability of the right to education, and examined questions related to enforcement of the right to education and judicial and quasi-judicial mechanisms. The Special Rapporteur underlined the important role that adjudication plays in the effective realization of the right to education. He concluded that international, regional and national jurisprudence had demonstrated

³²⁸ The resolution was adopted without a vote, on the recommendation of the Third Committee.

³²⁹ A/68/288.

³³⁰ E/CN.4/2005/131, annex.

³³¹ A/HRC/23/35.

that the right to education was a legally enforceable right and provided recommendations aimed at making the justiciability and enforcement of the right to education and its enforcement more efficacious.

On 13 June 2013, the Human Rights Council adopted resolution 23/4 entitled “The right to education: follow-up to Human Rights Council resolution 8/4”.³³² The Council, *inter alia*, reaffirmed the human right to education and urged States to give full effect to the right to education by promoting its justiciability.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the right to education,³³³ which focused on recent developments with respect to the post-2015 development agenda using a rights-based approach to education. It also analyzed education goals and provided necessary implementation strategies with a focus on action at the national level.

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

a. Human Rights Council

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Raquel Rolnik, submitted a report to the Human Rights Council³³⁴ in which she elaborated upon the concept of security of tenure as a component of the right to adequate living. In the context of a global tenure insecurity crisis, she discussed existing guidance under international human rights law, raising questions regarding the precise nature of States’ obligations with respect to ensuring security of tenure. After examining the wide range of existing tenure arrangements and the prevalent focus in policy and practice on one form of tenure, namely individual freehold, she further discussed selected operational and policy challenges pertaining to securing tenure. The Special Rapporteur recommended that security of tenure should be clearly articulated and grounded in the international human rights framework and expressed in a variety of tenure forms.

b. General Assembly

The Secretary-General transmitted to the General Assembly the annual report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, in accordance with Human Rights Council resolution 15/8.³³⁵ The report, *inter alia*, analyzed two alternative housing policies, rental and collective housing, which can play a key role in the promotion of the enjoyment of the right of adequate housing for those living in poverty.

³³² The resolution was adopted without a vote.

³³³ A/68/294.

³³⁴ A/HRC/22/46.

³³⁵ A/68/289.

The Special Rapporteur called for a paradigm shift from the financialization of housing to a human rights-based approach, and recommended that States promote various forms of tenure, including private and public rental, as well as collective tenure.

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

a. **Human Rights Council**

The Special Rapporteur on the human right to safe drinking water and sanitation, Ms. Catarina de Albuquerque, submitted a report to the Human Rights Council,³³⁶ which focused on sustainability in the realization of the human rights to water and sanitation. The Special Rapporteur examined how the rights to water and sanitation can and must be met for present and future generations. After highlighting the challenges to sustainability and particularly aggravated risks in times of economic and financial crisis, she explained how the normative content and principles of the human rights to water and sanitation contribute to ensuring sustainability. She considered sustainability to be a fundamental human rights principle essential for realizing the human rights to water and sanitation and provided recommendations in this regard.

On 27 September 2013, the Human Rights Council adopted resolution 24/18 entitled “The human right to safe drinking water and sanitation”.³³⁷ The Council noted the recommendation contained in the report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda³³⁸ commissioned by the Secretary-General, listing water and sanitation among the indicative goals in the post-2015 development agenda, and also took note of the report of the Secretary-General entitled “A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015”, in which the Secretary-General recognized the human right to safe drinking water and sanitation as one of the foundations for a decent life.³³⁹ It decided to extend, for a period of three years, the mandate of the Special Rapporteur on the human right to safe drinking water and sanitation as set out in Human Rights Council resolutions 7/22 and 16/2.

b. **General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the human right to safe drinking water and sanitation,³⁴⁰ which focused on the issue of managing wastewater and curbing water pollution. The Special Rapporteur stressed the value of integrating human rights into wastewater management and water pollution control in order to address challenges in the legislative, regulatory and institutional frameworks. She also considered it mandatory to integrate human rights holistically into the post-2015 development agenda.

³³⁶ A/HRC/24/44.

³³⁷ The resolution was adopted without a vote.

³³⁸ “A new global partnership: eradicate poverty and transform economies through sustainable development”.

³³⁹ A/68/202, para. 11.

³⁴⁰ A/68/264.

On 18 December 2013, the General Assembly adopted resolution 68/157 entitled “The human right to safe drinking water and sanitation”.³⁴¹ The General Assembly, *inter alia*, reaffirmed the recognition of the right to safe drinking water and sanitation as a human right that was essential for the full enjoyment of life and all human rights. It further reaffirmed that States have the primary responsibility to ensure the full realization of all human rights and called upon States to give due consideration to the human right to safe drinking water and sanitation, and the principles of equality and non-discrimination, in the elaboration of the post-2015 development agenda.

(v) *Right to health*

a. **Human Rights Council**

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover, submitted two reports to the Human Rights Council at its twenty-third session.

In his first report, the Special Rapporteur considered issues concerning the right to health of migrant workers.³⁴² The report focused on low-skilled migrant workers as well as irregular migrant workers, and outlined the responsibility of States as well as of non-State actors to respect, protect and fulfil the right to health of migrant workers. The Special Rapporteur also explored a number of substantive issues in this regard, including the sending State’s responsibility to provide access to information to migrant workers and to regulate recruitment agencies, right to health concerns regarding immigration policies; the mental health of migrant workers, as well as the issue of women migrant workers and their right to sexual and reproductive health. The report provided a set of recommendations aimed at ensuring that the enjoyment of the right to health of all migrant workers was respected, protected and fulfilled.

In his second report,³⁴³ the Special Rapporteur identified and analyzed challenges and good practices with respect to access to medicines in the context of the right-to-health framework. The report employed the key elements of availability, accessibility, acceptability and quality in examining national and international determinants of access to medicines. The Special Rapporteur concluded with specific recommendations for promoting access to medicines in accordance with the framework of the right to health.

On 13 June 2013, the Human Rights Council adopted resolution 23/14 entitled “Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.³⁴⁴ The Council, *inter alia*, recognized that access to medicines was one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. It also stressed the responsibility of States to ensure the highest attainable level of health for all, including through access, without discrimina-

³⁴¹ The resolution was adopted without a vote.

³⁴² A/HRC/23/41.

³⁴³ A/HRC/23/42.

³⁴⁴ The resolution was adopted by a recorded vote of 31 in favour to none against, with 16 abstentions.

tion, to medicines, in particular essential medicines, that are affordable, safe, efficacious and of quality.

On 26 September 2013, the Human Rights Council also adopted resolution 24/6 entitled “The right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.³⁴⁵ It decided to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health for a further period of three years.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which focused on the right-to-health obligations of States and non-State actors with respect to persons affected by and/or involved in conflict situations.³⁴⁶ The Special Rapporteur addressed the availability, accessibility and acceptability of health facilities, goods and services during and after conflict. The report emphasized the importance of effective participation of affected communities and putting forward a set of recommendations on concrete and continuous steps towards the full realization of the right to health of persons affected by conflict situations.

(vi) *Cultural rights*

a. Human Rights Council

The Special Rapporteur in the field of cultural rights, Ms. Farida Shaheed, submitted a report to the Human Rights Council entitled “The right to freedom of artistic expression and creativity”, in which she addressed laws and regulations restricting artistic freedoms, as well as economic and financial issues significantly impacting on such freedoms.³⁴⁷ The Special Rapporteur reflected upon the growing worldwide concern that artistic voices have been or are being silenced by various means and in different ways. She called upon States to critically review their legislation and practices imposing restrictions on the right to freedom of artistic expression and creativity, taking into consideration relevant international human rights law provisions and in cooperation with representatives of independent associations of artists and human rights organizations.

On 13 June 2013, the Human Rights Council adopted resolution 23/10 entitled “Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity”.³⁴⁸ The Council reaffirmed, *inter alia*, that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent. It further reaffirmed that States have the responsibility to promote and protect cultural rights and that these rights should be guaranteed for all, without discrimination. The Council

³⁴⁵ The resolution was adopted without a vote.

³⁴⁶ A/68/297.

³⁴⁷ A/HRC/23/34. The mandate of the Special Rapporteur was established by resolution 19/6 of the Human Rights Council entitled “Mandate of the Special Rapporteur in the field of cultural rights”.

³⁴⁸ The resolution was adopted without a vote.

emphasized that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other.

b. General Assembly

The Special Rapporteur in the field of cultural rights submitted a report to the General Assembly,³⁴⁹ which focused on the issue of the writing and teaching of history, with a particular focus on history textbooks. The report identified the circumstances under which the official historical narrative promoted by the State in school becomes problematic from the perspective of human rights and peace. The Special Rapporteur concluded that the right of children to develop their own historical perspective throughout their education was to be considered an integral part of the right to education and proposed a set of recommendations to ensure a multi-perspective approach to teaching history. She recommended, *inter alia*, that States fully implement international provisions regarding international cooperation in the area of culture and education, in particular article 28 (3) of the Convention on the Rights of the Child and article 15 (4) of the International Covenant on Economic, Social and Cultural Rights.

(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. Juan E. Méndez, submitted a report to the Human Rights Council.³⁵⁰ The report, *inter alia*, focused on certain forms of abuses in health-care settings that may cross a threshold of mistreatment that is tantamount to torture or cruel, inhuman or degrading treatment or punishment. More particularly, it identified the policies that promote these practices and existing protection gaps.

On 22 March 2013, the Human Rights Council adopted resolution 22/21 entitled “Torture and other cruel, inhuman or degrading treatment or punishment: rehabilitation of torture victims”.³⁵¹ It recalled, *inter alia*, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)³⁵² as a valuable tool in efforts to prevent and combat torture, and the updated set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity.³⁵³ The Council called upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. It further urged all States that have not yet become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

³⁴⁹ A/68/296.

³⁵⁰ A/HRC/22/53.

³⁵¹ The resolution was adopted without a vote.

³⁵² A/HRC/RES/22/21.

³⁵³ E/CN.4/2005/102/Add.1.

or Punishment³⁵⁴ to do so, and to give early consideration to signing and ratifying the Optional Protocol thereto³⁵⁵ as a matter of priority.

b. General Assembly

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Mendez, presented his interim report to the General Assembly, which focused on targeted areas of the review of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners³⁵⁶. In this report, the Special Rapporteur pointed out that the Standard Minimum Rules are considered to be among the most important soft-law instruments for the interpretation of various aspects of the rights of prisoners. He also indicated that the ongoing review process is an opportunity to enhance understanding of the scope and nature of the prohibition against torture and other ill-treatment, the contexts and consequences in which they occur and effective measures to prevent them. The Special Rapporteur called upon all States to spare no effort to ensure the full and effective implementation of all fundamental principles that are contained in international treaties, regional and international jurisprudence and instruments, and informed by up-to-date guidelines and standards such as the Standard Minimum Rules.

On 18 December 2013, the General Assembly adopted resolution 68/156 entitled “Torture and other cruel, inhuman or degrading treatment or punishment”.³⁵⁷ The General Assembly, *inter alia*, called upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³⁵⁸ to fulfil their obligation to designate or establish national preventive mechanisms that are truly independent, properly resourced and effective. It further called upon States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³⁵⁹ to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encouraged other States to do likewise, bearing in mind the need to fight impunity. The General Assembly urged all States that have not yet done so to become parties to the Convention and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority.

(ii) *Arbitrary detention and extrajudicial, summary and arbitrary execution*

a. Human Rights Council

On 26 September 2013, the Human Rights Council adopted resolution 24/7 entitled “Arbitrary detention”.³⁶⁰ The Human Rights Council, *inter alia*, encouraged all States to take appropriate measures to ensure that their legislation, regulations and practices remained

³⁵⁴ United Nations, *Treaty Series*, vol. 1465, p. 85.

³⁵⁵ *Ibid.*, vol. 2375, p. 237.

³⁵⁶ A/67/279.

³⁵⁷ The resolution was adopted on the recommendation of the Third Committee, without a vote.

³⁵⁸ United Nations, *Treaty Series*, vol. 2375, p. 237.

³⁵⁹ *Ibid.*, vol. 1465, p. 85.

³⁶⁰ The resolution was adopted without a vote.

in conformity with relevant international standards and the applicable international legal instruments. It also decided to extend the mandate of the Working Group on Arbitrary Detention for a further period of three years, in accordance with resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997 of the Commission on Human Rights and resolution 6/4 of 28 September 2007 of the Human Rights Council.

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Christof Heyns, submitted his report to the Human Rights Council,³⁶¹ in which he, *inter alia*, focused on lethal autonomous robotics (LARs) and the protection of life. In this connection, he, *inter alia*, considered that LARs are weapon systems that, once activated, can select and engage targets without further human intervention. He underlined that they raise far-reaching concerns about the protection of life during war and peace and that this includes the question of the extent to which they can be programmed to comply with the requirements of international humanitarian law and the standards protecting life under international human rights law. He also emphasized that their deployment may be unacceptable because no adequate system of legal accountability can be devised, and because robots should not have the power of life and death over human beings. The Special Rapporteur thus recommended that States establish national moratoria on aspects of LARs, and called for the establishment of a high-level panel on LARs to articulate a policy for the international community on the issue.

b. General Assembly

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Christof Heyns, submitted his report to the General Assembly,³⁶² in which he considered the use of lethal force through armed drones from the perspective of the protection of the right to life. The Special Rapporteur also examined the ways in which the constitutive regimes of international law, including international human rights law, international humanitarian law and the law on the inter-state use of force, regulate the use of armed drones. Lastly, he recommended that States using armed drones must recognize the extra-territorial applicability of human rights treaties, in addition to the global applicability of the right to life on the basis of customary law and the general principles of international law, including during armed conflict. He further recommended that States on whose territory armed drones are used must continue to honour their own human rights obligation and recognize that they cannot consent to the violation of human rights or international humanitarian law by foreign States.

(iii) *Enforced disappearances and missing persons*

a. Human Rights Council

The Working Group on Enforced or Involuntary Disappearances³⁶³ has adopted the practice of producing post-sessional documents to allow the translation of reporting on its

³⁶¹ A/HRC/23/47.

³⁶² A/68/382.

³⁶³ The Working Group was established by the Commission on Human Rights by way of resolution 20 (XXXVI) of 29 February 1980 entitled "Question of missing and disappeared persons", para. 1.

activities, including all relevant country-specific information on enforced disappearances around the world since its ninety-eighth session. In 2013, the Working Group submitted two post-session documents³⁶⁴ to the Human Rights Council, reflecting communications and cases examined by the Working Group during its ninety-ninth session, which was held from 11 to 15 March, and its hundredth session, held from 15 to 19 July.

b. General Assembly

On 18 December 2013, the General Assembly adopted resolution 68/166 entitled “International Convention for the Protection of All Persons from Enforced Disappearance”³⁶⁵, by which it, *inter alia*, welcomed the report of the Secretary-General on this item³⁶⁶ and took note with interest of all the general comments of the Working Group on Enforced or Involuntary Disappearances³⁶⁷, including the most recent ones on children³⁶⁸ and women³⁶⁹ affected by enforced disappearance. It recognized the importance of the International Convention for the Protection of All Persons from Enforced Disappearance³⁷⁰, the ratification and the implementation of which it encouraged. It also recognized the importance of the Declaration on the Protection of All Persons from Enforced Disappearance³⁷¹ as a body of principles for all States designed to punish enforced disappearance, to prevent their commission, and to help victims of such acts and their families to seek fair, prompt and adequate reparation.

(iv) *Integration of human rights of women and a gender perspective*³⁷²

a. Human Rights Council

The Working Group on the issue of discrimination against women in law and in practice³⁷³ submitted a report to the Human Rights Council,³⁷⁴ which identified issues that were deemed critical to address in eliminating the structural and social underpinnings of gender discrimination in political and public life, and presented a framework to eliminate discrimination in law, with some examples of best practices. The recommendations of the

³⁶⁴ See A/HRC/WGEID/99/1 and A/HRC/WGEID/100/1.

³⁶⁵ The resolution was adopted on the recommendation of the Third Committee, without a vote.

³⁶⁶ A/68/210.

³⁶⁷ The Working Group was established by the Commission on Human Rights by way of resolution 20 (XXXVI) of 29 February 1980 entitled “Question of missing and disappeared persons”, para. 1.

³⁶⁸ A/HRC/WGEID/98/1 and Corr.1.

³⁶⁹ A/HRC/WGEID/98/2.

³⁷⁰ The Convention was adopted by General Assembly resolution 61/177 of 20 December 2006. For the text, see United Nations, *Treaty Series*, vol. 2716, p. 3.

³⁷¹ General Assembly resolution 47/133.

³⁷² For more information on developments regarding the rights of women, see section 6 of this chapter.

³⁷³ The Working Group was established by way of Human Rights Council resolution 15/23 of 1 October 2010 entitled “Elimination of discrimination against women”, para. 18. The resolution was adopted without a vote.

³⁷⁴ A/HRC/23/50.

Working Group outlined a road map for next-generation efforts to achieve substantive gender equality in political and public life.

Also in 2013, the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, submitted a report to the Human Rights Council,³⁷⁵ in which she focused on the topic of State responsibility for eliminating violence against women. The Special Rapporteur stressed that the due diligence standard serves as a tool for rights holders to hold States accountable, by providing an assessment framework for ascertaining what constitutes effective fulfilment of a State's obligations, and for analysing its actions or omissions. She concluded that systemic due diligence refers to the obligations States must take to ensure a holistic and sustained model of prevention, protection, punishment and reparations for acts of violence against women.

The Human Rights Council adopted resolution 23/25 entitled "Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence".³⁷⁶ The Council, *inter alia*, urged States to ensure that national laws and policies are in compliance with their international human rights obligations and are non-discriminatory by, *inter alia*, permitting prosecution of marital rape and repealing provisions that require corroboration of testimony, enable perpetrators of rape to escape prosecution and punishment by marrying their victim, and subject victims of sexual violence to prosecution for moral crimes or defamation.³⁷⁷

b. General Assembly

The Secretary-General transmitted the report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, entitled "Pathways to, conditions and consequences of incarceration for women" to the General Assembly.³⁷⁸ The report examined the causes, conditions and consequences of women's incarceration and illustrated that there was a strong link between violence against women and women's incarceration, whether prior to, during or after incarceration. The Special Rapporteur also concluded that the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders³⁷⁹ (the Bangkok Rules), which established for the first time standards that relate specifically to women prisoners, offenders and accused persons, recognized that the international law principle of non-discrimination requires States to address the particular challenges that women confront in the criminal justice and penitentiary systems.

On 18 December 2013, the General Assembly adopted resolution 68/191, entitled "Taking action against gender-related killing of women and girls".³⁸⁰ The General Assembly,

³⁷⁵ A/HRC/23/49.

³⁷⁶ The resolution was adopted without a vote.

³⁷⁷ The Human Rights Council also decided to extend the mandate of the Special Rapporteur on violence against women, its cause and consequence, as set out by the Human Rights Council in its resolution 16/7, for a period of three years.

³⁷⁸ A/68/340.

³⁷⁹ General Assembly resolution 65/229 of 21 December 2010, annex. The resolution was adopted without a vote.

³⁸⁰ The resolution was adopted on the recommendation of the Third Committee, without a vote.

inter alia, urged Member States to consider undertaking institutional initiatives, as appropriate, to improve the prevention of gender-related killing of women and girls and the provision of legal protection, including appropriate remedies, reparation and compensation, to the victims of such crimes, in accordance with applicable national and international law and taking into account, as appropriate, the Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power.³⁸¹

(v) *Trafficking*

a. Human Rights Council

The Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, submitted her annual report to the Human Rights Council,³⁸² in which she provided an overview of the activities undertaken and a thematic analysis of a human rights-based approach to discourage the demand that fosters all forms of exploitation of persons, especially women and children. The Special Rapporteur examined the role of such demand in fostering exploitation and trafficking in persons, and provided an overview of various international and regional legal and policy frameworks and initiatives, as well as different approaches and measures undertaken by States and other stakeholders. She also drew attention to some of the challenges that had arisen in integrating a human rights-based approach, and provided a set of recommendations for addressing them.

On 13 June 2013, the Human Rights Council adopted resolution 23/5 entitled “Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses”.³⁸³ The Council, *inter alia*, reiterated that all States have the obligation, under international law, to exercise due diligence to prevent and combat trafficking in persons under international law. It called upon States that have not yet done so to consider signing and ratifying, and for States parties to implement, relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime³⁸⁴ and the Protocols thereto³⁸⁵, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children³⁸⁶. It further urged States to consider signing and ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.³⁸⁷

b. General Assembly

The Secretary-General transmitted the report of the Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, to the

³⁸¹ Resolution 40/34, annex.

³⁸² A/HRC/23/48.

³⁸³ The resolution was adopted without a vote.

³⁸⁴ United Nations, *Treaty Series*, vol. 2225, p. 209.

³⁸⁵ *Ibid.*, vol. 2237, p. 319; and vol. 2241, p. 507.

³⁸⁶ *Ibid.*, vol. 2237, p. 319.

³⁸⁷ PRNo.15A, adopted during the 100th session of the International Labour Organization on 16 June 2011 in Geneva.

General Assembly.³⁸⁸ The report included a thematic analysis of the issue of trafficking in persons for the removal of organs, in which the Special Rapporteur examined exploitation of persons who are compelled by need or force to provide organs for transplantation to people within their own countries or to foreigners. She concluded that trafficking in persons for the removal of organs is, first and foremost, a violation of human rights and all States have an international legal obligation, arising through the application of trafficking in persons laws and through international human rights law, to prevent it, to prosecute offenders and to protect and assist victims. She further recommended that the international human rights system, including the treaty bodies, should be encouraged to take up the issue of trafficking in persons for the removal of organs where warranted.

On 18 December 2013, the General Assembly adopted resolution 68/192, entitled “Improving the coordination of efforts against trafficking in persons”.³⁸⁹ The General Assembly, *inter alia*, took note of the report of the Secretary-General on this item.³⁹⁰ It urged Member States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime³⁹¹, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children³⁹², taking into consideration the central role of those instruments in the fight against trafficking in persons. The General Assembly also urged States parties to those instruments to implement them fully and effectively.

(vi) *Freedom of religion, belief and expression*

a. Human Rights Council

The Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, submitted a report to the Human Rights Council which gave an overview of the mandate activities since the submission of his previous report³⁹³ and focused on the need to respect and protect freedom of religion or belief of persons belonging to religious minorities.³⁹⁴ He emphasized that the rights of persons belonging to religious minorities should be consistently interpreted and implemented from a human rights perspective. The Special Rapporteur further pointed out that, in keeping with the principle of normative universalism, the rights of persons belonging to religious minorities cannot be confined to the members of certain predefined groups. Instead, they should be open to all persons who live *de facto* in the situation of a minority and are in need of special protection to facilitate a free and non-discriminatory development of their individual and communitarian identities. The Special Rapporteur further described patterns of typical violations of freedom of religion or belief of persons belonging to religious minorities perpetrated by States and/or non-State actors which showed various problems that required concerted action. The report

³⁸⁸ A/68/256.

³⁸⁹ The resolution was adopted on the recommendation of the Third Committee, without a vote.

³⁹⁰ A/68/127.

³⁹¹ United Nations, *Treaty Series*, vol. 2225, p. 209.

³⁹² *Ibid.*, vol. 2237, p. 319.

³⁹³ A/HRC/19/60.

³⁹⁴ A/HRC/22/51.

concluded with a set of recommendations concerning general policies, domestic legal provisions, administration and procedures, education, media, interreligious communication and awareness-raising in protecting and promoting the freedom of religion or belief of persons belonging to religious minorities.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, submitted a report to the Human Rights Council which analyzed the implications of States' surveillance of communications on the exercise of the human rights to privacy and to freedom of opinion and expression.³⁹⁵ While considering the impact of significant technological advances in communications, the report underlined the urgent need to further study new modalities of surveillance and to revise national laws regulating these practices in line with human rights standards. The Special Rapporteur also concluded that, in order to meet their human rights obligations, States must ensure that the rights to freedom of expression and privacy are at the heart of their communications surveillance framework.

On 22 March 2013, the Human Rights Council adopted resolution 22/20 entitled "Freedom of religion or belief".³⁹⁶ The Human Rights Council, *inter alia*, emphasized that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stressed further the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief. The Human Rights Council further emphasized that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so might constitute a human rights violation.³⁹⁷

b. General Assembly

The Secretary-General transmitted two reports on this topic to the General Assembly: first, the interim report of the Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, entitled "Elimination of all forms of religious intolerance".³⁹⁸ In his report, the Special Rapporteur focused on the relationship between freedom of religion or belief and equality between men and women. While the impression that those two rights allegedly constitute two essentially contradictory human rights norms seemed to be widely shared, the Special Rapporteur emphasized the significance of upholding a holistic perspective in conformity with the formula coined at the World Conference on Human Rights that "[a]ll human rights are universal, indivisible and interdependent and interrelated" and he formulated a number of practical recommendations addressed to States and other stakeholders.

Secondly, the Secretary-General transmitted the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,

³⁹⁵ A/HRC/23/40.

³⁹⁶ The resolution was adopted without a vote.

³⁹⁷ The Council also decided to extend the mandate of the Special Rapporteur for a further period of three years and invited the Special Rapporteur to discharge his mandate in accordance with paragraph 18 of Human Rights Council resolution 6/37.

³⁹⁸ A/68/290.

Mr. Frank La Rue, in which he explored the right to access information.³⁹⁹ While emphasizing its interrelationships with the right to truth and the permissible limitations to access to information, he looked into principles that could guide the design and implementation of laws on access to information and examined common obstacles noted in existing practice. The Special Rapporteur concluded that the right to access information on human rights violations, as enshrined by the right to freedom of expression, should be considered to be part of the right to truth in all circumstances. He also made recommendations for the better translation of international human rights standards into national law and practices that promote access to information.

In 2013, the General Assembly adopted two resolutions relating to the freedom of religion or belief.⁴⁰⁰ In resolution 68/169 entitled “Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief”, the General Assembly, *inter alia*, took note of the report of the Secretary-General on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.⁴⁰¹ It also urged States to take effective measures, as set forth in the resolution and consistent with their obligations under international human rights law, to address and combat incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief.

In resolution 68/170, entitled “Freedom of religion or belief”, the General Assembly, *inter alia*, stressed that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have, or not to have, or to adopt a religion or belief of one’s own choice, and the freedom, either alone or in community with others and in public or private, to manifest one’s religion or belief in teaching, practice, worship and observance, including the right to change one’s religion or belief. The General Assembly also emphasized that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stressed further the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief.

(g) Rights of the Child

(i) Human Rights Council

Developments in the work of the Human Rights Council in this area related to, *inter alia*, child mortality and health, forced marriages, and the rights of children of parents sentenced to the death penalty.

The Special Representative of the Secretary-General on Violence against Children, Ms. Marta Santos Pais, submitted her annual report to the Human Rights Council. The report highlighted crucial results achieved and progress promoted in the protection of

³⁹⁹ A/68/362.

⁴⁰⁰ The resolutions were both adopted on the recommendation of the Third Committee, without a vote.

⁴⁰¹ A/68/546.

children from violence, identifying efforts required to sustain and scale up achievements made, and informing a strategic future agenda.

The Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Leila Zerrougui, submitted her annual report to the Human Rights Council.⁴⁰² The report covered the period from May 2012 to December 2013 and outlined the activities undertaken in discharging her mandate, including information on her field visits and the progress achieved with regard to developing and implementing action plans. The Special Representative also set out a series of recommendations addressed to States parties to the Convention on the Rights of the Child, 1998,⁴⁰³ to States under the review of the Human Rights Council universal periodic review mechanism, to the Human Rights Council and to Member States to further the protection of children's rights.

On the issue of child mortality, pursuant to Human Rights Council resolution 22/32 of 22 March 2013,⁴⁰⁴ the Secretary-General transmitted the study of the World Health Organization entitled "Study by the World Health Organization on mortality among children under five years of age as a human rights concern" to the Human Rights Council on 9 September 2013.⁴⁰⁵ The study, *inter alia*, identified the human rights dimensions of under-five mortality within the existing international legal framework, and recommended ways in which the Human Rights Council can support the articulation and adoption of a human-rights-based approach to eliminating preventable under-five mortality. In resolution 24/11 of 26 September 2013 entitled "Preventable mortality and morbidity of children under five years of age as a human rights concern",⁴⁰⁶ the Human Rights Council welcomed the WHO report's discussion of under-five mortality as a human rights concern, and recognized that a human-rights-based approach to reduce and eliminate preventable child mortality and morbidity is underpinned by the principles of, *inter alia*, equality and non-discrimination, participation, the best interests of the child, international cooperation and accountability.

The Human Rights Council also addressed child health in resolution 22/32 of 22 March 2013 entitled "Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health".⁴⁰⁷ The Human Rights Council, *inter alia*, acknowledged that the Convention on the Rights of the Child⁴⁰⁸ is the most universally ratified human rights treaty, and urged States that have not yet done so to become parties to the Convention and the first two Optional Protocols thereto⁴⁰⁹, and to consider signing and ratifying the third Optional Protocol thereto⁴¹⁰, and further urged States parties to

⁴⁰² A/HRC/25/46.

⁴⁰³ United Nations, *Treaty Series*, vol. 1577, p. 3.

⁴⁰⁴ Entitled "Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health".

⁴⁰⁵ A/HRC/24/60.

⁴⁰⁶ The resolution was adopted without a vote.

⁴⁰⁷ The resolution was adopted without a vote.

⁴⁰⁸ United Nations, *Treaty Series*, vol. 1577, p. 3.

⁴⁰⁹ *Ibid.*, vol. 2173, p. 222; and vol. 2171, p. 227.

⁴¹⁰ For the text of the Optional Protocol, see General Assembly resolution 66/138 of 19 December 2011 entitled "Optional Protocol to the Convention on the Rights of the Child on a communications procedure", annex. The resolution was adopted without a vote.

withdraw reservations incompatible with the object and purpose of the Convention and the Optional Protocols thereto. It also called upon all States and other parties to armed conflict to fully respect international humanitarian law, and condemned all violations of applicable international law committed against children in armed conflict. It further called on parties to armed conflict to respect the prohibition under international humanitarian law of attacks on schools and hospitals and to facilitate humanitarian access to children in conflict-affected areas.

On the issue of early and forced marriage, in resolution 24/23 of 27 September 2013 entitled “Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps”,⁴¹¹ the Human Rights Council recalled States’ human rights obligations and commitments to prevent and eliminate the practice of child, early and forced marriage, which disproportionately affects women and girls.

Finally, the Human Rights Council adopted resolution 22/11 of 10 April 2013 entitled “Panel on the human rights of children of parents sentenced to the death penalty or executed”.⁴¹² In this resolution, the Human Rights Council expressed deep concern at the negative impact of the imposition and carrying out of the death penalty on the human rights of children of parents sentenced to the death penalty or executed. In this regard, the Council called upon States to provide those children or, where appropriate, giving due consideration to the best interests of the child, another member of the family, with access to their parents and to all relevant information about the situation of their parents.

(ii) *General Assembly*

The Special Representative of the Secretary-General on Violence against Children, Ms. Marta Santos Pais, submitted her annual report to the General Assembly,⁴¹³ which provided information on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the violence against children agenda.

The Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Leila Zerrougui, also submitted her annual report to the General Assembly,⁴¹⁴ which provided an overview of progress on the children and armed conflict agenda, followed by an account of new developments. The Special Representative urged Member States that have not done so to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict⁴¹⁵ and to enact effective national legislation and policies to criminalize the recruitment and use of children by armed forces.

In 2013, the General Assembly adopted four resolutions relating to the rights of the child.⁴¹⁶ Two of those resolutions are particularly relevant here.

⁴¹¹ The resolution was adopted without a vote.

⁴¹² The resolution was adopted without a vote.

⁴¹³ A/68/274.

⁴¹⁴ A/68/267.

⁴¹⁵ United Nations, *Treaty Series*, vol. 2173, p. 222.

⁴¹⁶ General Assembly resolutions 68/145 entitled “Strengthening collaboration on child protection within the United Nations system”; 68/146 entitled “The girl child”; 68/147 entitled “Rights of the

In resolution 68/146,⁴¹⁷ entitled “The girl child”, the General Assembly urged, *inter alia*, the need for the full and urgent implementation of the rights of the girl child as provided to her under human rights instruments and urged States to consider signing and ratifying or acceding to the Convention on the Rights of the Child,⁴¹⁸ the Convention on the Elimination of All Forms of Discrimination against Women,⁴¹⁹ the Convention on the Rights of Persons with Disabilities⁴²⁰ and the Optional Protocols thereto⁴²¹ as a matter of priority. The General Assembly also urged all States that have not yet ratified or acceded to the Minimum Age Convention, 1973 (No. 138),⁴²² and the Worst Forms of Child Labour Convention, 1999 (No. 182)⁴²³ of the International Labour Organization to consider doing so. It further urged Member States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to fully and effectively implement the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons.⁴²⁴

In resolution 68/147, entitled “Rights of the child”, the General 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.⁴²⁵ It urged States that have not yet done so to become parties to the Convention on the Rights of the Child,⁴²⁶ the Optional Protocol thereto on the sale of children, child prostitution and child pornography⁴²⁷ and the Optional Protocol thereto on the involvement of children in armed conflict,⁴²⁸ and to fully implement them by, *inter alia*, putting in place effective national legislation, policies and action plans, and strengthening relevant governmental structures for children. It also recalled, in accordance with international humanitarian law, that indiscriminate attacks against civilians, including children, are prohibited and that children shall not be the object of attack.

child”; and 68/189 entitled “Model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice”. These resolutions were adopted without a vote.

⁴¹⁷ The resolution was adopted without a vote.

⁴¹⁸ United Nations, *Treaty Series*, vol. 1577, p. 3.

⁴¹⁹ *Ibid.*, vol. 1249, p. 13.

⁴²⁰ *Ibid.*, vol. 2515, p. 3.

⁴²¹ *Ibid.*, vol. 2518, p. 283.

⁴²² *Ibid.*, vol. 1015, p. 297.

⁴²³ *Ibid.*, vol. 2133, No. 37245.

⁴²⁴ General Assembly resolution 64/293 of 30 July 2010, annex. The resolution was adopted without a vote.

⁴²⁵ The resolution was adopted without a vote.

⁴²⁶ United Nations, *Treaty Series*, vol. 1577, p. 3.

⁴²⁷ *Ibid.*, vol. 2171, p. 227.

⁴²⁸ *Ibid.*, vol. 2173, p. 222.

(iii) *Security Council*

On 17 June 2013, the President of the Security Council made a statement in connection with the Security Council's consideration of the item entitled "Children and armed conflict".⁴²⁹ The Security Council reiterated, *inter alia*, its commitment to address the widespread impact of armed conflict on children. It reiterated its strong condemnation of all violations of applicable international law involving the recruitment and use of children by parties to armed conflict. The Security Council condemned all other violations of international law, including international humanitarian law, human rights law and refugee law, committed against children in situations of armed conflict. It also stressed that ending impunity and holding perpetrators accountable is a crucial element in halting and preventing violations and abuses committed against children and recalled the primary responsibility of States in that regard.

(h) **Migrants**(i) *Human Rights Council*

The Special Rapporteur on the human rights of migrants, Mr. François Crépeau, submitted his report to the Human Rights Council.⁴³⁰ The thematic part of the report focused on the management of the external borders of the European Union and its impact on the human rights of migrants. By analyzing the European Union's approach to the management of its external borders, such as securitization of migration and border control, the Special Rapporteur pointed out that migration policies based on deterrence are fundamentally at odds with human rights obligations and called for an approach which would be in accordance with legal obligations under international human rights law.

On 14 June 2013, the Human Rights Council adopted resolution 23/20 entitled "Human rights of migrants".⁴³¹ The Human Rights Council, *inter alia*, reaffirmed that States have the duty to comply with their obligations under international law, including human rights law, while exercising their sovereign right to enact and implement migration and border security measures. The Human Rights Council called upon States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families⁴³² as a matter of priority.

(ii) *General Assembly*

The Secretary-General transmitted the annual report of the Special Rapporteur on human rights of migrants, Mr. François Crépeau, to the General Assembly.⁴³³ The thematic section of the report was dedicated to global migration governance and explored the need for a strengthened institutional framework based on human rights. He further

⁴²⁹ S/PRST/2013/8.

⁴³⁰ A/HRC/23/46.

⁴³¹ The resolution was adopted without a vote.

⁴³² United Nations, *Treaty Series*, vol. 2220, p. 3.

⁴³³ A/68/283.

recommended that States should consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁴³⁴ as well as other relevant treaties.

On 18 December 2013, the General Assembly adopted resolution 68/179 entitled “Protection of migrants”.⁴³⁵ The General Assembly, *inter alia*, reaffirmed the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status. The General Assembly further reaffirmed emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,⁴³⁶ in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention.

(i) Internally displaced persons

(i) *Human Rights Council*

The Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani, submitted a report to the Human Rights Council which provided a thematic analysis of the particular situation of internally displaced women.⁴³⁷ In this regard, he, *inter alia*, underscored the importance of finding practical solutions to key issues and made recommendations in line with the Guiding Principles on Internal Displacement and other relevant standards.

On 13 June 2013, the Human Rights Council adopted resolution 23/8 entitled “Mandate of the Special Rapporteur on the human rights of internally displaced persons”. The Human Rights Council, *inter alia*, called upon States to provide, as set forth in the Guiding Principles on Internal Displacement⁴³⁸, national laws and policies that comprehensively protect the human rights of internally displaced persons, and adequately address the specific needs of internally displaced women and girls. It decided to extend the mandate of the Special Rapporteur on the human rights of internally displaced persons for a period of three years. The Human Rights Council also welcomed the adoption, entry into force and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa⁴³⁹ (the “Kampala

⁴³⁴ United Nations, *Treaty Series*, vol. 2220, p. 3.

⁴³⁵ The resolution was adopted on the recommendation of the Third Committee, without a vote.

⁴³⁶ United Nations, *Treaty Series*, vol. 596, p. 261.

⁴³⁷ A/HRC/23/44.

⁴³⁸ The text of the Guiding Principles can be found in General Assembly resolution 46/182 of 19 December 1991 entitled “Strengthening of the coordination of humanitarian emergency assistance of the United Nations”, annex. The resolution was adopted without a vote.

⁴³⁹ Also known as the “Kampala Convention”, the Convention was adopted by the Special Summit of the African Union held in Kampala, Uganda, on 23 October 2009. For more information about the Convention, see <https://www.au.int/web/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>.

Convention”) and encouraged other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons.

(ii) *General Assembly*

The Secretary-General transmitted the annual report of the Special Rapporteur on the human rights of internally displaced persons to the General Assembly.⁴⁴⁰ The Special Rapporteur outlined the major activities undertaken during the period from August 2012 to July 2013, and addressed the role of humanitarian and development actors in achieving durable solutions for internally displaced persons through peacebuilding in the aftermath of conflict. He concluded that States bear the primary responsibility for finding durable solutions for internally displaced persons and made recommendations based on the Guiding Principles on Internal Displacement as well as relevant aspects of the Kampala Convention, the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons⁴⁴¹ and the Secretary-General’s Framework.

The General Assembly adopted resolution 68/180 entitled “Protection of and assistance to internally displaced persons”. The General Assembly, *inter alia*, recognized that Member States have the primary responsibility to promote durable solutions for their internally displaced persons, and encouraged the international community to meet the needs of internally displaced persons on the basis of solidarity, the principles of international cooperation and the Guiding Principles on International Displacement.⁴⁴² It further recognized those Guiding Principles as an important international framework for the protection of internally displaced persons and encouraged all relevant actors to make use of them when dealing with situations of internal displacement.

(j) *Minorities*

(i) *Human Rights Council*

On 21 March 2013, the Human Rights Council adopted resolution 22/4, entitled “Rights of persons belonging to national or ethnic, religious and linguistic minorities”. The Human Rights Council, *inter alia*, urged States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities⁴⁴³ and other international human rights obligations and commitments. It called upon States to effectively follow up on accepted UPR recommendations relating to the rights of persons belonging to national or

⁴⁴⁰ A/68/225.

⁴⁴¹ A/HRC/13/21/Add.4.

⁴⁴² E/CN.4/1998/53/Add.2, annex.

⁴⁴³ The text of the Declaration can be found in General Assembly resolution 47/135 of 18 December 1992, annex. The resolution was adopted without a vote.

ethnic, religious and linguistic minorities, and further encouraged States parties to give serious consideration to the follow-up to treaty body recommendations on the matter.⁴⁴⁴

(ii) *General Assembly*

The Independent Expert on minority issues, Ms. Rita Izsák, presented her report to the General Assembly, focusing on minority rights-based approaches to the protection and promotion of the rights of religious minorities.⁴⁴⁵ She considered that, globally, the rights of religious minorities were poorly implemented in practice and the wider collective rights of religious minorities were frequently neglected by Governments. She recommended that all States should fully implement the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities⁴⁴⁶ with due and dedicated attention to the situation of religious minorities present in the country.

The Secretary-General also submitted a report on the subject of minority rights to the General Assembly. Pursuant to General Assembly resolution 66/166 of 19 December 2011,⁴⁴⁷ the report, entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”⁴⁴⁸, marked the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The report provided an outline of activities undertaken to promote the implementation of the Declaration and highlighted effective practices and challenges that should be addressed in strengthening implementation at the national, regional and international levels. He concluded that States should further strive to meet their legal obligations to protect minorities in line with international human rights law.

On 18 December 2013, the General Assembly adopted resolution 68/172 entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”.⁴⁴⁹ The General Assembly, *inter alia*, reaffirmed the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration,⁴⁵⁰ and drew attention to the relevant provisions of the

⁴⁴⁴ It should also be noted that the Forum on Minority Issues held its sixth session in 2013 and focused on issues relating to religious minorities. The Forum’s approach has been to give priority to the identification of positive and effective practices that have been implemented by countries in different regions to protect and promote the rights of persons belonging to religious minorities, with a particular emphasis on promoting dialogue, understanding and constructive exchange among minority and majority faith groups (A/HRC/FMI/2013/2).

⁴⁴⁵ A/68/268.

⁴⁴⁶ General Assembly resolution 47/135 of 18 December 1992, annex. The resolution was adopted without a vote.

⁴⁴⁷ The resolution was adopted without a vote.

⁴⁴⁸ A/68/304.

⁴⁴⁹ The resolution was adopted without a vote.

⁴⁵⁰ Resolution 47/135, annex.

Durban Declaration and Programme of Action,⁴⁵¹ including the provisions on forms of multiple discrimination. It also urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so.

(k) Indigenous issues

(i) *Human Rights Council*

In 2013, notable developments in this area arose from the work of the United Nations Commissioner for Human Rights, the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples.

Pursuant to resolution 21/24, the United Nations Commissioner for Human Rights submitted a report on the rights of indigenous peoples to the Human Rights Council.⁴⁵² The report focused on some illustrative examples of the OHCHR activities and initiatives undertaken at Headquarters and by field presence that contributed to the full application of the rights of indigenous peoples. The report emphasized that the rights of indigenous peoples had remained a priority and that the Office had further strengthened its work to advance the rights of indigenous peoples at the country level and increased its efforts to give practical guidance on the content of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples⁴⁵³ to various key stakeholders ranging from parliamentarians to national human rights institutions.

The Special Rapporteur on the rights of indigenous peoples, Mr. James Anaya, presented his final thematic report to the Human Rights Council, which addressed the human rights concerns of indigenous peoples relating to extractive industries.⁴⁵⁴ In the report, the Special Rapporteur sought to further advance understanding of the content and implications of relevant international human rights standards, identifying and building upon points of consensus that he had found in relation to those standards. He stressed that just as indigenous peoples have the right to pursue their own initiatives for resource extraction, as part of their right to self-determination and to set their own strategies for development, they have the right to decline to pursue such initiatives in favour of other initiatives for their sustainable development. He further stressed that companies should conduct due diligence by identifying and assessing any actual or potential adverse human rights impacts of a resource extraction project, to ensure that their actions would not violate or be complicit in the violation of indigenous peoples' rights.

⁴⁵¹ See A/CONF.189/12 and Corr.1, chap. I.

⁴⁵² A/HRC/24/26.

⁴⁵³ The text of the Declaration can be found in General Assembly resolution 61/295 of 13 September 2007, annex. The resolution was adopted by a recorded vote of 143 in favour to 4 against, with 11 abstentions.

⁴⁵⁴ A/HRC/24/41.

There were also several relevant developments that arose from the Expert Mechanism on the Rights of Indigenous Peoples,⁴⁵⁵ which held its sixth session from 8 to 12 July 2013.⁴⁵⁶ The Expert Mechanism adopted, *inter alia*, its study and advice on access to justice in the promotion and protection of the rights of indigenous peoples,⁴⁵⁷ as well as its report on the summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.⁴⁵⁸ The Expert Mechanism also submitted its study, entitled “Access to justice in the promotion and protection of the rights of indigenous peoples”, to the Human Rights Council pursuant to resolution 21/24.⁴⁵⁹ The study outlined the right to access to justice as applied to indigenous peoples, including analysis of its relationship to the rights of indigenous peoples to self-determination, non-discrimination and culture. It also examined access to justice issues relevant to indigenous women, children and youth and persons with disabilities, as well as the potential of truth and reconciliation processes to promote access to justice for indigenous peoples.

The Human Rights Council adopted two resolutions on indigenous rights.⁴⁶⁰ By resolution 24/9, entitled “Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples”, the Human Rights Council, *inter alia*, decided to extend the mandate of the Special Rapporteur on the rights of indigenous peoples for a period of three years. By resolution 24/10, entitled “Human rights and indigenous peoples”, the Human Rights Council, *inter alia*, reaffirmed that the UPR, together with the United Nations treaty bodies, were important mechanisms for the promotion and protection of human rights, and, in that regard, encouraged effective follow-up to accepted UPR recommendations concerning indigenous peoples, as well as treaty body recommendations on the matter. It also welcomed the sixth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples⁴⁶¹, and encouraged States that have endorsed it to adopt measures to pursue the objective of the Declaration in consultation and cooperation with indigenous peoples, where appropriate.

⁴⁵⁵ In its resolution 6/36, the Human Rights Council established the Expert Mechanism on the Rights of Indigenous Peoples as a subsidiary body to assist the Council in the implementation of its mandate by providing it with thematic expertise on the rights of indigenous peoples. The Council also decided that the thematic expertise would focus mainly on studies and research-based advice and the mechanism could suggest proposals to it for its consideration and approval.

⁴⁵⁶ A/HRC/24/49.

⁴⁵⁷ A/HRC/EMRIP/2013/2.

⁴⁵⁸ A/HRC/EMRIP/2013/3.

⁴⁵⁹ A/HRC/24/50.

⁴⁶⁰ The resolution was adopted without a vote.

⁴⁶¹ The text of the Declaration can be found in General Assembly resolution 61/295 of 13 September 2007, annex. The resolution was adopted by a recorded vote of 143 in favour to 4 against, with 11 abstentions.

(ii) *General Assembly*

By resolution 68/149, entitled “Rights of indigenous peoples”,⁴⁶² the General Assembly, *inter alia*, encouraged those States that had not yet ratified or acceded to the Convention Concerning Indigenous and Tribal Peoples in Independent Countries, 1989, to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples.⁴⁶³

(I) **Terrorism and human rights**⁴⁶⁴(i) *Human Rights Council*

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Ben Emmerson, submitted a report to the Human Rights Council.⁴⁶⁵ The Special Rapporteur set out framework principles for securing the right to truth and the principle of accountability for gross or systematic human rights violations committed by public officials while countering terrorism. He recommended that States should prosecute those individuals found to have participated in secretly detaining persons and in any unlawful acts perpetrated during such detention without delay and, where found guilty, to give sentences commensurate with the gravity of the acts perpetrated.

On 21 March 2013, the Human Rights Council adopted resolution 22/8 entitled “Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism”. The Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 15/15 of 30 September 2010⁴⁶⁶ under the same title as resolution 22/8.

(ii) *General Assembly*

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also submitted a report to the General Assembly.⁴⁶⁷ The Special Rapporteur discussed the use of remotely piloted aircraft in extraterritorial lethal counter-terrorism operations, including in the context of asymmetrical armed conflict. He also set out a framework for examining the factual and legal issues by reference to the principles laid down in the United Nations Global Counter-

⁴⁶² The resolution was adopted on the recommendation of the Third Committee, without a vote.

⁴⁶³ The text of the Declaration can be found in General Assembly resolution 61/295 of 13 September 2007, annex. The resolution was adopted by a recorded vote of 143 in favour to 4 against, with 11 abstentions.

⁴⁶⁴ For further information on terrorism, see sections 2 (g) and 16 (f) of this chapter.

⁴⁶⁵ A/HRC/22/52.

⁴⁶⁶ The resolution was adopted without a vote.

⁴⁶⁷ A/68/389.

Terrorism Strategy.⁴⁶⁸ The Special Rapporteur reaffirmed that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law. He confirmed that, if used in strict compliance with the principles of international humanitarian law, remotely piloted aircraft are capable of reducing the risk of civilian casualties in armed conflict by significantly improving the situational awareness of military commanders.

The Secretary-General also submitted a report on “Protecting human rights and fundamental freedoms while countering terrorism” to the General Assembly on 19 July 2013.⁴⁶⁹ The Secretary-General referred to recent developments within the United Nations system in relation to human rights and counter-terrorism, including in support of the implementation of the United Nations Global Counter-Terrorism Strategy, the Counter-Terrorism Committee Executive Directorate, the Human Rights Council, the United Nations human rights treaty bodies and the Office of the High Commissioner for Human Rights. He concluded that in line with their commitments under the Strategy, Member States should promote respect for and compliance with human rights and the rule of law as part of holistic and effective counter-terrorism strategies at the national and regional levels.

On 18 December 2013, the General Assembly adopted resolution 68/178 entitled “Protection of human rights and fundamental freedoms while countering terrorism”.⁴⁷⁰ The General Assembly, *inter alia*, reaffirmed that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law. It also reaffirmed the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,⁴⁷¹ to respect certain rights as non-derogable in any circumstances. The General Assembly urged States, while countering terrorism, to ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the Charter of the United Nations, human rights law and international humanitarian law, in particular the principles of distinction and proportionality. It further urged all States that have not yet done so to sign, ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴⁷² and encouraged States to consider ratifying as a matter of priority the Optional Protocol thereto,⁴⁷³ the implementation of which would make a significant contribution in support of the rule of law in countering terrorism.

⁴⁶⁸ General Assembly resolution 60/288 of 8 September 2006. The resolution, together with its annex, would constitute the Strategy (see para. 2), and was adopted without a vote.

⁴⁶⁹ A/68/298.

⁴⁷⁰ The resolution was adopted on the recommendation of the Third Committee, without a vote.

⁴⁷¹ See resolution 2200 A (XXI), annex.

⁴⁷² United Nations, *Treaty Series*, vol. 1465, p. 112.

⁴⁷³ *Ibid.*, vol. 2375, p. 237.

(m) Promotion and protection of human rights

(i) International cooperation and universal instruments

a. Human Rights Council

On 13 June 2013, the Human Rights Council adopted resolution 23/3 entitled “Enhancement of international cooperation in the field of human rights”.⁴⁷⁴ The Human Rights Council, *inter alia*, reaffirmed that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter. The Human Rights Council urged all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance. The Human Rights Council further urged States to take necessary measures to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights. The Human Rights Council also welcomed the report of the Independent Expert on human rights and international solidarity⁴⁷⁵ and reiterated its request to the Independent Expert to continue work in the preparation of a draft declaration on the rights of peoples and individuals to international solidarity and in further developing guidelines, standards, norms and principle with a view of promoting and protecting this right by addressing, *inter alia*, existing and emerging obstacles to its realization.

b. General Assembly

In accordance with Human Rights Council resolution 21/10 of 27 September 2012 entitled “Human rights and international solidarity”,⁴⁷⁶ the Independent Expert on human rights and international solidarity submitted a report on 23 July 2013⁴⁷⁷, providing an introduction to the mandate of human rights and international solidarity, and featuring a summary of activities undertaken by the Independent Expert since Human Rights Council resolutions 18/5 of 29 September 2011 and 23/12 of 13 June 2013, both entitled “Human rights and international solidarity”.

On 18 December 2013, the General Assembly adopted resolution 68/160 entitled “Enhancement of international cooperation in the field of human rights”.⁴⁷⁸ The General Assembly, *inter alia*, reaffirmed that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with

⁴⁷⁴ The resolution was adopted without a vote,

⁴⁷⁵ A/HRD/23/45 and Add.1.

⁴⁷⁶ The resolution was adopted by a recorded vote of 35 in favour to 12 against. See also *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.5(m)(a).

⁴⁷⁷ A/68/176.

⁴⁷⁸ The resolution was adopted on the recommendation of the Third Committee, without a vote.

the purposes and principles set out in the Charter. It also called upon Member States, the specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encouraged non-governmental organizations to contribute actively to this endeavour.

(ii) *National human rights institutions in the promotion and protection of human rights*

a. **Human Rights Council**

On 13 June 2013, the Human Rights Council adopted resolution 23/17 entitled “National institutions for the promotion and protection of human rights”. The Human Rights Council, *inter alia*, recognized that, in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,⁴⁷⁹ it was the right of each State to choose the framework for national institutions that was best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards. It encouraged Member States to establish effective, independent and pluralistic national institutions or, where they already existed, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration, and to do so in accordance with the Paris Principles⁴⁸⁰.

b. **General Assembly**

On 18 December 2013, the General Assembly adopted resolution 68/171 entitled “National institutions for the promotion and protection of human rights”.⁴⁸¹ The General Assembly, *inter alia*, reaffirmed the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the Paris Principles.⁴⁸² It recognized again that, in accordance with the Vienna Declaration and Programme of Action,⁴⁸³ it was the right of each State to choose the framework for national institutions that was best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards. The General Assembly further encouraged national human rights institutions compliant with the Paris Principles to continue to participate in and to contribute to deliberations on all relevant United Nations mechanisms and processes in

⁴⁷⁹ A/CONF.157/24 (Part I).

⁴⁸⁰ General Assembly resolution 48/134 of 20 December 1993, annex. The resolution was adopted without a vote.

⁴⁸¹ The resolution was adopted without a vote. In 2012, the related General Assembly resolution 67/163 of 20 December 2012 was entitled “The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights”; see *United Nations Juridical Yearbook*, 2012, chap. III, sect. A.5(m)(ii).

⁴⁸² General Assembly resolution 48/134 of 20 December 1993, annex. The resolution was adopted without a vote.

⁴⁸³ A/CONF.157/24 (Part I).

accordance with their respective mandates, including the discussions on the post-2015 development agenda.

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

a. Human Rights Council

The Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, submitted her annual report to the Human Rights Council.⁴⁸⁴ The Special Rapporteur focused on the main tools at her disposal, lessons learned and challenges in the discharge of her functions. The Special Rapporteur also elaborated on the main elements that in her view were necessary for defenders to be able to operate in a safe and enabling environment.

On 21 March 2013, the Human Rights Council adopted resolution 22/6 entitled “Protecting human rights defenders”. The Human Rights Council stressed that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights⁴⁸⁵ and the International Covenant on Economic, Social and Cultural Rights⁴⁸⁶, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and, in this regard, condemned the imposition of any limitations on the work and activities of human rights defenders enforced in contravention of international human rights law. It also called upon States to ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law.

b. General Assembly

On 5 August 2013, the Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, entitled “Situation of human rights defenders” which focused on the relationship between large-scale development projects and the activities of human rights defenders.⁴⁸⁷ She set out a human rights-based approach to development projects that she believed would allow for the meaningful and safe participation of human rights defenders at all stages of development projects. She recommended that States should ensure that the rights of freedom of expression, association and peaceful assembly are respected by allowing those affected by large-scale development projects to express concern and discontent.

On 18 December 2013, the General Assembly adopted resolution 68/181 entitled “Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders”.⁴⁸⁸ The

⁴⁸⁴ A/HRC/25/55.

⁴⁸⁵ United Nations, *Treaty Series*, vol. 999, p. 171.

⁴⁸⁶ *Ibid.*, vol. 993, p. 3.

⁴⁸⁷ A/68/262.

⁴⁸⁸ The resolution was adopted without a vote.

General Assembly, *inter alia*, stressed that respect and support for the activities of human rights defenders, including women human rights defenders, were essential to the overall enjoyment of human rights, and condemned all human rights violations and abuses committed against persons engaged in promoting and defending human rights and fundamental freedoms. The General Assembly called upon States to ensure that human rights defenders, including women human rights defenders, can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law.

(n) Persons with disabilities⁴⁸⁹

Human Rights Council

On 21 March 2013, the Human Rights Council adopted resolution 22/3 entitled “The work and employment of persons with disabilities”.⁴⁹⁰ The Human Rights Council, *inter alia*, called upon those States and regional integration organizations that have not yet ratified or acceded to the Convention on the Rights of Persons with Disabilities⁴⁹¹ and its Optional Protocol⁴⁹² to consider doing so as a matter of priority. It also called upon States parties to ensure that persons with disabilities can effectively and fully enjoy the right to work on an equal basis with others, including the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. The Human Rights Council further encouraged States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them.

(o) Contemporary forms of slavery

Human Rights Council

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian, presented her report to the Human Rights Council.⁴⁹³ The Special Rapporteur focused on challenges and lessons learned in combating slavery, in which she highlighted various challenges that need to be addressed in order to combat contemporary forms of slavery. She also put forward recommendations for governments, United Nations agencies and civil society organizations to tackle such challenges.

On 26 September 2013, the Human Rights Council adopted resolution 24/3 entitled “Special Rapporteur on contemporary forms of slavery”. The Human Rights Council, *inter alia*, decided that the Special Rapporteur shall examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery

⁴⁸⁹ See also Economic and Council resolution 2012/11 of 26 July 2012 entitled “Mainstreaming disability in the development agenda”.

⁴⁹⁰ The resolution was adopted without a vote.

⁴⁹¹ United Nations, *Treaty Series*, vol. 2515, p. 3.

⁴⁹² *Ibid.*, vol. 2518, p. 283.

⁴⁹³ A/HRC/24/43.

Convention of 1926⁴⁹⁴ and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956,⁴⁹⁵ as well as all other issues covered previously by the Working Group on Contemporary Forms of Slavery. It further decided that the Special Rapporteur shall promote the effective application of relevant international norms and standards on slavery and request, receive and exchange information on contemporary forms of slavery from governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations, non-governmental organizations and other relevant sources, including on slavery practices and, as appropriate and in line with the current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of victims of slavery and preventing violations.

(p) Other

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

a. Human Rights Council

The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mr. Cephas Lumina, submitted an interim report entitled “The negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights” to the Human Rights Council.⁴⁹⁶ The interim report provided an overview of the different types of illicit financial flows, including details on the countries from which such funds originate and where they are held, as well as current initiatives to curb illicit financial flows.

The Independent Expert further submitted his report entitled “An assessment of the human rights impact of international debt relief initiatives” to the Human Rights Council.⁴⁹⁷ In addition to assessing what the initiatives have achieved in terms of poverty reduction, development and human rights, the report urged that the completion of the Heavily Indebted Poor Countries Initiative provided an opportunity to address the shortcomings of the existing debt relief mechanisms and to devise new strategies that fully address the underlying causes of the debt crisis, including human rights-based debt relief strategies. The report recommended that States should commit to internationally agreed standards on responsible lending and borrowing, which would be binding on States and financial institutions (international and domestic) alike and should, in this regard, implement the Guiding Principles on Foreign Debt and Human Rights⁴⁹⁸ and support the adoption of the UNCTAD Draft Principles on Promoting Responsible Sovereign Lending and Borrowing⁴⁹⁹.

⁴⁹⁴ United Nations, *Treaty Series*, vol. 212, p. 17.

⁴⁹⁵ *Ibid.*, vol. 266, p. 3.

⁴⁹⁶ A/HRC/22/42.

⁴⁹⁷ A/HRC/23/37.

⁴⁹⁸ A/HRC/20/23, annex.

⁴⁹⁹ UNCTAD/GDS/DDF/2012/Misc.1.

On 13 June 2013, the Human Rights Council adopted resolution 23/11 entitled “The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights”.⁵⁰⁰ The Human Rights Council, *inter alia*, recalled that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy. It called for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts.

b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Independent Expert entitled “Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights”,⁵⁰¹ which focused on some reflections on the post-2015 global partnership for development. The Independent Expert argued that the partnership was characterized by several weaknesses, including lack of alignment with the international human rights framework; lack of clear, quantitative and time-bound targets and indicators; and significant accountability deficits, which have impeded its achievement. He further argued that fully implementing a human rights-based approach—with its emphasis on equality, non-discrimination, participation and accountability—could help to assure a more inclusive, equitable and sustainable post-2015 global development framework.

(ii) *Human rights and unilateral coercive measures*

a. Human Rights Council

On 27 September 2013, the Human Rights Council adopted resolution 24/14 entitled “Human rights and unilateral coercive measures”.⁵⁰² The Human Rights Council, *inter alia*, called upon all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development. It also reiterated its call to Member States that have initiated such measures to abide by the principles of international law, and to commit themselves to their obligations and responsibilities by putting an immediate end to such measures.

⁵⁰⁰ The resolution was adopted by a recorded vote of 30 in favour to 15 against, with 2 abstentions.

⁵⁰¹ A/68/542.

⁵⁰² The resolution was adopted by a recorded vote of 31 in favour to 15 against, with 1 abstention.

b. General Assembly

On 18 December 2013, the General Assembly adopted resolution 68/162 entitled “Human rights and unilateral coercive measures”.⁵⁰³ The General Assembly, *inter alia*, urged all States to not adopt any unilateral measures not in accordance with international law and the Charter, particularly where such measures impede the full achievement of economic and social development by the population of the affected countries.

(iii) *Human rights and the environment*⁵⁰⁴

Human Rights Council

The Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Mr. John H. Knox, submitted his preliminary report to the Human Rights Council at its twenty-second session. In his report, the Independent Expert presented some of the outstanding issues relevant to the relationship between human rights and the environment and described the current and planned programme of activities. He noted that his priority was to provide greater conceptual clarity to the application of human rights obligations related to the environment, and intended to take an evidence-based approach to determining the nature, scope and content of such obligations. The Independent Expert concluded that clarification of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment was necessary in order for States and others to comply at every level from the local to the global.

(iv) *Business and human rights*

a. Human Rights Council

The Working Group on the issue of human rights and transnational corporations and other business enterprises⁵⁰⁵ submitted its report to the Human Rights Council.⁵⁰⁶ The report outlined new developments in the field of business and human rights, including the deeper alignment between global governance frameworks and the Guiding Principles on Business and Human Rights,⁵⁰⁷ the call by the Human Rights Council for the United Nations system as a whole to integrate the business and human rights

⁵⁰³ The resolution was adopted on the recommendation of the Third Committee, by a recorded vote of 135 in favour to 55 against.

⁵⁰⁴ For more information on the environment, see section 8 of this chapter.

⁵⁰⁵ The Working Group on the issue of human rights and transnational corporations and other business enterprises was established by way of Human Rights Council resolution 17/4 of 16 June 2011 entitled “Human rights and transnational corporations and other business enterprises”, and is required to report annually to the Human Rights Council and the General Assembly (see para. 6). See also *United Nations Juridical Yearbook*, 2011, chapter III, section A.5(p)(iv)(a) for further information about the resolution. The Working Group held its fourth, fifth and sixth sessions in Geneva from 11 to 15 February 2013, 17 to 21 June 2013, and 25 to 29 November 2013 respectively. For more information about the 2013 sessions, see <http://www.ohchr.org/EN/Issues/Business/Pages/2013Sessions.aspx>.

⁵⁰⁶ A/HRC/23/32.

⁵⁰⁷ A/HRC/17/31, annex.

agenda into its work, and the need for the post-2015 development framework to integrate the Guiding Principles. It also outlined the key trends and challenges identified during the 2012 Forum on Business and Human Rights⁵⁰⁸ and further outlined priorities for action and recommendations for States, business enterprises, the United Nations system, inter-governmental organizations including regional organizations, and other stakeholders.

b. General Assembly

The Secretary-General transmitted the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises entitled “Human rights and transnational corporations and other business enterprises” to the General Assembly. The report focused on how the Guiding Principles on Business and Human Rights⁵⁰⁹ could bring clarity to the roles and responsibilities of States, business enterprises and indigenous peoples when addressing the adverse impact of business-related activities on the rights of indigenous peoples.⁵¹⁰ It identified gaps in implementation and challenges with regard to the State duty to protect against business-related human rights abuses, the corporate responsibility to respect human rights and the corresponding obligations relating to access to effective remedies.

6. Women⁵¹¹

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

UN-Women was established by the General Assembly pursuant to resolution 64/289 of 2 July 2010 as a composite entity to function as a secretariat with the additional role of leading, coordinating and promoting the accountability of the United Nations system in its work on gender equality and the empowerment of women.⁵¹²

⁵⁰⁸ The Forum on Business and Human Rights was established by way of Human Rights Council resolution 17/4 of 16 June 2011 entitled “Human rights and transnational corporations and other business enterprises” to discuss trends and challenges in the implementation of the Guiding Principles (see para. 12). See also *United Nations Juridical Yearbook*, 2011, chapter III, section A.5(p)(iv)(a) for further information about the resolution. The Forum held its 2013 Forum from 2 to 4 December 2013 (see A/HRC/FBHR/2013/4 for the summary of discussion of the 2013 Forum). For more information about the Forum, see <http://www.ohchr.org/EN/Issues/Business/Forum/Pages/ForumonBusinessandHumanRights.aspx>.

⁵⁰⁹ A/HRC/17/31, annex.

⁵¹⁰ A/68/279.

⁵¹¹ This section covers the Security Council, the General Assembly, the Economic and Social Council, and the Commission on the Status of Women and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Selected resolutions and decisions are highlighted. For more detailed information and documents regarding this topic generally, see the website of UN-Women at <http://www.unwomen.org>.

⁵¹² It consolidated the mandates and functions of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women.

The Executive Board of UN-Women held three meeting sessions in New York in 2013,⁵¹³ during which it adopted seven decisions.⁵¹⁴ Two of these decisions are highlighted below.

By its decision 2013/4 of 27 June 2013, entitled “Report on the evaluation function, 2012”, the Executive Board, *inter alia*, welcomed the leadership of UN-Women in coordinating the implementation of the System-wide Action Plan on Gender Equality and the Empowerment of Women, and called on UN-Women to further promote the use of joint evaluations⁵¹⁵ for gender equality and for women’s empowerment.

By its decision 2013/5 of 18 September 2013, the Executive Board welcomed the consultative efforts of UN-Women to update the strategic plan of 2011–2013⁵¹⁶ and endorsed the UN-Women strategic plan 2014–2017. In this regard, the Executive Board requested the Under-Secretary-General/Executive Director to submit to the Executive Board, beginning at its annual session in 2015, an annual progress report on the implementation of the strategic plan 2014–2017, and to provide updates at its regular sessions in 2015, 2016 and 2017.⁵¹⁷

(b) Commission on the Status of Women

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

The Commission held its fifty-seventh session in New York from 4 March to 15 March 2013.⁵¹⁸ In accordance with the multi-year programme of work adopted by the Economic

⁵¹³ See the reports of the Executive Board of UN-Women: report of the first regular session, held from 23 to 24 January 2013 and on 8 February 2013 (UNW/2013/2); report of the annual session, held from 25 June to 27 June 2013 (UNW/2013/5); and the report of the second regular session, held from 16 September to 18 September 2013 (UNW/2013/10).

⁵¹⁴ Decision 2013/1 entitled “Report on operational activities”; decision 2013/2 entitled “Road map towards an integrated budget, beginning 2014, and update on cost recovery”; decision 2013/3 entitled “Report of the Under-Secretary-General/Executive Director on progress made on the strategic plan, 2011–2013”; decision 2013/4 entitled “Report on the evaluation function, 2012”; decision 2013/5 entitled “Strategic plan, 2014–2017”; decision 2013/6 entitled “Integrated budget for the biennium 2014–2015”; and decision 2013/7 entitled “Report on internal audit and investigation activities for the period from 1 January to 31 December 2012 and the report of the Audit Advisory Committee for the period from 25 October 2012 to 31 May 2013”.

⁵¹⁵ Joint evaluations are co-commissioned and managed by UN-Women and at least one other organization, with each organization having decision-making power with respect to the evaluation process.

⁵¹⁶ See *United Nations Juridical Yearbook*, 2012, chap. III, sect. 6(a).

⁵¹⁷ Decision 2013/5, para. 6.

⁵¹⁸ Commission on the Status of Women, report on the fifty-seventh session (4 March–15 March 2013), *Official Records of the Economic and Social Council, 2013 Supplement No. 7 (E/2013/27 and E/CN.6/2013/11)*.

and Social Council,⁵¹⁹ the priority theme of the Commission was “Elimination and prevention of all forms of violence against women and girls”, and progress was evaluated in the implementation of the agreed conclusions from the fifty-third session on “The equal sharing of responsibilities between women and men, including caregiving in the context of HIV/AIDS”⁵²⁰.

Of particular note, the Commission adopted conclusions on the elimination and prevention of all forms of violence against women and girls on 15 March 2013.⁵²¹ The Commission, *inter alia*, welcomed the progress made in addressing violence against women and girls, including through the adoption of relevant laws and policies and the implementation of preventive measures. The Commission also recognized that despite progress made, significant gaps and challenges remain in fulfilling commitments and bridging the implementation gap in addressing the scourge of violence against women and girls. The Commission thus urged governments and other relevant stakeholders to take actions such as strengthening implementation of legal and policy frameworks and accountability, addressing structural and underlying causes and risk factors so as to prevent violence against women and girls, strengthening multisectoral services, programmes and responses to violence against women and girls, and improving the research, analysis, and collection of data on the issue.

(c) Economic and Social Council

On 24 and 25 July 2013, the Economic and Social Council adopted four resolutions relating to gender equality, gender mainstreaming and empowerment of women.⁵²² One of the resolutions is highlighted below.

In resolution 2013/16, entitled “Mainstreaming a gender perspective into all policies and programmes in the United Nations system”, the Economic and Social Council, *inter alia*, welcomed the report of the Secretary-General on the subject,⁵²³ and appreciated that it was the first report on gender mainstreaming to provide a systemic and comprehensive approach to data collection through the United Nations system. It also welcomed the recommendations contained in the report, and called for further and continued efforts to mainstream a gender perspective into all policies and programmes of the United Nations, in accordance with all relevant United Nations resolutions, in particular those of the Economic and Social Council. The Economic and Social Council further noted with appreciation the important work of UN-Women in promoting more effective and coherent gender mainstreaming across the United Nations, as well as its role in leading, coordinating and promoting the accountability of the United Nations system in its work on gender

⁵¹⁹ Economic and Social Council resolution 2009/15 of 28 July 2009.

⁵²⁰ E/2009/27–E/CN.6/2009/15, chap. I, sect. A.

⁵²¹ E/2013/27–E/CN.6/2013/11.

⁵²² Economic and Social Council resolutions 2013/16 entitled “Mainstreaming a gender perspective into all policies and programmes in the United Nations system”; 2013/17 entitled “Situation of and assistance to Palestinian women”; 2013/18 entitled “Future organization and methods of work of the Commission on the Status of Women”; and 2013/36 entitled “Taking action against gender-related killing of women and girls”.

⁵²³ E/2013/71.

equality and the empowerment of women, as established by the General Assembly in its resolution 64/289. The Commission also recognized the role of UN-Women in assisting Member States upon their request.

(d) General Assembly

In 2013, the General Assembly adopted a number of resolutions on gender rights issues. The General Assembly in particular adopted three resolutions on gender equality and economic development issues,⁵²⁴ three resolutions on matters relating to gender-based violence,⁵²⁵ as well as resolutions on gender equality in decision-making processes and the rights of female children.⁵²⁶

On the issue of gender equality and economic development, by resolution 68/139, entitled “Improvement of the situation of women in rural areas”, the General Assembly, *inter alia*, urged Member States, in collaboration with the organizations of the United Nations system, and civil society, as appropriate, to attach greater importance to the improvement of the situation of rural women, including indigenous women, in their national, regional and global development strategies by, among other things, designing and implementing national policies and legal frameworks that promote and protect the enjoyment by rural women and girls of all human rights and fundamental freedoms, and creating an environment that does not tolerate violations or abuses of their rights, including domestic violence, sexual violence and all other forms of gender-based violence.

In addition, General Assembly resolution 68/140⁵²⁷ on the follow-up to the Fourth World Conference on Women called for, *inter alia*, gender equality and women’s empowerment to be considered a priority in the elaboration of the post-2015 development agenda, and for the integration of a gender perspective into the new development framework. The General Assembly further encouraged increased efforts by governments and the United Nations system to enhance accountability for the implementation of commitments to gender equality and the empowerment of women at the international, regional, national and local levels, including through improved monitoring and reporting on progress in relation to policies, strategies, resource allocations and programmes. The General Assembly also called upon States parties to comply fully with their obligations under the Convention

⁵²⁴ General Assembly resolutions 68/139 entitled “Improvement of the situation of women in rural areas”; 68/140 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”; and 68/227 entitled “Women in development”.

⁵²⁵ General Assembly resolutions 68/137 entitled “Violence against women migrant workers”; 68/181 entitled “Promotion of the Declaration on the Right and the Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders”; and 68/191 entitled “Taking action against gender-related killing of women and girls”.

⁵²⁶ General Assembly resolutions 68/33 entitled “Women, disarmament, non-proliferation and arms-control”; and 68/146 entitled “The girl child”.

⁵²⁷ The full title of resolution 68/140 was “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”.

on the Elimination of All Forms of Discrimination against Women (CEDAW),⁵²⁸ 1979, and the 1999 Optional Protocol,⁵²⁹ thereto, and to take into consideration the concluding observations as well as the general recommendations of the Committee on the Elimination of Discrimination against Women.⁵³⁰

Lastly, in resolution 68/227 on women in development, the General Assembly, *inter alia*, encouraged Member States to adopt and/or review and to fully implement gender-sensitive legislation and policies that reduce, through specifically targeted measures, horizontal and vertical occupational segregation and gender-based wage gaps. The General Assembly also urged all Member States to undertake a gender analysis of national labour laws and standards and to establish gender-sensitive policies and guidelines for employment practices, including for transnational corporations, with particular attention to export-processing zones, building in this regard on multilateral instruments, including CEDAW and conventions of the International Labour Organization. The General Assembly also encouraged Member States to adopt and implement, as appropriate, legislation and policies protecting women's labour and human rights in the workplace. The General Assembly reaffirmed the commitment to women's equal rights and opportunities in political and economic decision-making and resource allocation, and to the removal of any barriers that prevent women from being full participants in the economy.

The General Assembly also adopted several resolutions dealing with issues of gender-based violence and related structural discrimination. In resolution 68/137, entitled "Violence against women migrant workers", the General Assembly, *inter alia*, called upon all governments to incorporate a human rights, gender-sensitive and people-centred perspective in legislation, policies and programmes on international migration and on labour and employment, consistent with their human rights obligations and commitments under human rights instruments, for the prevention of and protection of migrant women against violence and discrimination. It further called upon governments to ensure that legislative provisions and judicial processes are in place for women's access to justice, to enhance, develop or maintain legal frameworks and specific gender-sensitive policies to explicitly meet the needs and rights of women migrant workers, and to take appropriate steps to reform existing legislation and policies to capture their needs and protect their rights.

In addition, by resolution 68/181, the General Assembly addressed the protection of women human rights defenders.⁵³¹ The General Assembly expressed concern regarding the systemic and structural discrimination and violence faced by women human rights defenders of all ages, and called upon States to take all measures necessary to ensure their protection and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. It further urged States to develop and put in place comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women human rights defenders, and also to adopt and

⁵²⁸ United Nations, *Treaty Series*, vol. 1249, p. 13.

⁵²⁹ *Ibid.*, vol. 2131, p. 83.

⁵³⁰ The General Assembly also adopted resolution 68/138 entitled "Convention on the Elimination of All Forms of Discrimination against Women".

⁵³¹ Resolution 68/181 was entitled "Promotion of the Declaration on the Right and the Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders".

implement policies and programmes that provide women human rights defenders with access to effective remedies.

Lastly, in resolution 68/191, entitled “Taking action against gender-related killing of women and girls”, the General Assembly, *inter alia*, urged Member States to exercise due diligence to prevent, investigate, prosecute and punish acts of violence against women and girls, in accordance with national law. The General Assembly invited Member States to adopt a variety of measures, including preventive measures and the enactment and implementation of legislation, that address gender-related killing of women and girls and to periodically review those measures with a view to improving them. It further urged Member States, acting at all levels, to end impunity by ensuring accountability and punishing perpetrators of those heinous crimes against women and girls. The General Assembly also invited Member States to strengthen the criminal justice response to gender-related killing of women and girls, in particular measures to support the capacity of Member States to investigate, prosecute and punish all forms of such crime and provide reparation and/or compensation to victims and their families or dependents, as appropriate, in accordance with national laws.

The General Assembly also adopted an additional resolution of particular relevance here. By resolution 68/146, the General Assembly, *inter alia*, stressed the need for the full and urgent implementation of the rights of the girl child as provided to her under human rights instruments as a matter of priority. The General Assembly called upon all States, the United Nations system and civil society to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action, including reviewing remaining laws that discriminate against women and girls in order to modify or abolish them. The General Assembly further urged States to strengthen efforts to urgently eradicate all forms of discrimination against women and girls, and to enact and enforce legislation to protect girls from all forms of violence, discrimination and exploitation in all settings.

(e) Security Council⁵³²

In 2013, the Security Council adopted two resolutions of relevance here. First, by resolution 2106 (2013) of 24 June 2013, the Security Council addressed crimes of sexual violence. The Security Council, *inter alia*, noted that sexual violence can constitute a crime against humanity or a constitutive act with respect to genocide, and further recalled that rape and other forms of serious sexual violence in armed conflict are war crimes. The Security Council called upon Member States to comply with their relevant obligations by investigating and prosecuting those subject to their jurisdiction who are responsible for such crimes. The Security Council also encouraged Member States to include the full range of crimes of sexual violence in national penal legislation to enable prosecutions for such acts and recognized that effective investigation and documentation of sexual violence in armed conflict are instrumental both in bringing perpetrators to justice and ensuring access to justice for survivors. It further reiterated its demand for the complete cessation with immediate effect by all parties to armed conflict of all acts of sexual violence and its

⁵³² See also section 2(h)(ii) of this chapter on peace and security.

call for these parties to make and implement specific time-bound commitments to combat sexual violence.

In addition, the Security Council adopted resolution 2122 (2013) of 18 October 2013 on women's leadership and participation in conflict resolution and peacebuilding.⁵³³ The Security Council, *inter alia*, recognized the need for consistent implementation of resolution 1325 (2000)⁵³⁴ in its own work and expressed its intent to focus more attention on women's leadership and participation in conflict resolution and peacebuilding. The Security Council also stressed the need for continued efforts to address obstacles in women's access to justice in conflict and post-conflict settings, including through gender-responsive legal, judicial and security sector reform and other mechanisms.

7. Humanitarian matters

(a) Economic and Social Council

On 17 July 2013, the Economic and Social Council adopted resolution 2013/6 entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations". The Economic and Social Council, *inter alia*, stressed that the United Nations system should continue to enhance existing humanitarian capacities, knowledge and institutions. It took note with appreciation of the fourth session of the Global Platform for Disaster Risk Reduction, held in Geneva from 19 to 23 May 2013. The Economic and Social Council also welcomed the growing number of initiatives undertaken at the regional and national levels to promote the implementation of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance⁵³⁵ and encouraged Member States and, where applicable, regional organizations to take further steps to review and strengthen operational and legal frameworks for international disaster relief, taking into account, as appropriate, the Guidelines.

In the same resolution, the Economic and Social Council called upon all States and parties in complex humanitarian emergencies, in particular in armed conflict and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel and delivery of supplies and equipment in order to allow humanitarian personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons. It also called upon all parties to armed conflicts to comply with their obligations under international humanitarian law, human rights law and refugee law. In particular, the Economic and Social Council called upon all States and parties to comply fully with the provisions of international humanitarian law, including all the Geneva Conventions

⁵³³ Resolution 2122 (2013) was entitled "Women and Peace and Security".

⁵³⁴ In resolution 1325 (2000) the Security Council, *inter alia*, called for an increase in the participation of women at decision-making levels in conflict resolution and peace processes, and for the adoption of a gender perspective when negotiating and implementing peace agreements.

⁵³⁵ The Guidelines were adopted at the thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007.

of 12 August 1949,⁵³⁶ in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War.⁵³⁷

(b) General Assembly

In 2013, the General Assembly adopted a number of resolutions relating to humanitarian matters. Three resolutions on matters of humanitarian assistance and the safety and security of humanitarian personnel addressed legal aspects that are highlighted below.

First, the General Assembly adopted resolution 68/101 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”.⁵³⁸ The General Assembly, *inter alia*, urged all States to make every effort to ensure the full and effective implementation of the relevant principles and rules of international law, including international humanitarian law and human rights law and refugee law as applicable, related to the safety and security of humanitarian personnel and United Nations personnel. The General Assembly, *inter alia*, called upon all States to consider becoming parties to the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel,⁵³⁹ and urged States parties to put in place appropriate national legislation, as necessary, to enable its effective implementation. The General Assembly also strongly condemned all threats and acts of violence against humanitarian personnel and United Nations and associated personnel, and reaffirmed the need to hold accountable those responsible for such acts. Moreover, the General Assembly strongly urged all States to take stronger action to ensure that any such acts committed on their territory are investigated fully and to ensure that the perpetrators of such acts are brought to justice in accordance with national laws and obligations under international law.

The General Assembly also adopted resolution 68/102 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”. It, *inter alia*, welcomed the entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and the ongoing process of ratification and implementation thereof.⁵⁴⁰ The General Assembly welcomed the growing number of initiatives undertaken at the regional and national levels to promote the implementation of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance.⁵⁴¹ In this regard, it encouraged Member States and, where applicable, regional organizations to take further steps to review and strengthen operational and legal frameworks for international disaster relief, taking into account the Guidelines, as appropriate. The General Assembly called upon States to adopt preventive measures and effective responses to acts of violence committed against civilian

⁵³⁶ United Nations, *Treaty Series*, vol. 75, p. 31, 85, 135 and 287.

⁵³⁷ *Ibid.*, p. 287.

⁵³⁸ The resolution was adopted without a vote.

⁵³⁹ Resolution 60/42, annex.

⁵⁴⁰ Also known as the “Kampala Convention”, the Convention was adopted by the Special Summit of the African Union held in Kampala, Uganda, on 23 October 2009.

⁵⁴¹ Also known as the “IDRL Guidelines”, the guidelines were adopted at the 30th International Conference of the International Red Cross and Red Crescent Movement on 30 November 2007.

populations in armed conflicts and to ensure that those responsible are promptly brought to justice, in accordance with national law and their obligations under international law.

Finally, the General Assembly adopted resolution 68/103 entitled “International cooperation on humanitarian assistance in the field of natural disasters, from relief to development”.⁵⁴² The General Assembly, *inter alia*, expressed its deep concern at the increasing impact of natural disasters, in particular in vulnerable societies lacking adequate capacity to mitigate effectively the long-term negative social, economic and environmental consequences of natural disasters. It called upon Member States, the United Nations system and other relevant humanitarian and development actors to accelerate the full implementation of the Hyogo Declaration⁵⁴³ and the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters.⁵⁴⁴ The General Assembly also called upon all States to adopt, where required, and to continue to implement effectively, necessary legislative and other appropriate measures to mitigate the effects of natural disasters and integrate disaster risk reduction strategies into development planning, as well as to incorporate a gender perspective into policies, planning and funding.

(c) Security Council⁵⁴⁵

The Security Council adopted a number of resolutions relating to humanitarian matters. Certain resolutions which addressed the legal aspects of humanitarian situations in the Sudan and South Sudan, the Central African Republic, Somalia, Mali, the Democratic Republic of the Congo (DRC) and Côte d’Ivoire, as well as a presidential statement on the Syrian Arab Republic, are highlighted below.

(i) *The Sudan and South Sudan*

In 2013, the Security Council adopted several resolutions regarding the situation in the Sudan and South Sudan. Of particular relevance, in resolution 2091 (2013) of 14 February 2013, the Security Council, *inter alia*, stressed the necessity articulated in the Doha Document for Peace in Darfur⁵⁴⁶ that all Parties to the armed conflict in Darfur shall fully and unconditionally accept their obligations under international humanitarian law, international human rights law, and relevant Security Council resolutions. The Security Council also called on the Government of the Sudan to, among other things, ensure accountability for serious violations of international human rights and humanitarian law, by whomsoever perpetrated. It also emphasized the imperative, highlighted in the Doha Document, for all armed actors to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations of human rights and international humanitarian law. The resolution also emphasized the need to address the urgent humanitarian crisis faced by the people of Darfur, including the guarantee

⁵⁴² The resolution was adopted without a vote.

⁵⁴³ A/CONF.206/6 and Corr.1, chap. I, resolution 1.

⁵⁴⁴ *Ibid.*, resolution 2.

⁵⁴⁵ For more information on Security Council action in this area, see section 2(h)(ii) of this chapter.

⁵⁴⁶ See https://unamid.unmissions.org/sites/default/files/ddpd_english.pdf

of safe, timely and unrestricted humanitarian access to all areas by humanitarian agencies and personnel.

In resolution 2113 (2013) of 30 July 2013, the Security Council, *inter alia*, reiterated its condemnation of all violations of international human rights and humanitarian law in Darfur and in relation to Darfur, called on all parties to comply with their obligations under international human rights and humanitarian law, emphasized the need to bring to justice the perpetrators of such crimes, and urged the Government of the Sudan to comply with its obligations in this respect. The Security Council demanded that all parties to the conflict in Darfur immediately end violence, including attacks on civilians, peacekeepers and humanitarian personnel, and comply with their obligations under international human rights and humanitarian law.

Moreover, in resolution 2132 (2013) of 24 December 2013, in which the Security Council expressed grave alarm and concern regarding the rapidly deteriorating security and humanitarian crisis in South Sudan. It condemned reported human rights violations and abuses by all parties, including armed groups and national security forces, and emphasized that those responsible for violations of international humanitarian law and international human rights law must be held accountable. The Security Council, acting under Chapter VII of the Charter of the United Nations, called for an immediate cessation of hostilities and the immediate opening of a dialogue, and demanded that all parties cooperate fully with the United Nations Mission in the Republic of South Sudan (UNMISS) as it implements its mandate, in particular the protection of civilians, and also stressed that efforts to undermine UNMISS' ability to implement its mandate and attacks on United Nations personnel will not be tolerated. The Security Council further endorsed the recommendation made by the Secretary-General to temporarily increase the overall force levels of UNMISS to support its protection of civilians and provision of humanitarian assistance.

(ii) *Central African Republic*

Regarding the situation in the Central African Republic (CAR), the Security Council adopted several resolutions. In particular relevance, in resolution 2127 (2013) of 5 December 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, expressed its serious concern at the deterioration of the humanitarian situation in the CAR and the restricted humanitarian access resulting from increased insecurity and attacks against humanitarian workers. The Security Council demanded that all parties to the conflict, in particular the former Seleka, ensure the rapid, safe and unhindered access of humanitarian organizations and relief personnel and the timely delivery of humanitarian assistance to populations in need, while respecting the United Nations guiding principles of humanitarian assistance, including neutrality, impartiality, humanity and independence in the provision of humanitarian assistance. In addition, the Security Council called upon Member States to respond swiftly to the United Nations' humanitarian appeals to meet the needs of people inside the CAR and refugees who have fled to neighbouring countries and encouraged to this effect the swift implementation of humanitarian projects by United Nations and humanitarian organizations.

(iii) *Somalia*

By resolution 2093 (2013) of 6 March 2013, the Security Council addressed, *inter alia*, humanitarian issues in Somalia. The Security Council condemned any misuse or obstruction of humanitarian assistance, underlined the importance of the full, safe, independent, timely and unimpeded access of all humanitarian actors to all those in need of assistance, and further underlined the importance of proper accounting in international humanitarian support. Acting under Chapter VII of the Charter of the United Nations, the Security Council, *inter alia*, condemned all attacks against civilians in Somalia and called for the immediate cessation of all acts of violence, including sexual and gender based violence, or abuses committed against civilians, including women and children, and humanitarian personnel in violation of international humanitarian law and human rights law. It also stressed the responsibility of all parties in Somalia to comply with their obligations to protect the civilian population from the effects of hostilities, in particular by avoiding any indiscriminate attacks or excessive use of force, and underscored the need to end impunity, uphold human rights and hold those who commit crimes accountable.

The humanitarian situation in Somalia was also addressed in resolution 2111 (2013) of 24 July 2013. The Security Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, underscored the importance of humanitarian aid operations, condemned any politicization of humanitarian assistance, or misuse or misappropriation, and called upon Member States and the United Nations to take all feasible steps to mitigate these aforementioned practices in Somalia. The Security Council further requested the Emergency Relief Coordinator to report to the Security Council by 20 March 2014 and again by 20 September 2014 on the delivery of humanitarian assistance in Somalia and on any impediments to the delivery of humanitarian assistance in Somalia, and requested relevant United Nations agencies and humanitarian organizations having observer status with the United Nations General Assembly, as well as their implementing partners that provide humanitarian assistance in Somalia, to increase their cooperation and willingness to share information with the United Nations Humanitarian Aid Coordinator for Somalia in the preparation of such reports and in the interests of increasing transparency and accountability.

(iv) *Mali*

By resolution 2100 (2013) of 25 April 2013, the Security Council expressed its serious concern over the significant ongoing food and humanitarian crisis in the Sahel region and over the insecurity which was hindering humanitarian access. It emphasized the need for all parties to uphold and respect the humanitarian principles of humanity, neutrality, impartiality and independence in order to ensure the continued provision of humanitarian assistance, as well as the safety of civilians receiving assistance and the security of humanitarian personnel operating in Mali. The Security Council also strongly condemned all abuses and violations of human rights and violations of international humanitarian law committed in Mali by any group or individuals. The Security Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, decided that the mandate of the United Nations Multidimensional Integrated Stabilization Mission in

Mali (MINUSMA),⁵⁴⁷ established in the same resolution, should be, *inter alia*, to monitor, help investigate and report to the Security Council on any abuses or violations of human rights or violations of international humanitarian law committed throughout Mali and to contribute to efforts to prevent such violations and abuses. MINUSMA should also, in support of the transitional authorities of Mali, contribute to the creation of a secure environment for the safe, civilian-led delivery of humanitarian assistance, in accordance with humanitarian principles, and the voluntary return of internally displaced persons and refugees in close coordination with humanitarian actors.

(v) *Democratic Republic of the Congo*

In resolution 2098 (2013) of 28 March 2013, the Security Council expressed its concern regarding the humanitarian situation that continued to severely affect the civilian population, in particular in the eastern part of the Democratic Republic of the Congo (DRC), and the persistent high levels of violence and abuses and violations of international law. It called for all those responsible for violations of international humanitarian law or abuses of human rights, as applicable, to be swiftly apprehended, brought to justice and held accountable. Acting under Chapter VII of the Charter of the United Nations, the Security Council, *inter alia*, extended the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO),⁵⁴⁸ and indicated that one of its tasks was to ensure, within its area of operations, effective protection of civilians under imminent threat of physical violence, including civilians gathered in displaced and refugee camps, humanitarian personnel and human rights defenders, in the context of violence emerging from any of the parties engaged in the conflict, and to mitigate the risk to civilians before, during and after any military operation. The Security Council further demanded that all parties cooperate fully with the operations of MONUSCO and allow the full, safe, immediate and unhindered access for United Nations and associated personnel, consistent with relevant provisions of international law, in carrying out their mandate and the delivery of humanitarian assistance, in particular to internally displaced persons, throughout the territory of the DRC.

⁵⁴⁷ For more information about MINUSMA, see <http://www.un.org/en/peacekeeping/missions/minusma/>. See also the report of the Secretary-General, recommending options for the establishment of a United Nations peacekeeping operation there (S/2013/189), the report of the Secretary-General on the situation in Mali, providing update on the developments since S/2013/189 and deployment of MINUSMA (S/2013/338), and the report of the Secretary-General on the situation in Mali, for the period from 10 June to 29 September 2013 (S/2013/582). See also section A.2(a)(i) in this chapter above.

⁵⁴⁸ For more information about MONUSCO, see <http://www.un.org/en/peacekeeping/missions/monusco/> and the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) for the period from 15 November 2012 to 15 February 2013 (S/2013/96), for the period from 16 February to 28 June 2013 (S/2013/388), for the period from 29 June to 30 September 2013 (S/2013/581), and for the period from 1 October to 17 December 2013 (S/2013/757). See also the report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (S/2013/773), and the special report of the Secretary General on Democratic Republic of the Congo and the Great Lakes Region (S/2013/119). See also section A.2(a)(ii)(e) in this chapter above.

(vi) *Côte d'Ivoire*

By resolution 2112 (2013) of 30 July 2013, the Security Council expressed its concern about the continued reports of human rights abuses and violations of international humanitarian law in Côte d'Ivoire. It stressed the importance of investigating such alleged violations and abuses, and reaffirmed that those responsible for such violations must be held accountable and brought to justice irrespective of their political affiliation, while respecting the rights of those in detention. Acting under Chapter VII of the Charter of the United Nations, the Security Council, *inter alia*, extended the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI)⁵⁴⁹ and decided that the UNOCI should, among other things, facilitate, as necessary, unhindered humanitarian access and help strengthen the delivery of humanitarian assistance to conflict-affected and vulnerable populations, notably by contributing to enhancing security for its delivery, and to support the Ivorian authorities in preparing for the voluntary, safe and sustainable return of refugees and internally-displaced persons in cooperation with relevant humanitarian organizations. Furthermore, the Security Council strongly urged the Government of Côte d'Ivoire to ensure in the shortest possible timeframe that, irrespective of their status or political affiliation, all those responsible for serious abuses of human rights and violations of international humanitarian law, including those committed during and after the post-electoral crisis in Côte d'Ivoire, are brought to justice in accordance with its international obligations, and that all detainees receive clarity about their status in a transparent manner.

(vii) *Syria*

By presidential statement of 2 October 2013,⁵⁵⁰ the Security Council, *inter alia*, commented that it was gravely alarmed by the significant and rapid deterioration of the humanitarian situation in Syria. The Security Council condemned the widespread violations of human rights and international humanitarian law by the Syrian authorities, as well as any human rights abuses and violations of international humanitarian law by armed groups. It urged all parties to immediately cease and desist from all violations of international humanitarian law and violations and abuses of human rights, and called on all parties to fully respect their obligations under international humanitarian law and to take all appropriate steps to protect civilians. The Security Council stressed that the magnitude of the humanitarian tragedy caused by the conflict in Syria requires immediate action to facilitate safe and unhindered delivery of humanitarian assistance in the whole country, including in areas and districts where humanitarian needs are especially urgent. It condemned all cases of denial of humanitarian access, and recalled that arbitrarily depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, can constitute a violation of international humanitarian law. The Security Council also urged all Member States to respond swiftly to the United Nations' humani-

⁵⁴⁹ For more information about UNOCI, see <http://www.onuci.org> and <http://www.un.org/en/peacekeeping/missions/unoci/>. See also the special report of the Secretary-General of the United Nations Operation in Côte d'Ivoire (S/2013/197) and the thirty-second progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2013/377). See also section A.2(a)(ii)(g) in this chapter above.

⁵⁵⁰ S/PRST/2013/15.

tarian appeals to meet the spiralling needs of people inside Syria, in particular internally displaced persons and Syrian refugees in neighbouring countries, and to ensure that all pledges are honoured in full.

8. Environment

(a) United Nations Climate Change Conference in Warsaw

The United Nations Climate Change Conference was held in Warsaw, Poland, from 11 to 23 November 2013. The nineteenth session of the Conference of States Parties to the United Nations Framework Convention on Climate Change (COP to the UNFCCC), 1992,⁵⁵¹ and the ninth session of the Conference of the Parties serving as the meeting of Parties to the Kyoto Protocol (CMP), 1997,⁵⁵² were held during the Conference.

In Warsaw, the COP to the UNFCCC and the CMP adopted a number of decisions and resolutions. The CMP adopted 10 decisions and 1 resolution,⁵⁵³ and the COP to the UNFCCC adopted 28 decisions and 1 resolution, including two decisions highlighted in this volume. As elaborated upon below, decision 1/CP.19 of the COP requested the acceleration of the development of a protocol or another agreed outcome with legal force under the Convention, and decision 2/CP.19 established the Warsaw international mechanism for loss and damage.

By decision 1/CP.19, the COP to the UNFCCC, *inter alia*, requested the Ad Hoc Working Group on the Durban Platform for Enhanced Action⁵⁵⁴ to accelerate the development of a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties in the context of decision 1/CP.17, paragraphs 2 to 6.⁵⁵⁵ In the context of the determination to adopt a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties at its twenty-first session (December 2015), and for it to come into effect and be implemented from 2020, the COP also decided, *inter alia*, to invite all Parties to initiate or intensify domestic preparations for their intended nationally determined contributions. Such preparations would be without prejudice to the legal nature of the contributions towards achieving the objective set out in article 2 of the Convention, namely the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

⁵⁵¹ United Nations, *Treaty Series*, vol. 1771, p. 107.

⁵⁵² *Ibid.*, vol. 2303, p. 107.

⁵⁵³ For the report of the Conference of the Parties, see FCCC/KP/CMP/2013/9 and FCCC/KP/CMP/2013/9/Add.1.

⁵⁵⁴ The Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) is a subsidiary body that was established by decision 1/CP.17 in December 2011. The mandate of the ADP is to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties, which is to be completed no later than 2015 in order for it to be adopted at the twenty-first session of the Conference of the Parties (COP) and for it to come into effect and be implemented from 2020.

⁵⁵⁵ The request was also made in the context of efforts to identify and to explore options for actions that can close the ambition gap, with a view to ensuring the highest possible mitigation efforts by all Parties in the context of decision 1/CP.17, paragraphs 7 and 8.

By decision 2/CP.19, the COP to the UNFCCC, recalling first its decision to establish, at its nineteenth session, institutional arrangements, such as an international mechanism to address loss and damage associated with the impacts of climate change in developing countries that are particularly vulnerable to the adverse effects of climate change,⁵⁵⁶ established the Warsaw international mechanism for loss and damage under the Cancun Adaptation Framework.⁵⁵⁷ In the same decision, the COP further detailed the core functions and modalities of the mechanism.⁵⁵⁸ It was decided that the Warsaw International mechanism should, *inter alia*, enhance knowledge and understanding of comprehensive risk management approaches and strengthen dialogue, coordination, coherence and synergies among relevant stakeholders by providing leadership and, as and where appropriate, oversight under the Convention, on the assessment and implementation of approaches to address loss and damage associated with the adverse impacts of climate change. In exercising the functions outlined above, it was also decided that the Warsaw international mechanism would, *inter alia*, make recommendations, as appropriate, on how to enhance engagement, actions and coherence under and outside the Convention.⁵⁵⁹

(b) Economic and Social Council

A number of notable developments related to the environment occurred in the work of the Economic and Social Council and its functional bodies in 2013. Such developments primarily arose in relation to two of the Economic and Social Council's functional bodies, namely the Commission on Sustainable Development and the High-level Political Forum⁵⁶⁰ on sustainable development.

⁵⁵⁶ See decision 3/CP.18, para. 9.

⁵⁵⁷ Parties to the Convention on Climate Change adopted the Cancun Adaptation Framework (CAF) as part of the Cancun Agreements at the 2010 Climate Change Conference in Cancun, Mexico (COP 16/ CMP 6). In the Agreements, the Parties affirmed that adaptation must be addressed with the same level of priority as mitigation. The CAF is the result of three years of negotiations on adaptation under the Ad Hoc Group on Long Term Cooperative Action under the Convention (AWG-LCA) that had followed the adoption of the Bali Action Plan at the 2007 Climate Change Conference in Bali, Indonesia (COP 13/ CMP 3). The objective of the Cancun Adaptation Framework is to enhance action on adaptation, including through international cooperation and coherent consideration of matters relating to adaptation under the Convention on Climate Change. Ultimately, enhanced action on adaptation seeks to reduce vulnerability and build resilience in developing country Parties, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable. Mitigation has two objectives: establishing clear goals and a timely schedule for reducing human-generated greenhouse gas emissions over time to keep the global average temperature rise below two degrees, and encouraging the participation of all countries in reducing these emissions, in accordance with each country's different responsibilities and capabilities to do so.

⁵⁵⁸ Decision 2/CP.19, para. 5.

⁵⁵⁹ *Ibid.*, para. 7(f).

⁵⁶⁰ The Forum was established as a functional body of both the Economic and Social Council and the General Assembly. More details on the work of the Forum in 2013 may be found in section (c) below on the work of the General Assembly.

On 24 July 2013, the Economic and Social Council adopted two resolutions under agenda item 13(a), entitled “Sustainable development”,⁵⁶¹ including resolution 2013/19, which requested the Commission on Sustainable Development⁵⁶² to conclude its work at its twentieth session on 20 September 2013, and decided to abolish the Commission on Sustainable Development with effect from the conclusion of its twentieth session, on 20 September 2013. Accordingly, at its twentieth session, the Commission adopted its last report on the lessons learned from 20 years of the Commission’s existence and the way forward.⁵⁶³ The report highlighted the important role played by the Commission in keeping sustainable development high on the international agenda, while also highlighting several shortcomings in the work of the Commission. Notably, the report stressed the Commission’s inadequate capacity to monitor and review progress of agreements and the need for improved means of implementation of its outcomes and decisions by States, and suggested that such lessons should be taken into account in the design of the format and modalities of a high-level political forum.⁵⁶⁴

(c) General Assembly

(i) *High-level political forum on sustainable development*

In resolution 67/290, entitled “Format and organizational aspects of the high-level political forum on sustainable development”, the General Assembly defined the main mandate and functions of the High-level political forum. It was decided, *inter alia*, that the forum shall focus on enhancing the integration of the three dimensions of sustainable development in a holistic and cross-sectorial manner at all levels with a focused, dynamic and action-orientated agenda ensuring the appropriate consideration of new and emerging sustainable development challenges. The General Assembly also decided that the meetings of the forum shall be convened under the auspices of the General Assembly⁵⁶⁵ and the Economic and Social Council.⁵⁶⁶

⁵⁶¹ Resolutions related to the environment adopted on 24 July 2013 were: resolution 2013/19 entitled “Conclusion of the work of the Commission on Sustainable Development” and resolution 2013/20 entitled “Report of the Committee for Development Policy”.

⁵⁶² The United Nations Commission on Sustainable Development (CSD) was established by the United Nations General Assembly in December 1992 to ensure effective follow-up of United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit.

⁵⁶³ *Official records of the Economic and Social Council 2013, Supplement No. 9* (E/2013/29–E/CN.17/2013/4).

⁵⁶⁴ *Ibid.*, Chairman’s summary of the key points of the dialogue contained in the annex.

⁵⁶⁵ By the same resolution, it was decided that, under the auspices of the General Assembly, the forum shall be convened at the level of Heads of State and Government; that it shall be convened every four years by the President of the General Assembly for a period of two days, at the beginning of the session of the General Assembly, as well as on other occasions, on an exceptional basis, upon a decision by the General Assembly; and shall result in a concise, negotiated political declaration to be submitted for the consideration of the General Assembly.

⁵⁶⁶ The General Assembly further decided that the meetings of the forum under the auspices of the Economic and Social Council shall be convened annually by the President of the Council for a period of eight days, including a three day ministerial segment to be held in the framework of the substantive session of the Economic and Social Council, building on and subsequently replacing the annual ministerial

In a note to the General Assembly dated 13 November 2013⁵⁶⁷, the President of the General Assembly stressed that the forum should adopt a coherent approach working towards a single framework and set of goals, universal in nature and applicable to all countries, while taking account of differing national circumstances and respecting national policies and priorities. It further recalled the agreement that the High-level political forum should provide, starting in 2016, a transparent, voluntary, State-led review mechanism open to partnerships to monitor commitments, including those related to the means of implementation, in the context of a post-2015 development agenda. It was also noted that the inaugural meeting of the High-level political forum was the occasion to welcome the decision to strengthen and enhance the functions of the Economic and Social Council, as a principal United Nations organ in the economic, social, environmental and related fields. In this regard, it was recalled that, although the forum should remain a joint endeavour between the General Assembly and the Economic and Social Council, a central role should be conferred on the Economic and Social Council in the institutional framework of sustainable development and in the future review and follow-up of the post-2015 development agenda.

(ii) *Other resolutions of the General Assembly*

On 20 December 2013, the General Assembly adopted, on the recommendation of the Second Committee, 14 resolutions related to the environment.⁵⁶⁸ Three of the resolutions on issues of climate change and sustainable development are highlighted below.

review as from 2016; shall have a thematic focus reflecting the integration of the three dimensions on sustainable development, in line with the thematic focus of the activities of the Economic and Social Council and consistent with the post-2015 development agenda; shall follow up and review progress in the implementation of all outcomes of the major United Nations conferences and summits in the economic, social and environmental fields, as well as their respective means of implementation; shall result in a negotiated ministerial declaration for inclusion in the report of the Economic and Social Council to the General Assembly; and further decided that those reviews shall be State-led, involving ministerial and other relevant high-level participants.

⁵⁶⁷ See A/68/588, *Summary of the first meeting of the high-level political forum on sustainable development*, Note by the President of the General Assembly.

⁵⁶⁸ General Assembly resolution 68/205 entitled "World Wildlife Day"; resolution 68/206 entitled "Oil slick on Lebanese shores"; resolution 68/207 entitled "Sustainable tourism and sustainable development in Central America"; resolution 68/208 entitled "Cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea"; resolution 68/209 entitled "Agricultural technology for development"; resolution 68/210 entitled "Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development"; resolution 68/211 entitled "International Strategy for Disaster Reduction"; resolution 68/212 entitled "Protection of global climate for present and future generations of humankind"; resolution 68/213 entitled "Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa"; resolution 68/214 entitled "Implementation of the Convention on Biological Diversity and its contribution to sustainable development"; resolution 68/215 entitled "Report of the Governing Council of the United Nations Environment Programme on its first universal session and the implementation of section IV.C, entitled 'Environmental pillar in the context of sustainable development', of the outcome document of the United Nations Conference on Sustainable Development"; resolution 68/216 entitled "Harmony with Nature"; resolution 68/217 entitled "Sustainable mountain development"; and

In resolution 68/212, entitled “Protection of global climate for present and future generations of humankind,”⁵⁶⁹ the General Assembly took note, *inter alia*, with appreciation of the outcome of the eighteenth session of the COP on the UNFCCC and of the eighth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol⁵⁷⁰. The General Assembly also encouraged Member States to approach the United Nations Climate Change Conference in Warsaw with a view to achieving an ambitious, substantive and balanced outcome, building on the progress made through the Bali Action Plan⁵⁷¹ and the decisions adopted at Cancun,⁵⁷² and Durban,⁵⁷³ accelerating progress towards the full implementation of those decisions through the ongoing negotiations at the Conference of the Parties to the Convention and the Meeting of the Parties to the Kyoto Protocol, consistent with the mandates of and decisions on the three tracks of negotiations, and further developing and implementing the new processes and institutions agreed in the Cancun and Durban decisions.

The General Assembly also adopted resolution 68/214 on the “Implementation of the Convention on Biological Diversity and its contribution to sustainable development”. By that resolution, the General Assembly took note, *inter alia*, of the report of the Executive Secretary of the Convention on Biological Diversity on the work of the Conference of the Parties to the Convention.⁵⁷⁴ The General Assembly also encouraged parties, in close collaboration with relevant stakeholders, to take concrete measures towards achieving the objectives of the Convention on Biological Diversity, 1992,⁵⁷⁵ and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization, 2010.⁵⁷⁶ It requested parties, in close collaboration with relevant stakeholders, to coherently and efficiently implement their obligations and commitments under the Convention, and in this regard emphasized the need to comprehensively address at all levels the difficulties that impede the full implementation of the Convention. The General Assembly further invited countries that have not yet done so to ratify or accede to the Convention on Biological Diversity, and invited parties to the Convention to ratify or accede to the Nagoya Protocol so as to ensure its early entry into force and its implementation. Finally, the General Assembly acknowledged the importance of improving coherence in the implementation of all the relevant conventions,⁵⁷⁷ recognized the

resolution 68/218 entitled “The role of the international community in averting the radiation threat in Central Asia”.

⁵⁶⁹ The resolution was adopted without a vote.

⁵⁷⁰ United Nations, *Treaty Series*, vol. 2303, p. 162.

⁵⁷¹ FCCC/CP/2007/6/Add.1, decision 1/CP.13.

⁵⁷² FCCC/CP/2010/7/Add.1 and 2.

⁵⁷³ FCCC/CP/2011/9/Add.1.

⁵⁷⁴ A/68/260, sect. III.

⁵⁷⁵ United Nations, *Treaty Series*, vol. 1760, p. 79.

⁵⁷⁶ UNEP/CBD/COP/10/27, annex, decision X/1.

⁵⁷⁷ United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (United Nations, *Treaty Series*, vol. 1954, p. 3); United Nations Framework Convention on Climate Change (*Ibid.*, vol. 1771, p. 107); and the six biodiversity-related conventions: Convention on Biological Diversity (CBD) (*Ibid.*, vol. 1760, p. 79), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (*Ibid.*, vol. 993, p. 243), Convention on the Conservation of Migratory Species of Wild Animals (CMS) (*Ibid.*,

importance of enhancing synergies among them, without prejudice to their specific objectives, and encouraged the conferences of the parties to the biodiversity-related multilateral environmental agreements to consider strengthening efforts in this regard, taking into account relevant experiences and bearing in mind the respective independent legal status and mandate of those instruments.

By resolution 68/210, entitled “Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development”, the General Assembly reaffirmed, *inter alia*, the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, and urged its speedy implementation. The General Assembly also recalled the commitment made at the United Nations Conference on Sustainable Development to strengthen the Economic and Social Council within its mandate under the Charter of the United Nations as a principal organ in the integrated and coordinated follow-up of the outcomes of all major United Nations conferences and summits in the economic, social, environmental and related fields. It further reaffirmed its resolution 67/290 on the format and organizational aspects of the High-level political forum on sustainable development.

On 27 December 2013, the General Assembly also adopted resolution 68/238, entitled “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”. The General Assembly, *inter alia*, reaffirmed the commitment to take urgent and concrete action to address the vulnerability of small island developing States, including through the sustained implementation of the Programme of Action for the Sustainable Development of Small Island States⁵⁷⁸ and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States⁵⁷⁹, and underlined the urgency of finding additional solutions to the major challenges facing small island developing States. The General Assembly also called for continued and enhanced efforts to assist small island developing States in implementing the Barbados Programme of Action and the Mauritius Strategy and for a strengthening of United Nations system support to small island developing States.

vol. 1651, p. 333), Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention) (*Ibid.*, vol. 996, p. 245), International Treaty on Plant Genetic Resources for Food and Agriculture, the World Heritage Convention (WHC) (*Ibid.*, vol. 1037, p. 151). A Liaison Group of Biodiversity-related Conventions was established between the heads of the secretariats of the six biodiversity-related conventions to explore opportunities for synergistic activities and increased coordination, and to exchange information.

⁵⁷⁸ *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April–6 May 1994* (United Nations publication, Sales No. E.94.I.18) (and corrigenda), chap. I, resolution 1, annex II.

⁵⁷⁹ *Report of the International meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, Port Louis, Mauritius, 10–15 January 2005* (United Nations publication, Sales No. E.05.II.A.4) (and corrigendum), chap. I, resolution 1, annex II.

9. Law of the Sea

(a) Reports of the Secretary-General

Pursuant to paragraph 272 of General Assembly resolution 68/78 of 11 December 2012, the Secretary-General submitted a comprehensive report on oceans and the law of the sea⁵⁸⁰ to the General Assembly at its sixty-eighth session.⁵⁸¹ The report was also submitted to States parties to the United Nations Convention on the Law of the Sea, 1982 (the “Convention”)⁵⁸² in accordance with article 319 thereof. The report consisted of two parts.

The first part⁵⁸³ was prepared to facilitate discussions on the topic of focus of the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (“Informal Consultative Process”), namely on the theme entitled “The impacts of ocean acidification on the marine environment”. It contained, *inter alia*, information on the effects of ocean acidification on marine organisms and ecosystems, its socioeconomic impacts, and the relevant international legal and policy framework.⁵⁸⁴

The second part⁵⁸⁵ provided an overview of developments relating to the implementation of the Convention and the work of the Organization, the specialized agencies and other institutions in the field of ocean affairs and the law of the sea. It outlined the work carried out in 2013 by the three bodies established by the Convention, namely the Commission on the Limits of the Continental Shelf (CLCS),⁵⁸⁶ the International Seabed Authority (ISA),⁵⁸⁷ and the International Tribunal for the Law of the Sea (ITLOS).⁵⁸⁸ It also included updates on the status of the Convention and its implementing Agreements, on declarations and statements made by States under articles 287, 298 and 310 of the Convention;⁵⁸⁹ maritime space;⁵⁹⁰ international shipping activities;⁵⁹¹ people at sea;⁵⁹² maritime security;⁵⁹³ marine

⁵⁸⁰ A/68/71 and Add.1.

⁵⁸¹ The report was submitted under the agenda item “Oceans and the law of the Sea”.

⁵⁸² United Nations, *Treaty Series*, vol. 1833, p. 3.

⁵⁸³ A/68/71.

⁵⁸⁴ This part of the report also described the existing initiatives and activities related to the impacts of ocean acidification on the marine environment and identified the challenges and opportunities in addressing the impacts of ocean acidification.

⁵⁸⁵ A/68/71/Add.1.

⁵⁸⁶ *Ibid.*, chap. II(C). For more information on the thirty-first (21 January–8 March 2013), thirty-second (15 July–30 August 2013), and thirty-third (7 October–22 November 2013) sessions of the CLCS, see CLCS/78, CLCS/80 and CLCS/81 respectively.

⁵⁸⁷ *Ibid.*, chap. II(D).

⁵⁸⁸ *Ibid.*, chap. II(E).

⁵⁸⁹ *Ibid.*, chap. II(A).

⁵⁹⁰ *Ibid.*, chap. III.

⁵⁹¹ *Ibid.*, chap. IV. See also section B.7 of this chapter regarding the work of the International Maritime Organization.

⁵⁹² *Ibid.*, chap. V. See also section B.1 of this chapter regarding the work of the International Labour Organization, section B.7 of this chapter regarding the work of the International Maritime Organization, and section B.12(a) of this chapter regarding the activities of the United Nations High Commissioner for Refugees.

⁵⁹³ *Ibid.*, chap. VI.

science and technology;⁵⁹⁴ sustainable development of oceans and seas;⁵⁹⁵ small island developing States;⁵⁹⁶ climate change and oceans;⁵⁹⁷ settlement of disputes;⁵⁹⁸ international cooperation and coordination including developments related to the Informal Consultative Process;⁵⁹⁹ and the capacity-building activities of DOALOS.⁶⁰⁰

In the second part of the report, the Secretary-General also highlighted the need for international cooperation to combat crimes at sea. In that regard, the report drew attention to the 2013 Code of Conduct concerning the Prevention of Piracy, Armed Robbery against Ships and Illicit Maritime Activity in West and Central Africa.⁶⁰¹ It provided an overview of legal developments relating to piracy and armed robbery at sea worldwide, as well as actions being taken by various actors to combat these crimes.⁶⁰² It also included information on developments relating to the specific situation of piracy and armed robbery at sea off the coast of Somalia, including with regard to the prosecution of suspected pirates and regulation of the use of privately contracted armed security personnel on board ships.

The second part also provided information on two inter-sessional workshops convened in May 2013 in accordance with General Assembly resolution 67/78 in support of the work of the Ad Hoc Open-ended Informal Working Group and its study of issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.⁶⁰³ The Working Group held its sixth meeting from 19 to 23 August 2013 and formulated recommendations for consideration by the General Assembly at its sixty-eighth session. It was the second meeting of the Working Group convened in accordance with paragraphs 183 and 184 of General Assembly resolution 67/78 within the process initiated by the General Assembly in resolution 66/231, with a view to ensuring that the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction effectively addresses those issues by identifying gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under the Convention.⁶⁰⁴

In relation to the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (the “Regular Process”),

⁵⁹⁴ *Ibid.*, chap. VII.

⁵⁹⁵ *Ibid.*, chap. VIII

⁵⁹⁶ *Ibid.*, chap. IX.

⁵⁹⁷ *Ibid.*, chap. X.

⁵⁹⁸ *Ibid.*, chap. XI.

⁵⁹⁹ *Ibid.*, chap. XII.

⁶⁰⁰ *Ibid.*, chap. XIII.

⁶⁰¹ The Code of Conduct was signed in Yaoundé on 25th June 2013 by representatives of Angola, Benin, Burkina Faso, Cameroon, Cape Verde, Chad, the Congo, the Democratic Republic of the Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sao Tomé and Príncipe, Senegal, Sierra Leone and Togo. For the text of the Code of Conduct, see: http://www.imo.org/en/OurWork/Security/WestAfrica/Documents/code_of_conduct%20signed%20from%20ECOWAS%20site.pdf. See also the Statement of 14 August 2013 by the President of the Security Council (S/PRST/2013/13), welcoming the adoption of the Code of Conduct.

⁶⁰² See A/68/71/Add.1, Part VI.

⁶⁰³ *Ibid.*, chap. VIII.C.

⁶⁰⁴ A/68/399

the second part of the report provided an overview of the work of the Ad Hoc Working Group of the Whole of the General Assembly,⁶⁰⁵ which provided recommendations to the General Assembly.⁶⁰⁶

(b) Consideration by the General Assembly

(i) *Oceans and law of the sea*

On 9 December 2013, the General Assembly adopted resolution 68/70 entitled “Oceans and the law of the sea”.⁶⁰⁷ The resolution covered a wide range of ocean issues, such as the implementation of the Convention and related agreements and instruments; capacity-building; the meeting of States Parties; peaceful settlement of disputes; the Area; effective functioning of the ISA and the ITLOS; the continental shelf and the work as well as the workload of the CLCS; maritime safety and security and flag State implementation; marine environment and marine resources; marine biodiversity; marine science; the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects; regional cooperation; the informal consultative process; coordination and cooperation, including terms of reference for UN-Oceans; and the activities of the Division for Ocean Affairs and the Law of the Sea.

(ii) *Sustainable fisheries*

On the same day, the General Assembly also adopted resolution 68/71 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”.⁶⁰⁸ The resolution addressed a number of issues, including: achieving sustainable fisheries; implementation of the 1995 United Nations Fish Stocks Agreement and related fisheries instruments; illegal, unreported and unregulated fishing; monitoring, control and surveillance and compliance and

⁶⁰⁵ The Working Group held its fourth meeting from 22 to 25 April 2013.

⁶⁰⁶ This part of the report also included information on the work of the Bureau of the Ad Hoc Working Group, the convening of Workshops in support of the first cycle of the Regular Process, the website of the Regular Process and the appointment of individuals to the Pool of Experts of the Regular Process. The first global integrated assessment (the “World Ocean Assessment”) is scheduled to be completed in 2014.

⁶⁰⁷ The resolution was adopted without reference to a Main Committee. The General Assembly considered the agenda item entitled “Oceans and the law of the sea” on 9 December 2013, having before it the following documents: the report of the Secretary-General (A/68/71 and Add.1), the recommendations 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 (A/68/399, annex), and the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its fourteenth meeting (A/68/159) on the twenty-third Meeting of States Parties to the Convention (SPLOS/263), and on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-Economic Aspects (A/68/82 and Corr.1).

⁶⁰⁸ The resolution was adopted without reference to a Main Committee, without a vote.

enforcement; fishing overcapacity; large-scale pelagic drift-net fishing; fisheries by-catch and discards; subregional and regional cooperation; responsible fisheries in the marine ecosystem; capacity-building; cooperation within the United Nations system; and activities of the Division for Ocean Affairs and the Law of the Sea.

10. Crime prevention and criminal justice⁶⁰⁹

(a) Conference of the Parties to the United Nations Convention against Corruption

The Conference of the States Parties to the United Nations Convention against Corruption, 2003,⁶¹⁰ was established pursuant to article 63 of the Convention to improve the capacity of and cooperation between States Parties to the Convention, with a view to achieving the Convention's objectives and to promoting and reviewing its implementation. The fifth session of the Conference was held in Panama from 25 to 29 November 2013.⁶¹¹ Of particular note here, the Conference adopted a resolution focusing on strengthening the implementation of the criminalization provisions of the Convention, in particular with regard to the solicitation of bribery.⁶¹²

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

The Commission on Crime Prevention and Criminal Justice was established by the Economic and Social Council in its resolution 1992/1 of 6 February 1992 as a functional commission to deal with a broad scope of policy matters in this field, *inter alia*, combating national and transnational crime, including organized crime, economic crime and money laundering; promoting the role of criminal law in environmental protection, crime prevention in urban areas, including juvenile crime and violence; and improving the efficiency

⁶⁰⁹ 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. For more 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>.

⁶¹⁰ United Nations, *Treaty Series*, vol. 2349, p. 41.

⁶¹¹ See Report of the Conference of States Parties to the United Nations Convention against Corruption on its fifth session, held in Panama, 25 to 29 November 2013 (CAC/COSP/2013/18). During this session, six resolutions and three decisions were adopted relating to enhancing the effectiveness of law enforcement cooperation in the detection of corruption offences in the framework of the United Nations Convention against Corruption; strengthening the implementation of the criminalization provisions of the United Nations Convention against Corruption, in particular with regard to solicitation; facilitating international cooperation in asset recovery; the follow-up to the Marrakech declaration on the prevention of corruption; the promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity; and the private sector. See resolutions 5/1–5/6, and decision 5/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, decision 5/2, entitled “Venue for the eighth session of the Conference of the States Parties to the United Nations Convention against Corruption”, and decision 5/3 entitled “Venue for the ninth session of the Conference of the States Parties to the United Nations Convention against Corruption”.

⁶¹² Resolution 5/2, entitled “Strengthening the implementation of the criminalization provisions of the United Nations Convention against Corruption, in particular with regard to solicitation”.

and fairness of criminal justice administration systems. Aspects of these principal themes are selected for discussion at each of its annual sessions. The Commission also provides substantive and organizational direction for the quinquennial United Nations Congress on Crime Prevention and Criminal Justice.

The regular and reconvened twenty-second session of the Commission was held in Vienna from 22 to 26 April 2013 and from 12 to 13 December 2013, respectively.⁶¹³ The main theme for the twenty-second session of the Commission was “The challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively”.⁶¹⁴ The discussion focused on, *inter alia*, the lack of an internationally accepted definition of “environmental crimes”, and the under- or unreported nature of many of these crimes; the role of the United Nations Office on Drugs and Crime (UNODC) in providing technical assistance to countries, the need to strengthen international and regional cooperation, and the need to more effectively utilize the existing international framework; as well as instruments of the United Nations Convention against Transnational Organized Crime, 2000,⁶¹⁵ the United Nations Convention against Corruption, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973.⁶¹⁶

The Commission also adopted three resolutions highlighted here. First, in resolution 22/3, the Commission reiterated the need to consider the establishment of a mechanism to review the implementation of the Convention against Transnational Organized Crime and the Protocols thereto. And in resolutions 22/6 and 22/8, the Commission

⁶¹³ In its annual report, the Commission brought to the attention of the Economic and Social Council the following resolutions: resolution 21/1 entitled “Implementation of the budget for the biennium 2012–2013 for the United Nations Crime Prevention and Criminal Justice Fund”; resolution 21/2 entitled “Improving the governance and financial situation of the United Nations Office on Drugs and Crime: recommendations of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime”; resolution 22/3 entitled “Renewed efforts to ensure the effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto on the tenth anniversary of the entry into force of the Convention”; resolution 22/4 entitled “Enhancing the effectiveness of countering criminal threats to the tourism sector, including terrorist threats, in particular, by means of international cooperation and public-private partnerships”; resolution 22/5 entitled “Strengthening of international cooperation to promote the analysis of trends in transnational organized crime”; resolution 22/6 entitled “Promoting international cooperation and strengthening capacity to combat the problem of transnational organized crime committed at sea”; resolution 22/7 entitled “Strengthening international cooperation to combat cybercrime”; and resolution 22/8 entitled “Promoting technical assistance and capacity-building to strengthen national measures and international cooperation against cybercrime”. See *Official records of the Economic and Social Council 2013, Supplement No. 10* (E/2013/30–E/CN.15/2013/27) and *ibid.*, *Supplement No. 10A* (E/2013/30/Add.1–E/CN.15/2013/27/Add.1). The Commission on Crime Prevention and Criminal Justice also submitted in its report a number of draft resolutions that were to be recommended by the Economic and Social Council for adoption by the General Assembly, and several draft resolutions and decisions for adoption by the Economic and Social Council.

⁶¹⁴ See *Official records of the Economic and Social Council 2013, Supplement No. 10* (E/2013/30–E/CN.15/2013/27), chap. III, and also Economic and Social Council decision 2012/238 of 26 July 2012.

⁶¹⁵ United Nations, *Treaty Series*, vol. 2225, p. 209.

⁶¹⁶ *Ibid.*, vol. 993, p. 243.

highlighted the legal developments needed to combat the problems of transnational organized crime committed at sea and cybercrime, respectively.

(c) Economic and Social Council

On 25 July 2013, the Economic and Social Council adopted fourteen resolutions on crime prevention and criminal justice, all taken upon the recommendation of the Commission on Crime Prevention and Criminal Justice, eight of which were recommended for adoption by the General Assembly.⁶¹⁷ The Economic and Social Council, *inter alia*, invited Member States to consider utilizing the United Nations Convention against Transnational Organized Crime, 2000, to combat transnational organized crime and its possible links to illicit trafficking in precious metals.⁶¹⁸ The Economic and Social Council also requested Member States to fully utilize the Convention and the United Nations Convention against Corruption, 2003, to prevent and combat illicit trafficking in protected species of wild fauna and flora, encouraging Member States to make this activity involving organized criminal groups a serious crime, as defined in article 2, paragraph (b), of the Convention against Transnational Organized Crime.

(d) General Assembly

On 18 December 2013, the General Assembly adopted, on the recommendation of the Third Committee,⁶¹⁹ eleven resolutions under the agenda item entitled “Crime prevention and criminal justice”.⁶²⁰ Of particular note, the General Assembly recognized the cross-

⁶¹⁷ The following resolutions were recommended for adoption by the General Assembly: 2013/30 entitled “Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”; 2013/31 entitled “Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”; 2013/32; entitled “Technical assistance for implementing the international conventions and protocols related to counter-terrorism”; 2013/33 entitled “The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015”; 2013/34 entitled “Model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice”; 2013/35 “Standard Minimum Rules for the Treatment of Prisoners”; 2013/36 entitled “Taking action against gender-related killing of women and girls”. The following resolutions were not recommended for adoption by the General Assembly: resolution 2013/37 entitled “Improving the quality and availability of statistics on crime and criminal justice for policy development”; resolution 2013/38 entitled “Combating transnational organized crime and its possible links to illicit trafficking of precious metals”; resolution 2013/39 entitled “International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime”; resolution 2013/40 entitled “Crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora”; and resolution 2013/41 entitled “Implementation of the United Nations Global Plan of Action to combat Trafficking in Persons”.

⁶¹⁸ Resolution 2013/38.

⁶¹⁹ For the report of the Third Committee, see A/68/457.

⁶²⁰ General Assembly resolution 68/185 entitled “Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”; resolution 68/186 entitled “Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”; resolution 68/187 entitled “Technical assistance for implementing the international conventions

cutting nature of the rule of law, crime prevention and criminal justice and development, and underscored that the post-2015 development agenda should be guided by respect for and promotion of the rule of law, with crime prevention and criminal justice playing an important role in that regard.⁶²¹

The General Assembly also examined model strategies and practical measures in the field of crime prevention and criminal justice in two related areas: first, the elimination of violence against children,⁶²² and second, the combat of gender-related killing of women and girls.⁶²³ The General Assembly, *inter alia*, reaffirmed the importance of the numerous international standards and norms in crime prevention and criminal justice to address these problems, and urged Member States to strengthen their national criminal justice responses to these two issues.

11. International drug control

(a) Commission on Narcotic Drugs

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

During its fifty-sixth regular and reconvened fifty-sixth session,⁶²⁴ held in Vienna from 11 to 15 March and from 12 to 13 December 2013, respectively, the Commission

and protocols related to counter-terrorism"; resolution 68/188, entitled "The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015"; resolution 68/189, entitled "Model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice"; resolution 68/190 entitled "Standard Minimum Rules for the Treatment of Prisoners"; resolution 68/191, entitled "Taking action against gender-related killing of women and girls"; resolution 68/192 entitled "Improving the coordination of efforts against trafficking in persons"; resolution 68/193 entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity"; resolution 68/194 entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders"; and resolution 68/195 entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption".

⁶²¹ General Assembly resolution 68/188.

⁶²² General Assembly resolution 68/189.

⁶²³ General Assembly resolution 68/191.

⁶²⁴ For the report of the fifty-sixth session of the Commission on Narcotic Drugs, see *Official Records of the Economic and Social Council, 2012, Supplement No. 8* (E/2013/28-E/CN.7/2013/14) and *ibid.*, Supplement No. 8A (E/2013/28/Add.1-E/CN.7/2013/14/Add.1).

adopted sixteen resolutions,⁶²⁵ which were brought to the attention of the Economic and Social Council.

The Commission focused in particular on issues related to the implementation,⁶²⁶ review⁶²⁷ and follow-up⁶²⁸ of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem⁶²⁹ of 2009, which is the main policy document of the United Nations guiding action by the international community in this field.

Among the resolutions adopted, the Commission, in resolution 56/12, entitled “Preparations for the high-level review of the implementation by Member States of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem”, decided, *inter alia*, that the high-level review should focus on progress achieved and remaining challenges. It further decided that the high-level review shall consist of a general debate on the three pillars of the Plan of Action: (a) demand reduction; (b) supply reduction; and (c) international cooperation.

(b) Economic and Social Council

On 25 July 2013, the Economic and Social Council adopted resolution 2013/42, entitled “United Nations Guiding Principles on Alternative Development”, on the recommendation of the CND, in which it adopted the Lima Declaration on Alternative Development and the International Guiding Principles on Alternative Development⁶³⁰ as the United Nations Guiding Principle on Alternative Development. In the resolution, the Economic and Social Council, *inter alia*, reaffirmed that the world drug problem must be addressed in accordance with the provisions of the Single Convention on Narcotic Drugs, 1961,⁶³¹ as amended by the 1972 Protocol,⁶³² the Convention on Psychotropic Substances, 1971,⁶³³ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and

⁶²⁵ For a complete list of the resolutions, see the report of the fifty-sixth session of the Commission on Narcotic Drugs, *ibid.*, chap. I, sect. C.

⁶²⁶ Resolution 56/10 entitled “Tools to improve data collection to monitor and evaluate the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to counter the World Drug Problem”. (see E/2013/28–E/CN.7/2013/14)

⁶²⁷ Resolution 56/12 entitled “Preparations for the high-level review of the implementation by Member States of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem”. (see E/2013/28–E/CN.7/2013/14)

⁶²⁸ Resolution 56/15 entitled “Follow-up to the Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem with respect to the development of strategies on voluntary marketing tools for products stemming from alternative development, including preventing alternative development”. (see E/2013/28–E/CN.7/2013/14)

⁶²⁹ For detailed information regarding this document, see the website of the United Nations Office on Drugs and Crime (UNODC) at https://www.unodc.org/unodc/en/commissions/CND/Political_Declarations/Political-Declarations_Index.html.

⁶³⁰ See E/CN.7/2013/8.

⁶³¹ United Nations, *Treaty Series*, vol. 520, p. 151.

⁶³² *Ibid.*, vol. 976, p. 3.

⁶³³ *Ibid.*, vol. 1019, p. 175.

Psychotropic Substances, 1988,⁶³⁴ which constitute the framework of the international drug control system. The Commission, bearing in mind the content of article 14 of the 1988 Convention regarding measures to eradicate illicit cultivation of narcotic plants, further affirmed that alternative development is an important, lawful, viable and sustainable alternative to illicit cultivation of drug crops and an effective measure to counter the world drug problem.

(c) General Assembly

On 18 December 2013, the General Assembly also adopted the Lima Declaration on Alternative Development and the International Guiding Principles on Alternative Development as annexes to its resolution 68/196. The General Assembly encouraged all relevant stakeholders to take these United Nations Guiding Principles into account when designing and implementing alternative development strategies and programmes, acknowledging, *inter alia*, that alternative development⁶³⁵ is an important, lawful, viable and sustainable alternative to illicit cultivation of drug crops and an effective measure to counter the world drug problem and other drug-related crime challenges.

On the same day, the General Assembly adopted resolution 68/197 entitled “International cooperation against the world drug problem”,⁶³⁶ The General Assembly, *inter alia*, reiterated its call upon States to take, in a timely manner, the measures necessary to implement the actions and attain the goals and targets set out in the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, adopted by the General Assembly at its sixty-fourth session. It also welcomed the adoption of the United Nations Principles on Alternative Development and encouraged Member States, international organizations, entities and other relevant stakeholders to take into due account the United Nations Guiding Principles on Alternative Development when designing and implementing alternative development programmes. The General Assembly also recognized that crop control strategies should be in full conformity with article 14 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,⁶³⁷ and appropriately coordinated and phased in accordance with national policies in order to achieve the sustainable eradication of illicit crops. The General Assembly further invited Member States and observers to participate actively at the appropriate level in the high-level review, noting that the outcome of the high-level review would be submitted through the Economic and Social Council to the General Assembly, in view of the special session of the General Assembly on the world drug problem to be held in 2016.

⁶³⁴ *Ibid.*, vol. 1582, p. 95.

⁶³⁵ In accordance with Economic and Social Council resolutions 2006/33, 2007/12 and 2008/26, the concept of alternative development includes preventive alternative development in a manner focusing on the sustainability and integrality of uplifting people’s livelihood.

⁶³⁶ The resolution was adopted on the recommendation of the Third Committee, without a vote. The General Assembly also adopted resolution 68/196 entitled “United Nations Guiding Principles on Alternative Development” adopted by the Economic and Social Council on the recommendation of the Commission on Narcotic Drugs set out in subsection *b* (Economic and Social Council).

⁶³⁷ United Nations, *Treaty Series*, vol. 1582, p. 95.

12. Refugees and displaced persons

(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees⁶³⁸

The Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR) was established by the Economic and Social Council in 1958 and functions as a subsidiary organ of the General Assembly, reporting to it through the Third Committee. The Executive Committee meets annually in Geneva to review and approve the programmes and budget of the UNHCR and its intergovernmental and non-governmental partners. The sixty-fourth plenary session of the Executive Committee was held in Geneva from 30 September to 4 October 2013.⁶³⁹

(b) General Assembly

On 11 and 18 December 2013, the General Assembly adopted seven resolutions relating to refugees and displaced persons. Four of the resolutions related specifically to Palestine,⁶⁴⁰ two related to the Office of the High Commissioner for Refugees,⁶⁴¹ and one related to refugees, returnees and displaced persons in Africa.⁶⁴²

The General Assembly adopted resolution 68/78, entitled “Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East”, which, *inter alia*, called upon Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.⁶⁴³ It also called upon Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations⁶⁴⁴ in order to ensure the safety of the personnel of the Agency, the protection of its institution and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem.

⁶³⁸ For detailed information and documents regarding this topic generally, see the website of the UNHCR at <http://www.unhcr.org>.

⁶³⁹ For the report of the sixty-fourth session of the Executive Committee of the High Commissioner’s Programme, see A/AC.96/1132. For the report of the United Nations High Commissioner for Refugees on the activities of his Office, see *ibid.*, *Supplement No. 12 (A/68/12)* and *Supplement No. 12A (A/68/12/Add.1)*.

⁶⁴⁰ See resolution 68/76 entitled “Assistance to Palestine refugees”, resolution 68/77 entitled “Persons displaced as a result of the June 1967 and subsequent hostilities”, resolution 68/78 entitled “Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East”; and 68/79 entitled “Palestine refugees’ properties and their revenues”.

⁶⁴¹ See resolution 68/141 entitled “Office of the United Nations High Commissioner for Refugees”; and 68/142 entitled “Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees”.

⁶⁴² Resolution 68/143 entitled “Assistance to refugees, returnees and displaced persons in Africa”.

⁶⁴³ United Nations, *Treaty Series*, vol. 75, p. 287.

⁶⁴⁴ *Ibid.*, vol. I, p. 15.

The General Assembly also adopted resolution 68/77, entitled “Persons displaced as a result of the June 1967 and subsequent hostilities”.⁶⁴⁵ The General Assembly, *inter alia*, reaffirmed the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their home or former places of residence in the territories occupied by Israel since 1967. It also called for compliance with the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993⁶⁴⁶ on the return of displaced persons.

With respect to Stateless persons, resolution 68/141, *inter alia*, welcomed pledges by States to accede to the 1954 Convention relating to the Status of Stateless Persons⁶⁴⁷ and the 1961 Convention on the Reduction of Statelessness,⁶⁴⁸ noted with satisfaction the recent increase in the number of accessions to the two instruments, and encouraged States not parties thereto to consider acceding to those instruments. The General Assembly also emphasized the obligation of all States to accept the return of their nationals, called upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirmed the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned.

In its resolution 68/143 entitled “Assistance to refugees, returnees and displaced persons in Africa”, the General Assembly reaffirmed that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, and called upon States, in cooperation with international organizations, operating within their mandates, to take all measures necessary to ensure respect for the principles of refugee protection. It also expressed grave concern about the plight of internally displaced persons in Africa and called upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, and in this regard recalled the Guiding Principles on Internal Displacement.⁶⁴⁹

13. International Court of Justice⁶⁵⁰

(a) Organization of the Court

At the end of 2013, the composition of the Court was as follows:

President: Peter Tomka (Slovakia);

Vice-President: Bernardo Sepúlveda-Amor (Mexico);

⁶⁴⁵ The resolution was adopted by a vote of 170 in favour to 6 against, with 6 abstentions.

⁶⁴⁶ A/48/486-S/26560, annex.

⁶⁴⁷ United Nations, *Treaty Series*, vol. 360, p. 117.

⁶⁴⁸ *Ibid.*, vol. 989, p. 175.

⁶⁴⁹ E/CN.4/1998/53/Add.2, annex.

⁶⁵⁰ 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-eighth Session, Supplement No. 4 (A/68/4)* (for the period from 1 August 2012 to 31 July 2013) and *ibid.*, *Sixty-ninth Session, Supplement No. 4 (A/69/4)* (for the period from 1 August 2013 to 31 July 2014). See also the website of the Court at <http://www.icj-cij.org/>.

Judges: Hisashi Owada (Japan), Ronny Abraham (France), Kenneth Keith (New Zealand), Mohamed Bennouna (Morocco), Leonid Skotnikov (Russian Federation), Antônio Augusto Cançado Trindade (Brazil), Abdulqawi Ahmed Yusuf (Somalia), Christopher Greenwood (United Kingdom), Xue Hanqin (China), Joan E. Donoghue (United States of America), Giorgio Gaja (Italy), Julia Sebutinde (Uganda), Dalveer Bhandari (India).

The Registrar of the Court was Mr. Philippe Couvreur; the Deputy-Registrar was Mr. Jean-Pelé Fomété.

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

Members:

President: Peter Tomka;

Vice-President: Bernardo Sepúlveda-Amor;

Judges: Abdulqawi Ahmed Yusuf, Xue Hanqin and Joan E. Donoghue.

Substitute members:

Judges: Kenneth Keith and Giorgio Gaja.

(b) Jurisdiction of the Court⁶⁵¹

One declaration was made by the Marshall Islands in 2013 recognizing the compulsory jurisdiction of the Court, as contemplated by Article 36, paragraph 2, of the Statute. Thus, as of 31 December 2013, 70 States had recognized such compulsory jurisdiction.⁶⁵²

(c) General Assembly

On 31 October 2013, the General Assembly adopted decision 68/511 in which it took note of the report of the International Court of Justice for the period from 1 August 2012 to 31 July 2013.⁶⁵³

On 5 December 2013, the General Assembly adopted resolution 68/42 entitled "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons". The General Assembly underlined once again the unanimous conclusion of the Court that there exists an obligation to pursue in good faith

⁶⁵¹ For further information regarding the acceptance of the compulsory jurisdiction of the International Court of Justice, see chapter I.4 of *Multilateral Treaties Deposited with the Secretary-General*, available on the website <http://treaties.un.org/Pages/ParticipationStatus.aspx>.

⁶⁵² Please note that, in 2012, two declarations were made accepting the compulsory jurisdiction of the Court, by Lithuania (<https://treaties.un.org/doc/Publication/CN/2012/CN.582.2012-Eng.pdf>) and by Timor-Leste (<https://treaties.un.org/doc/Publication/CN/2012/CN.594.2012-Eng.pdf>). The notation in the corresponding entry in the 2012 Yearbook that "no declarations were made in 2012 recognising the compulsory jurisdiction of the Court, as contemplated by Article 36, paragraph 2, of the Statute" should thus have reflected Lithuania and Timor-Leste, thereby bringing the number of States having made such declarations from 67 in 2011 to 69 in 2012.

⁶⁵³ See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 4 (A/68/4)*.

and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, and called once again upon all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention.⁶⁵⁴

14. International Law Commission⁶⁵⁵

(a) Membership of the Commission⁶⁵⁶

The membership of the International Law Commission at its sixty-fifth session consisted of Mr. Mohammed Bello Adoke (Nigeria), Mr. Ali Mohsen Fetais Al-Marri (Qatar), Mr. Lucius Caflisch (Switzerland), Mr. Enrique J. A. Candiotti (Argentina), Mr. Pedro Comissário Afonso (Mozambique), Mr. Abdelrazeg El-Murtadi Suleiman Gouider (Libya), Ms. Concepción Escobar Hernández (Spain), Mr. Mathias Forteau (France), Mr. Kirill Gevorgian (Russian Federation), Mr. Juan Manuel Gómez-Robledo (Mexico), Mr. Hussein A. Hassouna (Egypt), Mr. Mahmoud D. Hmoud (Jordan), Mr. Huikang Huang (China), Ms. Marie G. Jacobsson (Sweden), Mr. Maurice Kamto (Cameroon), Mr. Kriangsak Kittichaisaree (Thailand), Mr. Ahmed Laraba (Algeria), Mr. Donald M. McRae (Canada), Mr. Shinya Murase (Japan), Mr. Sean D. Murphy (United States of America), Mr. Bernd H. Niehaus (Costa Rica), Mr. Georg Nolte (Germany), Mr. Ki Gab Park (Republic of Korea), Mr. Chris Maina Peter (United Republic of Tanzania), Mr. Ernest Petrič (Slovenia), Mr. Gilberto Vergne Saboia (Brazil), Mr. Narinder Singh (India), Mr. Pavel Šturma (Czech Republic), Mr. Dire D. Tladi (South Africa), Mr. Eduardo Valencia-Ospina (Colombia), Mr. Marcelo Vázquez-Bermúdez (Ecuador),⁶⁵⁷ Mr. Amos S. Wako (Kenya), Mr. Nugroho Wisnumurti (Indonesia) and Mr. Michael Wood (United Kingdom).

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

The International Law Commission held the first part of its sixty-fifth session from 6 May to 7 June 2013, and the second part of the session from 8 July to 9 August 2013, at its seat at the United Nations Office at Geneva (UNOG).⁶⁵⁸ During its 2013 session, the Commission continued its consideration of the following topics: “Subsequent agreements and subsequent practice in relation to the interpretation of treaties”, “Immunity of State officials from foreign criminal jurisdiction”, “Protection of persons in the event of disasters”, “Formation and evidence of customary international law”, “Provisional application

⁶⁵⁴ General Assembly resolution 68/42 of 5 December 2013, paras. 1–2.

⁶⁵⁵ Detailed information and documents relating to the work of the International Law Commission may be found on the Commission’s website at <http://legal.un.org/ilc/>.

⁶⁵⁶ Pursuant to article 10 of the Statute of the International Law Commission, the election of the members of the Commission for a five-year term, beginning on 1 January 2012 (until 31 December 2016), took place by secret ballot, at the 59th meeting of the General Assembly at its sixty-sixth session, held on 17 November 2011.

⁶⁵⁷ On 6 May 2013, the Commission elected Mr. Marcelo Vázquez-Bermúdez to fill the casual vacancy occasioned by the resignation of Mr. Stephen C. Vasciannie (Jamaica) in 2012.

⁶⁵⁸ For the report of the International Law Commission on the work at its sixty-fifth session, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 10 (A/68/10)*.

of treaties”, “The obligation to extradite or prosecute (*aut dedere aut judicare*)”, and “The Most-Favoured-Nation Clause”. The Commission also added two new topics, “Protection of the environment in relation to armed conflict” and “Protection of the atmosphere”, to its programme of work, and decided to add an additional topic, “Crimes against humanity”, to its long-term programme of work.

Concerning the topic “Subsequent agreements and subsequent practice in relation to the interpretation of treaties”,⁶⁵⁹ the Commission had before it the first report of the Special Rapporteur,⁶⁶⁰ which, *inter alia*, contained four draft conclusions relating to (a) the general rule and means of treaty-related practice interpretation; (b) subsequent agreements and subsequent practice as means of interpretation; (c) the definition of subsequent agreement and subsequent practice as means of treaty interpretation; and (d) attribution of a treaty related to a State. Following the debate in plenary, the Commission decided to refer the four draft conclusions to the Drafting Committee. Upon consideration of the report of the Drafting Committee, the Commission provisionally adopted five draft conclusions, together with commentaries.

In relation to the topic “Immunity of State officials from foreign criminal jurisdiction”, the Commission had before it the second report of the Special Rapporteur,⁶⁶¹ in which, *inter alia*, six draft articles were presented, following an analysis of: (a) the scope of the topic and of the draft articles; (b) the concepts of immunity and jurisdiction; (c) the difference between immunity *ratione personae* and immunity *ratione materiae* and (d) the basic norms comprising the regime of immunity *ratione personae*. Following the debate in plenary, the Commission decided to refer the six draft articles to the Drafting Committee. Upon consideration of the report of the Drafting Committee, the Commission provisionally adopted three draft articles, together with commentaries.

As regards the topic “Protection of persons in the event of disasters”, the Commission had before it the sixth report of the Special Rapporteur,⁶⁶² dealing with aspects of prevention in the context of the protection of persons in the event of disasters, including disaster risk reduction, prevention as a principle of international law, and international cooperation on prevention. Following the debate in plenary, the Commission decided to refer the two draft articles, proposed by the Special Rapporteur, to the Drafting Committee. The Commission provisionally adopted seven draft articles, together with commentaries, namely draft articles 5 *bis* and 12 to 15, of which it had taken note of at its sixty-fourth session (2012), dealing with forms of cooperation, offers of assistance, and termination of external assistance, respectively, as well as draft articles 5 *ter* and 16, concerning cooperation for disaster risk reduction and the duty to reduce the risk of disasters, respectively.

⁶⁵⁹ At the sixty-four session (2012), the Commission, on the basis of a recommendation of the Study Group on the topic “Treaties over time” decided: to change with effect from its sixty-fifth session (2013), the format of the work on this topic as suggested by the Study Group, and to appoint Mr. Georg Nolte as Special Rapporteur for the topic “Subsequent agreements and subsequent practice in relation to the interpretation of treaties”.

⁶⁶⁰ A/CN.4/660.

⁶⁶¹ A/CN.4/661.

⁶⁶² A/CN.4/662.

Concerning the topic “Formation and evidence of customary international law”, the Commission had before it the first report of the Special Rapporteur,⁶⁶³ which, *inter alia*, presented an overview of the previous work of the Commission relevant to the topic, the views expressed by delegates in the Sixth Committee of the General Assembly, the scope of the topic, the range of materials to be consulted, and issues relating to customary international law as a source of international law. The Commission also had before it a memorandum by the Secretariat addressing elements in the previous work of the Commission that could be particularly relevant to the topic.⁶⁶⁴ The debate in plenary addressed, among other issues, the scope and methodology of the topic, the range of materials to be consulted and the future plan of work. The Special Rapporteur also held informal consultations on the title of the topic, the consideration of *jus cogens* within the scope of the topic and the need for additional information on State practice. The Commission further decided to change the title of the topic to “Identification of customary international law”.

As regards the topic “Provisional application of treaties”, the Commission had before it the first report of the Special Rapporteur,⁶⁶⁵ which sought to establish in general terms the principal legal issues that arose in the context of the provisional application of treaties by considering doctrinal approaches to the topic and by briefly reviewing the existing State practice. The Commission also had before it a memorandum by the Secretariat which traced the negotiating history of article 25 of the Vienna Convention on the Law of Treaties both in the Commission and at the Vienna Conference on the Law of Treaties.⁶⁶⁶ The debate in plenary revolved around the purpose of the provisional application of treaties, and the elaboration of specific issues to be considered in the future reports of the Special Rapporteur.

In connection with the topic “The obligation to extradite or prosecute (*aut dedere aut judicare*)”, the Commission re-constituted the Working Group on the topic, which continued the evaluation of work on the issue, particularly in the light of the judgment of the International Court of Justice on *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)* of 20 July 2012. The Commission took note of the report of the Working Group.

Regarding the topic “The Most-Favoured-Nation Clause”, the Commission reconstituted the Study Group on the topic, which, *inter alia*, continued to examine the various factors that seemed to influence investment tribunals in interpreting MFN clauses, on the basis, *inter alia*, of contemporary practice and jurisprudence, in particular *Daimler Financial Services AG v. Argentine Republic*⁶⁶⁷ and *Kılıç İnşaat İthalat İhracat Sanayi ve Ticaret Anonim Şirketi v. Turkmenistan*.⁶⁶⁸

As noted previously, the Commission also decided to add two new topics to its programme of work, and began its work on one of those topics, the “Protection of the environment in relation to armed conflict”. The Special Rapporteur appointed by the Commission,

⁶⁶³ A/CN.4/663.

⁶⁶⁴ A/CN.4/659.

⁶⁶⁵ A/CN.4/664.

⁶⁶⁶ A/CN.4/658.

⁶⁶⁷ ICSID Case No. ARB/05/1 dispatched to the parties on 22 August 2012.

⁶⁶⁸ ICSID Case No. ARB/10/1 dispatched to the parties on 2 July 2013.

Ms. Marie G. Jacobsson, engaged in informal dialogue with members of the Commission on a number of issues that could be relevant for the consideration of the topic and development of the work thereupon. Issues addressed in the informal consultations included, *inter alia*, scope and methodology, the possible outcome of the Commission's work, as well as a number of substantive issues relating to the topic. It was proposed that the Special Rapporteur would proceed by examining the topic in temporal phases, namely legal measures taken to protect the environment before, during and after an armed conflict (respectively Phase I, Phase II and Phase III).

Finally, the Commission established a Planning Group to consider its programme, procedures and working methods. The Commission decided to include the topic "Protection of the atmosphere" in the programme of work, and to appoint Mr. Shinya Murase as Special Rapporteur for the topic.

(c) Sixth Committee

The Sixth Committee of the General Assembly considered the agenda item "Report of the International Law Commission on the work of its sixty-third and sixty-fifth sessions" at several meetings in 2013.⁶⁶⁹ The Chairman of the International Law Commission at its sixty-fifth session introduced the report of the Commission on the work of that session, and also introduced chapter IV of the report of the Commission on the work of its sixty-third session, dealing with "Reservations to treaties".

On 15 November 2013, the Committee adopted draft resolutions on the "Report of the International Law Commission on the work of its sixty-third and sixty-fifth sessions"⁶⁷⁰ and "Reservations to treaties"⁶⁷¹.

(d) General Assembly

On 16 December 2013, the General Assembly adopted resolution 68/112 entitled "Report of the International Law Commission on the work of its sixty-fifth session",⁶⁷² on the recommendation of the Sixth Committee, by which it took note of the report of the International Law Commission on the work of its sixty-fifth session.⁶⁷³ The General Assembly, *inter alia*, noted with appreciation the decision of the Commission to include the topics "Protection of the environment in relation to armed conflicts" and "Protection of the atmosphere" in its programme of work,⁶⁷⁴ and encouraged the Commission to continue the examination of the topics that are in its long-term programme of work. In this regard, it also took note of paragraphs 169 and 170 of the report of the International Law Commission, and noted in particular the inclusion of the topic

⁶⁶⁹ The Committee considered the item at its 17th to 26th and 29th meetings on 28, 29, 30, 31 October, and 1, 4, 5 and 15 November 2013. See A/C.6/68/SR.17–26 and 29.

⁶⁷⁰ A/C.6/68/L.24.

⁶⁷¹ A/C.6/68/L.23.

⁶⁷² The resolution was adopted without a vote.

⁶⁷³ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 10 (A/68/10)*.

⁶⁷⁴ *Ibid.*, paras. 167 and 168.

“Crimes against humanity” in the long-term programme of work of the Commission.⁶⁷⁵ The General Assembly also invited the Commission to continue to give priority to the topics “Immunity of State officials from foreign criminal jurisdiction” and “The obligation to extradite or prosecute (*aut dedere aut judicare*)”.

In the same resolution, the General Assembly stressed the desirability of further enhancing the dialogue between the Commission and the Sixth Committee at the sixty-ninth session of the General Assembly, and in this context encouraged, *inter alia*, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-ninth session of the General Assembly.

15. United Nations Commission on International Trade Law⁶⁷⁶

(a) Forty-sixth session of the Commission

The United Nations Commission on International Trade Law (UNCITRAL) held its forty-sixth session in Vienna from 8 to 26 July 2013 and adopted its report on 11, 17, 19 and 26 July 2013.⁶⁷⁷

At the session, the Commission finalized and adopted the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the UNCITRAL Arbitration Rules (with new article 1, paragraph 4, as adopted in 2013).⁶⁷⁸ The Commission agreed to entrust its Working Group II (Arbitration and Conciliation) with the task of preparing a draft convention on the application of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration to existing treaties.⁶⁷⁹ As regards future work in the field of settlement of commercial disputes, the Commission recalled that the 1996 UNCITRAL Notes on Organizing Arbitral Proceedings⁶⁸⁰ required updating as a matter of priority. The Commission therefore recommended that a single session of the Working Group should be devoted to consideration of the Notes and that such consideration should take place as the next topic of future work, after completion of the draft convention.⁶⁸¹

The Commission finalized and adopted the UNCITRAL Guide on the Implementation of a Security Rights Registry.⁶⁸² The Commission also confirmed its decision that its Working Group VI (Security Interests) should prepare a simple, short and concise model law on secured transactions based on the recommendations of the UNCITRAL Legislative

⁶⁷⁵ The inclusion of the topic was guided by the criteria for selection of the topics adopted by the Commission in 1998 (*Ibid.*, *Fifty-third Session, Supplement No. 10 and corrigendum (A/53/10 and Corr. 1)*), para. 553.

⁶⁷⁶ For the membership of the United Nations Commission on International Trade Law, see *ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 4.

⁶⁷⁷ *Ibid.*, paras. 1 and 12.

⁶⁷⁸ *Ibid.*, para. 128.

⁶⁷⁹ *Ibid.*, para. 13.

⁶⁸⁰ *Ibid.*, *Fifty-first Session, Supplement No. 17 (A/51/17)*, chap. II.

⁶⁸¹ *Ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 130.

⁶⁸² *Ibid.*, para. 191.

Guide on Secured Transactions⁶⁸³ and consistent with all texts prepared by UNCITRAL on secured transactions.⁶⁸⁴

The Commission finalized and adopted the Guide to Enactment and Interpretation of the UNCITRAL Model Law on Cross-Border Insolvency,⁶⁸⁵ and part four of the UNCITRAL Legislative Guide on Insolvency Law.⁶⁸⁶ It also took note of the updates to the UNCITRAL Model Law on Cross-Border Insolvency: the Judicial Perspective.⁶⁸⁷ The Commission considered the reports of its Working Group V (Insolvency Law) on its forty-second and forty-third sessions⁶⁸⁸ and decided that the Working Group should hold a colloquium to clarify how it would proceed with the enterprise group issues and other parts of its current mandate and to consider topics for possible future work, including insolvency issues specific to micro-, small- and medium-sized enterprises (MSMEs).⁶⁸⁹

The Commission, recalling its instructions to the Secretariat to undertake a study of topics that were not adequately covered in the UNCITRAL Model Law on Public Procurement (2011)⁶⁹⁰ and its accompanying Guide to Enactment,⁶⁹¹ adopted the documents “Guidance on procurement regulations to be promulgated in accordance with article 4 of the UNCITRAL Model Law on Public Procurement” and “Glossary of procurement-related terms used in the UNCITRAL Model Law on Public Procurement”.⁶⁹²

The Commission recalled its previous discussions of online dispute resolution.⁶⁹³ It unanimously confirmed, among other things, the mandate of the Working Group III (Online Dispute Resolution) in respect of low-value, high-volume cross-border electronic transactions, and encouraged the Working Group to continue to conduct its work in the most efficient manner possible.⁶⁹⁴

The Commission considered the reports of the forty-sixth and forty-seventh sessions of its Working Group IV (Electronic Commerce)⁶⁹⁵ and reaffirmed the mandate of the Working Group relating to electronic transferable records.⁶⁹⁶ It took note of other developments in the field of electronic commerce, in particular the entry into force of the United Nations Convention on the Use of Electronic Communications in International Contracts⁶⁹⁷ (hereinafter “Electronic Communications Convention”) on 1 March 2013

⁶⁸³ United Nations publication, Sales No. E.09.V.12.

⁶⁸⁴ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para.194.

⁶⁸⁵ *Ibid.*, para. 198.

⁶⁸⁶ *Ibid.*, para. 204.

⁶⁸⁷ *Ibid.*, para. 209.

⁶⁸⁸ *Ibid.*, para. 210.

⁶⁸⁹ *Ibid.*, para. 325.

⁶⁹⁰ *Ibid.*, *Sixty-sixth Session, Supplement No. 17 (A/66/17)*, annex I.

⁶⁹¹ *Ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 214.

⁶⁹² *Ibid.*, para. 216.

⁶⁹³ *Ibid.*, para. 218.

⁶⁹⁴ *Ibid.*, para. 222.

⁶⁹⁵ *Ibid.*, para. 223.

⁶⁹⁶ *Ibid.*, para. 230.

⁶⁹⁷ General Assembly resolution 60/21, annex.

with three States parties.⁶⁹⁸ The Commission further explained that substantive provisions of the Electronic Communications Convention had influenced States that were revising or enacting their legislation on electronic commerce, and thus had the unforeseen yet very positive effect of updating and supplementing the UNCITRAL Model Law on Electronic Commerce.⁶⁹⁹

After considering the results of a UNCITRAL international colloquium on micro-finance, held from 16 to 18 January 2013,⁷⁰⁰ the Commission agreed to add to its work programme the work on international trade law aimed at reducing the legal obstacles faced by MSMEs throughout their life cycle and, in particular, those in developing economies.⁷⁰¹ It assigned this work to its Working Group I.⁷⁰²

As regards planned and possible future work, the Commission considered a note by the Secretariat,⁷⁰³ which supplemented the note by the Secretariat on a strategic direction for UNCITRAL,⁷⁰⁴ prepared in response to the request at the forty-fourth session.⁷⁰⁵ The Commission discussed and agreed on some general considerations that it might apply in planning and prioritizing the future work of UNCITRAL, including both its legislative activity and the other activities to support the adoption and use of UNCITRAL texts,⁷⁰⁶ and agreed that it should reserve time for discussion of future work as a separate topic at each Commission session.⁷⁰⁷

In addition to the ongoing and planned work in the areas covered above, the Commission considered possible future work in the areas of commercial fraud, international contract law and public-private partnerships.

Regarding its possible future work in the area of commercial fraud, the Commission recalled the “Indicators of commercial fraud”, published by the Secretariat,⁷⁰⁸ and commented on the need for their periodic review in order to consider their continuing relevance and accuracy. The Commission made a reference to plans⁷⁰⁹ to develop, under the auspices of the core group of experts on identity-related crime of the Commission on Crime Prevention and Criminal Justice, model legislation on identity-related crime, and

⁶⁹⁸ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, paras. 228 and 229.

⁶⁹⁹ General Assembly resolution 51/162, annex; *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 228.

⁷⁰⁰ *Ibid.*, paras. 316–317.

⁷⁰¹ *Ibid.*, para. 321.

⁷⁰² *Ibid.*, para. 322.

⁷⁰³ A/CN.9/774.

⁷⁰⁴ A/CN.9/752 and Add.1.

⁷⁰⁵ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 293.

⁷⁰⁶ *Ibid.*, paras. 294–309.

⁷⁰⁷ *Ibid.*, para. 310.

⁷⁰⁸ “Recognizing and Preventing Commercial Fraud: Indicators of Commercial Fraud” (2013), available from http://www.uncitral.org/uncitral/en/uncitral_texts/payments/2013-indicators-of-commercial-fraud.html.

⁷⁰⁹ *Official Records of the Economic and Social Council, 2013, Supplement No. 10 and corrigendum (E/2013/30 and Corr.1)*, chap. I, sect. B, draft resolution III, para. 7.

to a request made in that context to the United Nations Office on Drugs and Crime to coordinate with UNCITRAL on the development of such model legislation.⁷¹⁰

As regards its possible future work in the area of international contract law, the Commission requested the Secretariat to commence planning for a colloquium to celebrate the thirty-fifth anniversary of the United Nations Convention on Contracts for the International Sale of Goods,⁷¹¹ to be held in 2014. The Commission agreed that the scope of that colloquium could include looking at the Convention broadly and include some of the issues raised by an earlier proposal submitted at its forty-fifth session, as well as other developments in the field, such as the UNIDROIT Principles of International Commercial Contracts, and explore the need for further work in that area.⁷¹²

As regards its possible future work in the area of public-private partnerships, the Commission heard a summary of the results of the colloquium organized by the Secretariat in May 2013.⁷¹³ Noting the wide variation in terminology, scope and contents of existing texts at the national level, and some divergence of views as to whether a model law or other legislative texts should be developed, the Commission considered that further preparatory work on the topic would be required so as to set a precise scope for any mandate to be given for development in a working group.⁷¹⁴ After discussion, the Commission agreed that the Secretariat would organize that preparatory work through studies and consultations with experts, and use up to one week of conference time for one or more colloquiums in cooperation with relevant international and regional bodies active in the field. Thereafter, a further report would be made to the Commission at its forty-seventh session.⁷¹⁵

The Commission also continued consideration of its technical assistance to law reform activities,⁷¹⁶ promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts,⁷¹⁷ status and promotion of UNCITRAL texts,⁷¹⁸ measures aimed at coordination and cooperation with other organizations active in the field of international trade law,⁷¹⁹ its regional presence,⁷²⁰ and the role of UNCITRAL in promoting the rule of law at the national and international levels.⁷²¹ Finally, the Commission took note of relevant General Assembly resolutions.⁷²²

⁷¹⁰ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 312.

⁷¹¹ United Nations, *Treaty Series*, vol. 1489, p. 3.

⁷¹² *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 315.

⁷¹³ *Ibid.*, para. 327.

⁷¹⁴ *Ibid.*, para. 330.

⁷¹⁵ *Ibid.*, para. 331.

⁷¹⁶ *Ibid.*, paras. 231–234.

⁷¹⁷ *Ibid.*, paras. 235–240.

⁷¹⁸ *Ibid.*, paras. 241–244.

⁷¹⁹ *Ibid.*, paras. 245–261.

⁷²⁰ *Ibid.*, paras. 262–266.

⁷²¹ *Ibid.*, paras. 267–291.

⁷²² *Ibid.*, para. 333.

(b) General Assembly

On 16 December 2013, the General Assembly adopted four resolutions on the work of UNCITRAL: Resolution 68/106 on the report of the Commission on the work of its forty-sixth session; resolution 68/107 A–B on the revision of the Guide to Enactment of the Model Law on Cross-Border Insolvency and part four of the UNCITRAL Legislative Guide on Insolvency Law; resolution 68/108 on the UNCITRAL Guide on the Implementation of a Security Rights Registry; and resolution 68/109 on the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (as revised in 2010, with new article 1, paragraph 4, as adopted in 2013).⁷²³

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

During the sixty-eighth session of the General Assembly, the Sixth Committee (Legal), in addition to the topics discussed above concerning the work of the International Law Commission and the United Nations Commission on International Trade Law, considered a wide range of topics, some of which were considered in follow up to the work of the International Law Commission concluded previously. The work of the Sixth Committee and of other related subsidiary organs is described below, together with the relevant resolutions and decisions adopted by the General Assembly in 2013.⁷²⁴ The resolutions and decisions of the General Assembly described in this section were all adopted, without a vote, during the sixty-eighth session, on 16 December 2013, on the recommendation of the Sixth Committee.⁷²⁵

(a) Responsibility of States for internationally wrong acts

The draft articles on responsibility of States for internationally wrongful acts were prepared by the International Law Commission and were submitted to the General Assembly at its fifty-sixth session in 2001.⁷²⁶ 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.⁷²⁷ It further considered the item during its fifty-ninth, sixty-second, and sixty-fifth sessions.⁷²⁸

⁷²³ Report of the Sixth Committee (A/68/462). The resolutions were adopted without a vote, on the recommendation of the Sixth Committee.

⁷²⁴ 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/en/ga/sixth/68/68_session.shtml.

⁷²⁵ The Sixth Committee adopts draft resolutions, which it recommends for adoption by the General Assembly. These resolutions are contained in the reports of the Sixth Committee to the General Assembly on the various agenda items. The Sixth Committee reports also contain information concerning the relevant documentation on the consideration of the items by the Sixth Committee.

⁷²⁶ General Assembly resolution 56/83 of 12 December 2001, annex.

⁷²⁷ *Ibid.*, paras. 1–4.

⁷²⁸ See General Assembly resolutions 59/35 of 2 December 2004; 62/61 of 6 December 2007; and 65/19 of 6 December 2010.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 15th, 28th and 29th meetings, on 21 October, and 8 and 15 November 2013, respectively.⁷²⁹

Pursuant to General Assembly resolution 65/19 of 6 December 2010, the Committee decided, at its 2nd meeting, on 7 October 2013, to establish a Working Group on the Responsibility of States for Internationally Wrongful Acts, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine the question of a convention on the topic or other appropriate action on the basis of the articles drafted by the International Law Commission. At the same meeting, the Committee 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, which was chaired by Mr. Nikolas Stuerchler (Switzerland), held one meeting, on 21 October 2013. At the 28th meeting of the Committee, on 8 November 2013, the Chair of the Working Group presented an oral report on the work of the Working Group.

In their comments, delegations took note, with appreciation, of the report of the Secretary-General on comments and information received from Governments,⁷³⁰ as well as of the updated compilation of decisions of international courts, tribunals and other bodies referring to the articles on responsibility of States for internationally wrongful acts.⁷³¹ It was also noted that the articles had become a useful and authoritative statement of the rules on State responsibility.

As regards the future action on the articles, three options were raised: (a) the negotiation of a convention on the basis of the articles; (b) the adoption of the articles by the General Assembly in the form of a declaration or resolution; or (c) the retention of the articles as adopted by the Commission with no further action.

Several delegations supported the negotiation of a convention on the basis of the articles, as a convention would contribute to legal certainty and the international rule of law. It was also suggested that a convention would lessen the selective and inconsistent application of the articles in their present form. The articles were deemed a well-conceived and balanced set of secondary rules, and reference to the articles in the practice of States, as well as the decisions of various international courts, tribunals and other bodies, demonstrated the general acceptance of the articles in the international community. In this regard, certain delegations also called for the convening of a diplomatic conference to adopt the articles as an international convention.

Several other delegations did not favour the negotiation of a convention, indicating that the negotiation of a convention would threaten the delicate balance established by the articles. The concern was raised that the articles adopted by the Commission reflected a widely shared consensus and had proven their worth as a persuasive source of guidance for both Governments and courts. It was also observed that it would be premature to consider the articles in their entirety as settled customary international law. According to another view, further consideration of the articles would be needed before a decision could be made on whether to negotiate a convention. It was suggested that the rules on State responsibility

⁷²⁹ For the summary records of the Sixth Committee, see A/C.6/68/SR.15, 28 and 29.

⁷³⁰ A/68/69 and Add.1.

⁷³¹ A/68/72.

should develop organically rather than through negotiations in a multilateral conference, and that further discussion of this topic should be deferred until it was clear that the time was ripe for action in relation to the articles.

A number of delegations indicated a willingness to support the adoption by the General Assembly of the articles in the form of a declaration or resolution.

At the 28th meeting, on 28 November 2013, the representative of Switzerland introduced, on behalf of the Bureau, the text of a draft resolution entitled “Responsibility of States for internationally wrongful acts”.⁷³² At the 29th meeting, on 15 November 2013, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

By resolution 68/104 of 16 December 2013, the General Assembly acknowledged the growing number of decisions of international courts, tribunals and other bodies referring to the articles, and commended them once again to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. The Assembly requested the Secretary-General to invite Governments to submit further written comments on any future action regarding the articles, to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles, and to invite Governments to submit information on their practice in this regard. It further requested the Secretary-General to submit this material well in advance of its seventy-first session. Finally, the General Assembly decided to further examine, within the framework of a working group of the Sixth Committee and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles. In this regard, the Assembly decided to include the item in the provisional agenda of its seventy-first session.

(b) Diplomatic protection

At its sixty-first session, the General Assembly took note of the draft articles on diplomatic protection adopted by the International Law Commission at its fifty-eighth session, in 2006, and invited Governments to submit comments concerning the recommendation of the Commission that the Assembly elaborate a convention on the basis of the draft articles.⁷³³ The Assembly further considered this item at its sixty-second and sixty-fifth sessions.⁷³⁴

(i) *Sixth Committee*

The Sixth Committee considered the item at its 15th, 28th and 29th meetings, on 21 October, 8 November and 15 November 2013, respectively.⁷³⁵

⁷³² A/C.6/68/L.19.

⁷³³ General Assembly resolution 61/35 of 4 December 2006.

⁷³⁴ See General Assembly resolution 62/67 of 6 December 2007; and General Assembly resolution 65/27 of 6 December 2010.

⁷³⁵ For the summary records of the Sixth Committee, see A/C.6/68/SR.15, 28 and 29.

Pursuant to resolution 65/27 of 6 December 2010, the Committee decided, at its 2nd meeting, on 7 October 2013, to establish a Working Group on Diplomatic Protection, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine, in light of the written comments of Governments as well as views expressed in the debates held at the sixty-second and sixty-fifth sessions of the General Assembly, the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the articles drafted by the International Law Commission and also to identify any difference of opinion on the articles. At the same meeting, the Committee 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, which was chaired by Mr. Thembile Joyini (South Africa), held one meeting, on 23 October 2013.

Several delegations expressed support for the adoption of the articles on diplomatic protection in the form of a convention. While several delegations underlined that such adoption would enable the harmonization of State practice and jurisprudence in this topic, others pointed to the important role of the draft articles in clarifying and developing norms of customary international law relating to diplomatic protection. The enhancement of legal certainty which a future convention may have was also stressed. Furthermore, some delegations recalled the positive effect that diplomatic protection had had on human rights protection. It was also stated that a convention would enhance the peaceful settlement of disputes, address existing gaps in international law and promote the rule of law. It was further suggested that the draft articles could be finalized by the Working Group of the Sixth Committee to achieve broader acceptance by Member States.

Several other delegations expressed their preference for not developing a convention on the basis of the draft articles at this stage, and for allowing more time to further consider their content. The concern was expressed that attempts to negotiate a convention at this point could risk opening up a debate that may undermine the already substantial contributions of the draft articles. Doubts were expressed that the draft articles satisfied the need for the delicate balance between the rights of individuals and the rights of States, and the view was expressed that the time was not ripe to transform them into an international legally binding instrument. Some also favoured allowing the draft articles some time to inform, influence and settle State practice. It was also stated that any decision to begin negotiating a convention in respect of diplomatic protection would be premature in the absence of a consensus on the elaboration of a convention on the basis of the articles on the responsibility of States for internationally wrongful acts,⁷³⁶ given the close connection between the two sets of draft articles. Several delegations recommended that, at that juncture, the draft articles should be taken note of and be fully taken into consideration as guidance and inspiration of State practice.

At the 28th meeting, on 8 November 2013, the representative of South Africa, on behalf of the Bureau, introduced a draft resolution entitled "Diplomatic protection".⁷³⁷ At the 29th meeting, on 15 November 2013, the Committee adopted the draft resolution without a vote.

⁷³⁶ For more information about Responsibility of States for internationally wrongful acts, see section A.16(a) of this chapter above.

⁷³⁷ A/C.6/68/L.16.

(ii) *General Assembly*

By resolution 68/113, the General Assembly commended once again the articles on diplomatic protection to the attention of Governments and invited them to submit in writing to the Secretary-General any further comments, including comments concerning the recommendation of the Commission to elaborate a convention on the basis of the articles. The Assembly also decided to include the item in the provisional agenda of its seventy-first session and, within the framework of a working group of the Sixth Committee, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second, sixty-fifth and sixty-eighth sessions of the General Assembly, or any other appropriate action, on the basis of the above-mentioned articles and to also identify any difference of opinion on the articles.

(c) **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 that the International Law Commission should undertake at an appropriate time a separate study of the topic “International liability for injurious consequences arising out of the performance of other activities”, other than acts giving rise to responsibility for international wrongful acts, the topic “International liability for injurious consequences arising out of acts not prohibited by international law” was included in the programme of work of the Commission in 1978.

In 1997, the Commission decided to deal first with prevention aspects of the topic under the subtitle “Prevention of transboundary damage from hazardous activities”. The Commission, 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.⁷³⁸

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”.⁷³⁹ 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,⁷⁴⁰ and recommended to the Assembly that it endorse the draft principles by a resolution and urge States to take national and international action to implement them.⁷⁴¹ The General Assembly further considered this item at its sixty-second and sixty-fifth sessions.⁷⁴²

⁷³⁸ See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10 (A/56/10 and Corr. 1)*

⁷³⁹ See General Assembly resolution 56/82 of 12 December 2001 and *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10 (A/57/10 and Corr.1)*.

⁷⁴⁰ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10)*.

⁷⁴¹ General Assembly resolution 61/36 of 19 December 2006.

⁷⁴² General Assembly resolution 62/68 of 6 December 2007 and General Assembly resolution 65/28 of 6 December 2010.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 16th, 28th and 29th meetings, on 22 October and on 8 and 15 November 2013, respectively.⁷⁴³

In their comments, delegations reiterated that the work of the International Law Commission in this area represented an important contribution to the progressive development of international law and its codification. They encouraged States to continue to use the draft articles and draft principles as a guide for negotiating bilateral and multilateral agreements and developing domestic legislative and policy measures to address the issue. Some delegations asserted that the draft articles and the draft principles already constituted authoritative guidance for States and judicial bodies in the adjudication of disputes. It was also expressed that the prevention of transboundary harm was integral in the effort to address climate change and protect the oceans and the deep sea bed.

With regard to the final form of the draft articles and the draft principles, several delegations reiterated the position that the draft articles and draft principles would be most effective if they remained in their current form. While not excluding the possibility of the adoption of an international convention, it was also noted that it was premature at this time to consider such an instrument. The suggestion was also made that there was a need to have a unified convention incorporating both the draft articles and the draft principles. As a preliminary step, it was suggested that the draft articles and draft principles should be combined into a single draft instrument, which could then be considered by States. It was noted that the adoption of such a unified convention may take a significant amount of time and, as an interim measure, further consultations with States on the outstanding issues and relevant practice were welcomed. It was also suggested that the Secretariat should carry out a comprehensive analytical study on the subject. The view was also expressed that a Working Group of the Sixth Committee be created to consider the elaboration of an international convention on the basis of both the draft articles and the draft principles.

At the 28th meeting, on 8 November 2013, the representative of Chile, 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”.⁷⁴⁴ At the 29th meeting, on 15 November 2013, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

By resolution 68/114 of 16 December 2013, the General Assembly commended once again the articles on prevention of transboundary harm from hazardous activities, as well as the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, to the attention of Governments, without prejudice to any future action. The Assembly also invited Governments to submit further comments on any future action, in particular on the form of the respective articles and principles, bearing in mind the recommendations made by the International Law Commission in that regard, including in relation to the elaboration of a convention on the basis of the articles, as well as on

⁷⁴³ For the summary records of the Sixth Committee, see A/C.6/68/SR.16, 28 and 29.

⁷⁴⁴ A/C.6/68/L.20.

any practice in relation to the application of the articles and principles. The Assembly further requested the Secretary-General to submit a compilation of decisions of international courts, tribunals and other bodies referring to the articles and the principles. Finally, the Assembly decided to include the item in the provisional agenda of its seventy-first session.

(d) The law of transboundary aquifers

At its sixty-third session, in 2008, the General Assembly, under the item entitled “Report of the International Law Commission on the work of its sixtieth session”, considered chapter IV of the report of the Commission,⁷⁴⁵ which contained the draft articles on the law of transboundary aquifers, together with commentaries, and a recommendation that the Assembly take note of the draft articles on the law of transboundary aquifers in a resolution and annex those articles to the resolution. The General Assembly subsequently welcomed the conclusion of the work of the Commission on the law of transboundary aquifers and its adoption of the draft articles and a detailed commentary on the subject. It took note of the draft articles, the text of which was annexed to its resolution; commended them to the attention of Governments without prejudice to the question of their future adoption or other appropriate action; encouraged the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles; and decided to include the item in the provisional agenda of its sixty-sixth session, in 2011, with a view to examining, in particular, the question of the form that might be given to the draft articles.⁷⁴⁶

At its sixty-sixth session, in 2011, the General Assembly further encouraged the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles, and encouraged the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization to offer further scientific and technical assistance to the States concerned and decided to consider the matter at its sixty-eighth session, examining, *inter alia*, the question of the final form that might be given to the draft articles, in the light of written comments of Governments, as well as views expressed in the debates of the Sixth Committee held at its sixty-third and sixty-sixth sessions.⁷⁴⁷

(i) Sixth Committee

The Sixth Committee considered the item at its 16th and 29th meetings, on 22 October and 15 November 2013, respectively.⁷⁴⁸ For the consideration of the item, the Committee had before it a report of the Secretary-General containing comments and observations of Governments on the draft articles on the law transboundary aquifers.⁷⁴⁹

⁷⁴⁵ A/63/10.

⁷⁴⁶ General Assembly resolution 63/124 of 11 December 2008.

⁷⁴⁷ General Assembly resolution 66/104 of 9 December 2011.

⁷⁴⁸ For the summary records of the Sixth Committee, see A/C.6/68/SR.16 and 29.

⁷⁴⁹ A/68/172.

Some delegations commented that the draft articles had achieved a fair balance between the rights and obligations of States, while others continued to emphasize the importance of balancing the rights and responsibilities of States in the proper management of transboundary aquifers.

With regard to the future form of the draft articles, some delegations proposed the adoption of the draft articles in the form of a declaration of principles on the law of transboundary aquifers, which would serve as guidelines for States in their elaboration and conclusion of bilateral or regional agreements. The view was also expressed that the draft articles may be adopted as guiding principles if there was consensus to that effect. Other delegations reiterated their view that the draft articles should evolve into an international framework convention. Some other delegations reaffirmed their continued belief in context-specific arrangements as opposed to an international framework treaty, and asserted that the draft articles should be taken into account by the States concerned in the negotiation of bilateral or regional agreements. It was further emphasized that the draft articles should not be considered as the basis for an international convention but may be useful as a voluntary guide for concluding bilateral or regional arrangements.

Some delegations stated that the elaboration of a legally binding instrument was premature and stressed the need for further scientific and technical knowledge in this area. Continued examination of State practice (through bilateral and regional arrangements) was suggested, and it was reiterated that the final form of the draft articles should be considered at a later stage. It was also noted that any international convention would have to take account of existing international agreements, including the 1997 Convention on the Law of the Non-Navigational Uses of International Watercourses.⁷⁵⁰

At the 29th meeting, on 15 November 2013, the representative of Japan, on behalf of the Bureau, introduced a draft resolution entitled "The law of transboundary aquifers".⁷⁵¹ At the same meeting, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

By resolution 68/118 of 16 December 2013, the General Assembly commended to the attention of Governments the draft articles on the law of transboundary aquifers (annexed to the resolution) as guidance for bilateral or regional agreements and arrangements for the proper management of transboundary aquifers. The Assembly also encouraged the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization to continue its contribution by offering further scientific and technical assistance to the States concerned. Finally, the Assembly decided to include the item in the provisional agenda of its seventy-first session.

⁷⁵⁰ General Assembly resolution 51/229 of 21 May 1997, annex. The resolution was adopted by a recorded vote of 103 in favour to 3 against, with 27 abstentions.

⁷⁵¹ A/C.6/68/L.25.

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

The item entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects” was included in the agenda of the General Assembly at its nineteenth session, in February 1965, when the General Assembly established the Special Committee on Peacekeeping Operations that was to undertake a comprehensive review of the whole question of peacekeeping operations in all their aspects.⁷⁵²

At its sixty-first session, in 2006, the General Assembly decided that the agenda item entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects”, which had been allocated to the Special Political and Decolonization Committee (Fourth Committee), should also be referred to the Sixth Committee for discussion of the report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations,⁷⁵³ submitted pursuant to General Assembly resolution 59/300 of 22 June 2005.⁷⁵⁴ At the same session, the General Assembly decided to establish an *ad hoc* committee, for the purpose of considering the report of the Group of Legal Experts, in particular its legal aspects, and to report on its work to the General Assembly under the agenda item entitled “Criminal Accountability of United Nations officials and experts on mission”.⁷⁵⁵ In addition to its consideration at the sixty-eighth session, the General Assembly had previously considered this item at its sixty-second to sixty-seventh sessions.⁷⁵⁶

(i) Sixth Committee

During the sixty-eighth session of the General Assembly, the Six Committee considered the agenda item at four meetings.⁷⁵⁷ For its consideration of the item, the Committee had before it the report of the Secretary-General on criminal accountability of United Nations officials and experts on mission.⁷⁵⁸

In their general comments, delegations, *inter alia*, underlined the imperative to guard against impunity and the need to ensure that all United Nations personnel perform their functions in a manner that is consistent with the Charter of the United Nations. Delegations

⁷⁵² General Assembly resolution 2006 (XIX) of 18 February 1965.

⁷⁵³ A/60/980.

⁷⁵⁴ General Assembly decision 61/503A of 13 September 2006.

⁷⁵⁵ The Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission as established by General Assembly resolution 61/29 of 4 December 2006. The Ad Hoc Committee held two sessions at United Nations Headquarters in New York, from 9 to 13 April 2007 and from 7 to 9 and on 11 April 2008. For more information, see http://legal.un.org/committees/criminal_accountability/.

⁷⁵⁶ See General Assembly resolutions 62/63 of 6 December 2007; 63/119 of 11 December 2008; 64/110 of 16 December 2009; 65/20 of 6 December 2010; 66/93 of 6 December 2011; and 67/88 of 14 December 2012.

⁷⁵⁷ The Sixth Committee considered the item at its 10th, 11th, 28th and 29th meetings, on 16 October and on 8 and 15 November 2013. For the report of the Sixth Committee, see A/68/461. For the summary records, see A/C.6/68/SR.10, 11, 28 and 29.

⁷⁵⁸ A/68/173.

also reiterated their support for the zero tolerance policy of the United Nations, particularly with regard to sexual exploitation and abuse.

Delegations also discussed the establishment of criminal jurisdiction by States over serious crimes committed by United Nations officials and experts on mission. Delegations generally welcomed the recent referrals by the Organization of cases of alleged criminal conduct to the State of nationality of the official or expert on mission concerned, for investigation and possible prosecution, and urged States to report back to the United Nations. Several delegations encouraged States to take the necessary steps to prosecute their nationals for any offence committed while on mission, if necessary by adapting their national legislation to guarantee that jurisdiction could be exercised. Some delegations suggested that an assessment be undertaken to discover where gaps in jurisdiction existed.

Several delegations underlined the need for increased cooperation among States, as well between States and the United Nations, particularly with respect to extradition and mutual assistance including in relation to criminal investigations, exchange of information, the collection of evidence and judicial process. The need to address the concerns of victims was also stressed by a number of delegations.

Regarding future follow-up action, most delegations looked forward to further discussion of the report of the Group of Legal Experts at the seventieth session of the General Assembly.⁷⁵⁹ Some delegations called for the full implementation of the resolutions adopted so far by the General Assembly on this item. Different views were expressed concerning the possible elaboration of a convention to ensure the criminal accountability of United Nations officials and experts on mission.

At the 28th meeting, on 8 November 2013, the representative of Pakistan, on behalf of the Bureau, introduced a draft resolution entitled "Criminal accountability of United Nations officials and experts on mission".⁷⁶⁰ At its 29th meeting, on 15 November 2013, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

In resolution 68/105, the General Assembly, *inter alia*, took note of the report of the Secretary-General⁷⁶¹ and strongly urged States to take all appropriate measures to ensure that crimes committed by United Nations officials and experts on mission do not go unpunished and that perpetrators of such crimes be brought to justice. The General Assembly also strongly urged all States to consider establishing, to the extent that they had not yet done so, jurisdiction over crimes, particularly those of a serious nature, as known in their existing national criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct as defined in the law of the State establishing jurisdiction also constitutes a crime under the laws of the host State, and, further urged States and appropriate international organizations to provide technical and other appropriate assistance in developing such legal measures to States requesting such support.

⁷⁵⁹ A/60/980.

⁷⁶⁰ A/C.6/68/L.15.

⁷⁶¹ A/68/173.

The General Assembly also encouraged all States, in accordance with their respective national laws, and bearing in mind due process considerations: (a) to afford each other assistance in connection with criminal investigations or criminal or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials and experts on mission; (b) to explore ways and means of facilitating the possible use of information and material obtained from the United Nations for purposes of criminal proceedings initiated in their territory for the prosecution of crimes of a serious nature committed by United Nations officials and experts on mission; (c) to provide effective protection for victims and witnesses; and (d) to explore ways and means of responding adequately to requests by host States for support and assistance.

The General Assembly decided that, bearing in mind its resolutions 62/63 of 6 December 2007 and 63/119 of 11 December 2008, 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 also noting the inputs by the Secretariat, should continue during its seventieth session in the framework of a working group of the Sixth Committee, and decided to include the item in the provisional agenda of its sixty-ninth session.

(f) 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 1965⁷⁶² to provide direct assistance in the field of international law, as well as through the preparation and dissemination of publications and other information relating to international law. The General Assembly authorized the continuation of the Programme of Assistance annually until its twenty-sixth session, biennially until its sixty-fourth session and annually thereafter.

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

(i) Sixth Committee

The Sixth Committee considered the agenda item at four meetings in 2013.⁷⁶³ For its consideration of the item, the Committee had before it the report of the Secretary-General.⁷⁶⁴

Delegations, *inter alia*, welcomed the report of the Secretary-General and stressed the central importance of the Programme of Assistance, especially as part of the strengthening

⁷⁶² General Assembly resolution 2099 (XX) of 20 December 1965. For further information on the Programme of Assistance, see <http://legal.un.org/poa/>.

⁷⁶³ The Committee considered the item at its 11th, 12th, 27th and 28th meetings, on 16 and 17 October and 6 and 8 November. For the report of the Sixth Committee, see A/68/463. For the summary records, see A/C.6/68/SR.11, 12, 27 and 28.

⁷⁶⁴ A/68/521.

of the rule of law, and as a means to ensure peaceful relations between States. It was noted that it was important to ensure that the Programme had adequate resources.

At the 27th meeting of the Committee, on 6 November 2013, the representative of Ghana, on behalf of the Bureau, introduced a draft resolution entitled “United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law”.⁷⁶⁵ At the 28th meeting, on 8 November 2013, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

In resolution 68/110 of 18 December 2013, the General Assembly reaffirmed that the Programme constituted a core activity of the United Nations and that there was an increase in the demand for international law training, which created new challenges for the Programme. The General Assembly, *inter alia*, authorized the Secretary-General to carry out the activities specified in his report⁷⁶⁶ on the Programme for the biennium 2014–2015. It reiterated its request to the Secretary-General to provide to the programme budget for 2014–2015 the resources necessary for the Programme to ensure its continued effectiveness and further development, in particular the organization of the Regional Courses in International Law on a regular basis and the viability of the Audiovisual Library of International Law. The General Assembly decided to consider the viability of voluntary contributions as a sustainable method for funding the Regional Courses in International Law and the Audiovisual Library of International Law and the need to provide a more reliable funding method, taking into account the recommendation of the Advisory Committee at its forty-eighth session. In addition, the General Assembly decided to include the item in the provisional agenda of its sixty-ninth session.

(g) **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*⁷⁶⁷

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.⁷⁶⁸

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

⁷⁶⁵ A/C.6/68/L.14.

⁷⁶⁶ A/68/521.

⁷⁶⁷ For more information, see the website of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, available at <http://legal.un.org/committees/charter/>.

⁷⁶⁸ Letter dated 21 November 1969 addressed to the President of the General Assembly by the Permanent Representative of Colombia to the United Nations (A/7659).

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.⁷⁶⁹

At its thirtieth session, in 1975, the General Assembly decided to reconvene the Ad Hoc Committee as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, to examine suggestions and proposals regarding the Charter and the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law.⁷⁷⁰ Since its thirtieth session, the General Assembly has considered the report of the Special Committee annually.

The Special Committee met at the United Nations Headquarters from 19 to 27 February 2013.⁷⁷¹ The issues considered by the Special Committee during its 2013 session in relation to the item “Maintenance of international peace and security” were: (a) the report by the Secretary-General entitled “Implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions”;⁷⁷² (b) a revised proposal submitted by Libya at the 1998 session with a view to strengthening the role of the United Nations in the maintenance of international peace and security;⁷⁷³ (c) a further revised working paper submitted by the Bolivarian Republic of Venezuela at the 2011 session, entitled “Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs”;⁷⁷⁴ (d) a revised working paper submitted by Belarus and the Russian Federation at the 2005 session;⁷⁷⁵ and (e) a working paper introduced by Cuba at the 2012 session entitled “Strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations”.⁷⁷⁶

The Special Committee also considered the items “Peaceful settlement of disputes”, “*Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council*” and “Working methods of the Special Committee and identification of new subjects”.

⁷⁶⁹ General Assembly resolution 3349 (XXIX) of 17 December 1974. 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: see letter dated 8 September 1972, addressed to the Secretary-General by the Permanent Representative of Romania to the United Nations (A/8792).

⁷⁷⁰ General Assembly resolution 3499 (XXX) of 15 December 1975.

⁷⁷¹ For the report of the Special Committee, see *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 33 (A/68/33)*.

⁷⁷² A/67/190.

⁷⁷³ *Official Records of the General Assembly, Fifty-third Session, Supplement No. 33 (A/53/33)*, para. 98.

⁷⁷⁴ *Ibid.*, *Sixty-sixth Session, Supplement No. 33 (A/66/33)*, annex.

⁷⁷⁵ *Ibid.*, *Sixtieth Session, Supplement No. 33 (A/60/33)*, para. 56.

⁷⁷⁶ *Ibid.*, *Sixty-seventh Session, Supplement No. 33 (A/67/33)*, annex.

(ii) *Sixth Committee*

For its consideration of the item, the Sixth Committee had before it, *inter alia*, the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.⁷⁷⁷ The Committee also heard a statement on the status of the *Repertory of Practice of United Nations Organs*, and a statement on the status of the *Repertoire of the Practice of the Security Council*.

In the context of the maintenance of international peace and security, concern with regard to the imposition of sanctions was expressed by a number of delegations. They pointed out that sanctions should be implemented in accordance with international law and the Charter of the United Nations and stressed the need to minimize the adverse humanitarian effects of sanctions. Several delegations were also of the view that the objectives of sanctions regimes should be clearly defined, based on tenable legal grounds, imposed for a specified time frame, with the conditions on which the sanctions are imposed being clearly defined and subject to periodic review. Several delegations also noted the importance of considering the issue of compensation.

With regard to the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions under Chapter VII, a number of delegations expressed the view that it was necessary to continue to consider the topic. Several other delegations reiterated their view that the topic should be removed from the agenda since the application of targeted sanctions in recent years had minimized the possibility of adverse consequences for civilian populations.

On the issue of the identification of new subjects, reference was made to the proposal of Ghana for the inclusion of a new subject on principles and practical measures/mechanisms for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on matters relating to international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping.

Several delegations called for the improvement of the working methods of the Special Committee. In particular, several delegations spoke in favour of reviewing all agenda items to consider the usefulness of further discussing them before examining new proposals, and supported re-examining the duration and the frequency of the sessions of the Special Committee.

At the 28th meeting, on 8 November 2013, 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".⁷⁷⁸ At the 29th meeting, on 15 November 2013, the Committee adopted the draft resolution without a vote.

⁷⁷⁷ *Official Records of the General Assembly, Sixty-eight Session, Supplement No. 33 (A/68/33)*. The Committee considered the item at its 8th, 9th, 28th and 29th meetings, on 11 and 14 October and on 8 and 15 November. For the report of the Sixth Committee, see A/68/467. For the summary records, see A/C.6/68/SR.8, 9, 28 and 29.

⁷⁷⁸ A/C.6/68/L.18.

(iii) *General Assembly*

In resolution 68/115, the General Assembly, *inter alia*, requested the Special Committee to continue its consideration of all proposals concerning the question of the maintenance of international peace and security and of the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions, and to continue to consider, on a priority basis, ways and means of improving the Committee's working methods and enhancing its efficiency.

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

This item was included in the provisional agenda of the sixty-first session of the General Assembly, in 2006, at the request of Liechtenstein and Mexico.⁷⁷⁹ The General Assembly had previously considered the item from its sixty-first to its sixty-seventh sessions.

(i) *Sixth Committee*

At its sixty-eighth session in 2013, the Sixth Committee considered the item at five meetings.⁷⁸⁰ For its consideration of the item, the Committee had before it the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities.⁷⁸¹

In their general observations, delegations affirmed the indispensability of the rule of law and international law to maintain and develop peaceful coexistence and cooperation within the international community. They emphasized the connection between the rule of law and the purposes and principles of the Charter of the United Nations and the principles of international law, as well as the role of the rule of law in underpinning the three core pillars of the United Nations, namely: international peace and security, the advancement of socio-economic development and human rights.

In accordance with General Assembly resolution 67/97 of 14 December 2012, delegations focused their debate at the sixty-eighth session on the subtopic of "The rule of law and the peaceful settlement of international disputes". Several delegations emphasized that States should refrain from the threat of, or use of force in the resolution of disputes and reaffirmed their commitment to settle disputes in accordance with Chapter VI of the United Nations Charter and international law. Delegations referred in particular to the peaceful means for the settlement of disputes contemplated in Article 33 of the Charter of the United Nations. Some delegations noted the insufficient use of the various methods for settling legal disputes by States enunciated therein.

⁷⁷⁹ Letter dated 11 May 2006 from the Permanent Representatives of Liechtenstein and Mexico to the United Nations addressed to the Secretary-General (A/61/142).

⁷⁸⁰ The Committee considered the agenda item at its 5th, 6th, 7th, 8th and 29th meetings, on 9, 10 and 11 October and on 15 November 2013. For the report of the Sixth Committee, see A/68/468. For the summary records, see A/C.6/68/SR.5 to 8 and 29.

⁷⁸¹ A/68/213.

Delegations also acknowledged the important role played by international judicial institutions in upholding the rule of law, ensuring accountability and combating impunity. A number of delegations acknowledged the work of the International Court of Justice and highlighted the importance of its advisory opinions and the role of the Court in helping to restore peaceful relations between parties to disputes. Some delegations expressed the view that the General Assembly and Security Council should exercise their power to request advisory opinions of the International Court of Justice more frequently in the future in order to enhance the rule of law on the international level. Some delegations also recognized the contributions of the International Tribunal of the Law of the Sea in the peaceful resolution of maritime disputes. Some other delegations emphasized the important role played by the International Criminal Court (ICC) in the fight against impunity for serious international crimes, recognized the significance of efforts to strengthen domestic criminal justice systems and stressed the importance of the principle of complementarity as a linkage between international and national rule of law efforts. Other delegations called on all States that have not done so to accept the compulsory jurisdiction of the International Court of Justice and to ratify the Rome Statute of the ICC⁷⁸² and its amendments. Some delegations expressed concern that the international criminal justice system is operating in a selective manner and that institutions such as the ICC are focusing on targets in the developing world, namely in Africa. Some other delegations emphasized the importance of the rule of law in building sustainable peace in countries in conflict and post-conflict situations.

Several delegations emphasized the interdependence of international and national efforts to implement the rule of law. A number of delegations stressed the need to strengthen support to States in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building. Some other delegations underlined the critical importance of national ownership in rule of law activities, and several delegations emphasized that there was not one model of the rule of law that was to be applied in all situations.

A number of delegations stressed the need to ensure respect for the rule of law within the United Nations. Some delegations stressed the importance of maintaining the balance between the principal organs of the Organization. Some other delegations called for reform of the Security Council and international financial institutions.

Regarding the future work on the topic, support was expressed for further General Assembly discussion on the rule of law, particularly in the Sixth Committee. Several delegations suggested that the General Assembly should reflect on the linkages between the rule of law and the three pillars of the United Nations, namely peace and security, human rights and development, highlighting especially the inter-relationship between the rule of law and sustainable development in the post-2015 international development agenda.

At the 29th meeting, on 15 November 2013, the representative of Mexico, on behalf of the Bureau, introduced a draft resolution entitled "The rule of law at the national and international levels".⁷⁸³ At the same meeting, the Committee adopted the draft resolution without a vote.

⁷⁸² United Nations, *Treaty Series*, vol. 2187, p. 3.

⁷⁸³ A/C.6/68/L.22.

(ii) *General Assembly*

In resolution 68/116 of 16 December 2013, the General Assembly, *inter alia*, recalled the high-level meeting of the General Assembly on the rule of law at the national and international levels, held during the high-level segment of its sixty-seventh session, and the Declaration adopted at that meeting;⁷⁸⁴ reiterated its request to the Secretary-General to ensure greater coordination and coherence among United Nations entities and with donors and recipients; and called upon the Secretary-General and the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, including the participation of women in rule of law-related activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement. The General Assembly further decided to include the item in the provisional agenda of its sixty-ninth session and invited Member States to focus their comments in the upcoming Sixth Committee debate on the subtopic “Sharing States’ national practices in strengthening the rule of law through access to justice”.

(i) **The scope and application of the principle of universal jurisdiction**

This item was included in the provisional agenda of the sixty-fourth session of the General Assembly, at the request of the United Republic of Tanzania.⁷⁸⁵ The General Assembly had previously considered the item at its sixty-fourth to sixty-seventh sessions.⁷⁸⁶

(i) *Sixth Committee*

At its sixty-eighth session, the Sixth Committee considered the item at five meetings.⁷⁸⁷ For its consideration of the item, the Committee had before it the reports of the Secretary-General, submitted to the General Assembly at its sixty-fifth, sixty-sixth, sixty-seventh and sixty-eight sessions.⁷⁸⁸

At its 2nd meeting, on 7 October 2013, the Committee established a Working Group pursuant to General Assembly resolution 67/98 of 14 December 2012 to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction. In resolution 67/98, the General Assembly decided that the Working Group should be open to all Member States and that relevant observers to the General Assembly would be invited to participate in its work.⁷⁸⁹ The Working Group held three meetings, and the Sixth

⁷⁸⁴ General Assembly resolution 67/1 of 24 September 2012.

⁷⁸⁵ Letter dated 29 June 2009 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General (A/63/237/Rev.1).

⁷⁸⁶ See General Assembly resolutions 64/119 of 16 December 2009; 65/33 of 6 December 2010; and 66/103 of 9 December 2011.

⁷⁸⁷ The Committee considered the item at its 12th, 13th, 14th, 23rd, 28th and 29th meetings, on 17 and 18 October and on 4, 8 and 15 November 2013. For the report of the Sixth Committee, see A/68/469. For the summary records, see A/C.68/SR.12, 13, 14, 23, 28 and 29.

⁷⁸⁸ A/65/181; A/66/93 and Add.1; A/67/116; and A/68/113, respectively.

⁷⁸⁹ General Assembly resolution 67/98 of 14 December 2012, para. 4.

Committee, at its 23rd meeting, on 4 November 2013, heard and took note of the oral report of the Chair of the Working Group.⁷⁹⁰

Delegations welcomed the report of the Secretary-General and acknowledged that universal jurisdiction was an important principle of international law, aimed at combating impunity. Certain delegations stressed importance of the full respect for principles of sovereignty, sovereign equality of States, and non-intervention, and the link between universal jurisdiction and the question of immunity, in particular with regard to the rules on immunity of Heads of State and other State officials, was recalled. On the other hand, the view was also expressed that the question of immunity was an entirely separate subject. Several delegations also drew attention to their national law and practice in relation to the application of the principle.

With regard to the scope of the principle, delegations noted the utility of distinguishing the principle from other related concepts, such as international criminal jurisdiction, the obligation to extradite or prosecute, and *jus cogens*. Several delegations emphasized that customary international law and treaty law should guide the scope of the principle. It was stressed that the focus of work should be on universal criminal jurisdiction.

With respect to the related question of crimes subject to the principle, delegations noted the divergence of views, and highlighted generally the need for efforts to agree on the list of crimes. In this regard, it was observed that there seemed to be a convergence of views on the idea that universal jurisdiction comes into play when fundamental values of interest to the international community as a whole are breached. While delegations generally stressed that piracy falls within universal jurisdiction, several delegations suggested that the principle also applied to the most serious crimes of international concern, including genocide, crimes against humanity and war crimes. While some delegations drew attention to other crimes to which the principle applies, such as torture, reference was also made to slavery, human trafficking, hostage taking and money laundering. However, several delegations cautioned against an unwarranted expansion of the list of crimes. It was also suggested that no exhaustive list of crimes should be developed.

Some delegations also emphasized the necessity of agreeing on conditions for the application of universal jurisdiction. Certain delegations stated that the primary responsibility for investigating and prosecuting serious international crimes lies with the State possessing territorial jurisdiction, and that universal jurisdiction provides a complementary mechanism to ensure that accused persons are held accountable where the territorial State is unable or unwilling to exercise jurisdiction. Some delegations highlighting the exceptional character of universal jurisdiction observed that this form of jurisdiction should only be exercised when no other State exercised an alternative form of jurisdiction. The view was also expressed that the approval of the State or States possessing territorial and nationality jurisdiction must be received prior to exercising universal jurisdiction. It was also suggested that the accused should be present in the territory of the State seeking to exercise universal jurisdiction. The role of prosecutorial discretion in the application of the principle was also noted.

On the future consideration of the agenda item, delegations acknowledged the beneficial aspects of the establishment of the Working Group of the Sixth Committee

⁷⁹⁰ A/C.6/68/SR.23.

on the item. In this regard, the point was made that work should focus on the codification aspects of the matter. Several delegations suggested the continuation of a step-by-step and flexible approach by the Working Group. Other delegations proposed that some form of contribution from the International Law Commission, including in the form of a study, should be requested at this stage, given the technical nature of the topic and the Commission's focus on related topics. However, other delegations considered that the Sixth Committee was the appropriate forum for consideration of this topic, and that the possibility of the Commission addressing the issue was in any event not foreclosed. On the question of form, some delegations were in favour of elaborating guidelines or principles on universal jurisdiction.

At the 28th meeting, on 8 November 2013, the representative of Togo, on behalf of the Bureau, introduced a draft resolution entitled "The scope and application of the principle of universal jurisdiction".⁷⁹¹ At its 29th meeting, on 15 November 2013, the Committee adopted the draft resolution without a vote.

(ii) *General Assembly*

In resolution 68/117, the General Assembly, *inter alia*, invited Member States and relevant observers, as appropriate, to submit, before 30 April 2014, information and observations on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties, their national legal rules and judicial practice. The General Assembly further requested the Secretary-General to prepare and submit to it, at its sixty-ninth session, a report based on such information and observations. Moreover, the General Assembly decided that the Sixth Committee should continue its consideration of the item, without prejudice to the consideration of the topic and related issues in other forums of the United Nations, and that a working group of the Sixth Committee be established at the sixty-ninth session to continue to undertake a thorough discussion of the topic.

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

This item was first included in the agenda of the twenty-seventh session of the General Assembly, in 1972, further to an initiative of the Secretary-General.⁷⁹² At that session, the General Assembly decided to establish the Ad Hoc Committee on International Terrorism, consisting of 35 members, which completed its work in 1979.⁷⁹³

At its fifty-first session, in 1996, the General Assembly once more established an Ad Hoc Committee to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of

⁷⁹¹ A/C.6/68/L.17.

⁷⁹² A/8791 and Add.1 and Add.1/Corr.1.

⁷⁹³ General Assembly resolution 3034 (XXVII) of 18 December 1972. *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37 (A/34/37)*.

conventions dealing with international terrorism.⁷⁹⁴ Through the work of the Committee, the General Assembly has thus far adopted three counter-terrorism instruments.⁷⁹⁵ The Committee is currently engaged in discussions on the elaboration of a draft comprehensive convention on international terrorism. Pursuant to General Assembly resolution 67/99 of 14 December 2012, the Ad Hoc Committee convened in 2013, from 8 to 12 April 2013.⁷⁹⁶

(i) *Sixth Committee*

The Sixth Committee considered the item at six meetings in 2013.⁷⁹⁷ For its consideration of the item, the Committee had before it the report of the Secretary-General on measures to eliminate international terrorism⁷⁹⁸ and the report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996.⁷⁹⁹

In their general statements, delegations reiterated their firm condemnation of terrorism in all its forms and manifestations, as well as their commitment to contribute to the international fight against terrorism. Some delegations also stressed that terrorism should not be associated with any religion, culture, ethnicity, race, nationality or civilization. Terrorism was described by delegations as a flagrant violation of international law and a grave threat to international peace and security. It was also stated that any actions taken to counter terrorism must be in accordance with the Charter of the United Nations and international law, including human rights, humanitarian and refugee law, as well as respectful of the rule of law and due process.

States that had not yet done so were called upon to ratify or accede to the universal and regional instruments to counter terrorism. The view was also expressed that the international legal regime to counter terrorism must continue to evolve in order to take account of the sophistication of the terrorist threat.

Delegations supported the continued development of the overall normative framework to counter terrorism. The importance of implementing international obligations and building capacity at the national level was identified as a key aspect of strengthening the international legal framework to counter terrorism. Assistance from international and regional organizations in this regard was welcomed. Some delegations pointed to the need for a clear definition of terrorism and echoed the importance of distinguishing it from the exercise of the right to self-determination of peoples under foreign occupation, colonial or alien domination.

⁷⁹⁴ General Assembly resolution 51/210 of 16 January 1997.

⁷⁹⁵ International Convention for the Suppression of Terrorist Bombings, 1997, United Nations, *Treaty Series*, vol. 2149, p. 256; International Convention for the Suppression of the Financing of Terrorism, 1999, *ibid.*, vol. 2178, p. 197; International Convention for the Suppression of Acts of Nuclear Terrorism, 2005, *ibid.*, vol. 2445, p. 89.

⁷⁹⁶ *Official Records of the General Assembly, Sixty-eight Session, Supplement No. 37 (A/68/37)*.

⁷⁹⁷ The Committee considered the item at its 2nd, 3rd, 4th, 5th, 19th, and 28th meetings, on 7, 8, 9 and 30 October and on 8 November 2013. For the report of the Sixth Committee, see A/68/471. For the summary records, see A/C.6/68/SR.2 to 5, 19 and 28.

⁷⁹⁸ A/68/180.

⁷⁹⁹ A/68/37.

The proliferation of small arms and light weapons, the persistence of conflicts, the effects of piracy and the lack of good governance were described as challenges that must be overcome to successfully counter terrorism. It was also asserted that safe havens for terrorists must be eradicated. At the same time, it was pointed out that the efforts to counter terrorism should not be used as an excuse to intervene in the internal affairs of States in contravention of the Charter of the United Nations. Concern was also expressed over the unilateral imposition of sanctions as a means to counter terrorism.

Delegations reiterated the importance of cooperating through international, regional and subregional arrangements in the efforts to combat terrorism. The provision of technical assistance and capacity-building, in particular for developing countries, was again mentioned as an area requiring improvement.

Delegations welcomed the efforts of the United Nations Counter-Terrorism Implementation Task Force (CTITF) and called for the strengthening of its role in capacity-building and coordination.⁸⁰⁰ The CTITF was encouraged to enhance its activities aimed at the balanced implementation of the four pillars of the United Nations Global Counter-Terrorism Strategy⁸⁰¹, affording each pillar equal attention, and to do so in full cooperation with the participation of States.

The continuing focused work of the Security Council in countering terrorism, as well as the improvements made by the Security Council in the implementation of its sanctions regimes, was again generally welcomed. In this regard, Security Council resolution 1373 (2001) of 28 September 2001 was recognized by delegations as a central instrument in the fight against international terrorism. Some delegations welcomed the work of the Counter Terrorism Committee (CTC)⁸⁰² and the Counter-Terrorism Executive Directorate (CTED)⁸⁰³. The Security Council was also encouraged to continue to improve its working methods with regard to sanctions to ensure that its sanctions regimes were independent, fair and impartial, and that its decisions were transparent and taken in accordance with due process standards. The strengthened role of the Ombudsperson, whose mandate was renewed in December 2012,⁸⁰⁴ was supported, and some delegations called for greater involvement of designating States in delisting decisions.

Some speakers highlighted the role played by the United Nations Office on Drugs and Crime (UNODC),⁸⁰⁵ and in particular the Terrorism Prevention Branch, in capacity building, promoting the universal ratification of international counter-terrorism instruments and identifying best practices. Delegations also welcomed recent joint efforts on the part of CTED and UNODC to assist States in developing techniques to investigate and prosecute terrorist acts.

Cyber-terrorism was also highlighted as a matter of international concern requiring concerted action and dialogue.

⁸⁰⁰ For more information about CTITF, see <https://www.un.org/counterterrorism/ctitf/en/>.

⁸⁰¹ General Assembly resolution 60/288 of 8 September 2006.

⁸⁰² For more information about CTC, see <https://www.un.org/sc/ctc/>.

⁸⁰³ For more information about CTED, see <http://www.un.org/en/sc/ctc/aboutus.html>.

⁸⁰⁴ Security Council resolution 2083 (2012) of 17 December 2012, para. 19.

⁸⁰⁵ For more information about UNODC, see <https://www.unodc.org>.

A number of delegations also underlined the pernicious role that money laundering played in supporting terrorist activity. Several delegations reiterated that the payment of ransoms to terrorist groups constituted one of the main sources of the financing of terrorism and was a matter of grave concern for the international community. Several delegations also noted the increase in incidents of kidnapping and hostage-taking with the aim of raising funds for terrorist purposes. Support was expressed for cooperation and action in this area, including on the legal and financial aspects of the issue. All Member States were urged to cooperate in banning the payment of ransoms to terrorist groups.

Attention was drawn to the possible acquisition by terrorists of weapons of mass destruction, as well as the close links between terrorism and transnational organized crime. The collective need to interdict and prevent the proliferation of weapons of mass destruction was emphasized. The recently concluded Arms Trade Treaty⁸⁰⁶ was also identified as an important development to address the illicit spread of small arms and light weapons.

Several delegations reiterated the importance of the conclusion of the draft comprehensive convention on international terrorism, noting the recent negotiations in the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. A number of delegations welcomed the efforts of the Ad Hoc Committee to resolve the outstanding issues relating to the draft comprehensive convention, noting that since 2000 the negotiations had focused on the question of a definition of terrorism.

It was recalled that three options were considered by the Ad Hoc Committee at its sixteenth session, namely, (a) the adoption of the proposal made by the Coordinator at the 2007 session of the Ad Hoc Committee; (b) the preparation of a consolidated text comprising all proposals relating to the unresolved issues and agreeing to suspend negotiations until the sixty-ninth session of the General Assembly; and (c) the abandonment of negotiations on the comprehensive convention. Noting that the Ad Hoc Committee had agreed on the second option and that formal negotiations would be suspended until 2014, several delegations encouraged Member States to use the pause to garner the requisite political will to overcome the existing differences. Some delegations expressed frustration, however, that the negotiations remained at an impasse and that more progress had not been achieved in the Ad Hoc Committee.

In order to adapt the working methods of the Sixth Committee to new realities and priorities, it was suggested once more that the Committee should consider the agenda item of “Measures to eliminate international terrorism” on a biennial basis, alternating with the biennial review by the General Assembly of the United Nations Global Counter Terrorism Strategy⁸⁰⁷.

At the 19th meeting, on 30 October 2013, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled “Measures to eliminate international terrorism”.⁸⁰⁸ At its 28th meeting, on 8 November 2013, the Committee adopted the draft resolution without a vote.

⁸⁰⁶ See General Assembly resolution 67/234 B of 2 April 2013. The text of treaty is contained in A/CONF.217/2013/2, annex.

⁸⁰⁷ General Assembly resolution 60/288 of 8 September 2006.

⁸⁰⁸ A/C.6/68/L.13.

(ii) *General Assembly*

In resolution 68/119 of 16 December 2013, the General Assembly, *inter alia*, called upon all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy,⁸⁰⁹ as well as the resolutions relating to the first, second and third biennial reviews⁸¹⁰ of the Strategy, in all its aspects at the international, regional, subregional and national levels without delay, including by mobilizing resources and expertise. It noted that the United Nations Counter-Terrorism Centre was performing its duties within the Counter-Terrorism Implementation Task Force in New York and that the Centre was supporting the implementation of the Strategy, and encouraged all Member States to collaborate with the Centre and to contribute to the implementation of its activities within the Task Force.

Taking into account the recommendation of the Ad Hoc Committee that more time was required to achieve substantive progress on the outstanding issues,⁸¹¹ the General Assembly decided to recommend that the Sixth Committee, at the sixty-ninth session of the General Assembly, establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as on the item included in its agenda by General Assembly resolution 54/110 of 9 December 1999 concerning the question of convening a high-level conference under the auspices of the United Nations. It also encouraged all Member States to redouble their efforts during the intersessional period towards resolving any outstanding issues. The General Assembly further decided to include the topic in the provisional agenda of its sixty-ninth session.

(k) Administration of justice at the United Nations

The General Assembly had previously considered the item at its fifty-fifth to fifty-seventh sessions, at its fifty-ninth session and at its sixty-first to sixty-seventh sessions, in the framework of both the Fifth and Sixth Committee, with the aim of introducing a new system for handling internal disputes and disciplinary matters in the United Nations.

At its sixty-second session, the General Assembly decided to establish: (a) a two-tier formal system of administration of justice, comprising a first instance United Nations Dispute Tribunal and an appellate instance United Nations Appeals Tribunal; (b) the Office of Administration of Justice, comprising the Office of the Executive Director and the Office of Staff Legal Assistance and the Registries for the United Nations Dispute Tribunal and the United Nations Appeals Tribunal; (c) a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes with branches in several duty stations and a new mediation division; (d) the Internal Justice Council;

⁸⁰⁹ General Assembly resolution 60/288 of 8 September 2006.

⁸¹⁰ General Assembly resolutions 62/272 of 5 September 2008, 64/297 of 8 September 2010 and 66/282 of 29 June 2012.

⁸¹¹ *Official Records of the General Assembly, Sixty-eight Session, Supplement No. 37 (A/68/37)*, para. 12.

and (e) the Management Evaluation Unit in the Office of the Under-Secretary-General for Management.⁸¹²

At its sixty-third session, the General Assembly adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal;⁸¹³ it also decided that those Tribunals would be operational as of 1 July 2009; and further decided that all persons who had access to the Office of the Ombudsman under the previous system would also have access to the new informal system.⁸¹⁴

Outstanding legal matters have been considered by the Sixth Committee in the ensuing years. These matters included, *inter alia*, the rules of procedure of the two tribunals, the scope *ratione personae* of the administration of justice system and the scope and functioning of the Office of Staff Legal Assistance (OSLA).

(i) *Sixth Committee*

During its sixty-eighth session, the Sixth Committee considered the item at two meetings.⁸¹⁵ In their general comments, delegations welcomed the reports of the Secretary-General⁸¹⁶ and the Internal Justice Council (the "IJC") on the topic,⁸¹⁷ and the view was expressed that it was vital for the Dispute and Appeals Tribunals to remain independent. Some delegations praised the marked improvement in the efficiency of the system, while noting that challenges remained.

A number of delegations expressed support for the informal dispute resolution mechanisms, and the development of incentives to further promote the settlement of disputes was encouraged. Some delegations commended the Management Evaluation Unit, particularly for its role in identifying cases that could be settled. Support was also expressed for efforts to explore mediation through the Office of the Ombudsman.

Some delegations expressed support for the work of the Office of Staff Legal Assistance (OSLA). The funding shortfall with respect to OSLA was noted, and OSLA was encouraged to settle where appropriate. Some delegations also expressed their interest in the proposal for staff funding of OSLA, while continued funding of OSLA by the organization was also supported. A number of delegations expressed support for the development of a code of conduct for all counsel appearing before the Tribunals.

Some delegations recalled the important function of the IJC. A willingness to consider the IJC's proposals on the qualifications of Appeals Tribunal judges was indicated. Some delegations also noted that the issue of the privileges and immunities of judges, which had been considered by the IJC, required further attention. It was suggested in this regard that judges of both Tribunals should be granted privileges and immunities as per section 19 of the General Convention.

⁸¹² General Assembly resolution 62/228 of 22 December 2007.

⁸¹³ General Assembly resolution 63/253 of 24 December 2008, annexes I and II.

⁸¹⁴ *Ibid.*

⁸¹⁵ The Committee considered the item at its 27th and 28th meetings, on 6 and 8 November 2013, respectively. For the summary records, see A/C.6/68/SR.27 and 28.

⁸¹⁶ A/68/346.

⁸¹⁷ A/68/309.

At its 28th meeting, on 8 November 2013, the Sixth Committee decided that its Chairman would address a letter to the President of the General Assembly, drawing his attention to certain specific issues relating to the legal aspects of the reports submitted under the item as discussed in the Sixth Committee. The letter would contain a request that it be brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly.⁸¹⁸

(ii) *General Assembly*

On 27 December 2013, the General Assembly adopted resolution 68/254 entitled “Administration of justice at the United Nations”. In the said resolution, the General Assembly, *inter alia*, noted with appreciation the achievements produced since the inception of the system of administration of justice, regarding both the disposal of the backlog and the addressing of new cases; acknowledged the evolving nature of the system of administration of justice and the need to carefully monitor its implementation to ensure that it remained within the parameters set out by the General Assembly; and emphasized the importance of the principle of judicial independence in the system of administration of justice. In this context, the General Assembly stressed the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station. It requested the Secretary-General to submit to the General Assembly, for consideration at its sixty-ninth session, a revised proposal for conducting an interim independent assessment of the system of administration of justice.

The General Assembly recognized the informal system of administration of justice to be an efficient and effective option for staff who seek redress of grievance and for managers to participate in. It emphasized that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff members to access the formal system of justice.

With regard to the formal system of administration of justice, the General Assembly stressed the need to ensure that all individuals acting as legal representatives, whether staff members or external counsel, were subject to the same standards of professional conduct applicable in the United Nations system, and requested the Secretary-General to present the code of conduct for external legal representatives, including appropriate sanctions for breaches thereof as safeguards against frivolous applications, to the General Assembly at its sixty-ninth session.

(I) 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 1971.⁸¹⁹ The Committee is currently composed of the following 19 Member States: Bulgaria, Canada, China, Costa Rica, Côte d’Ivoire, Cuba, Cyprus, France, Honduras, Hungary, Iraq, Libya, Malaysia, Mali,

⁸¹⁸ The letter was circulated as an annex to document A/C.5/68/11.

⁸¹⁹ General Assembly resolution 2819 (XXVI) of 15 December 1971.

Russian Federation, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America.

In 2013, the Committee held the following meetings: the 260th meeting, on 31 January 2013; the 261st meeting, on 30 April 2013; the 262nd meeting, on 31 July 2013; the 263rd meeting, on 7 October 2013; and the 264th meeting, on 1 November 2013. During its meetings, the Committee considered a number of topics, namely: (a) entry visas issued by the host country; (b) exemption from taxes; (c) question of the security of missions and the safety of their personnel; (d) host country activities: activities to assist members of the United Nations community; (e) transportation: use of motor vehicles, parking and related matters; and (f) other matters. At its 264th meeting, the Committee approved a number of recommendations and conclusions, which are contained in chapter IV of its report.⁸²⁰

(ii) *Sixth Committee*

The Sixth Committee considered this item at its 29th meeting, on 15 November 2013.⁸²¹ The Chair of the Committee on Relations with the Host Country introduced the report of that Committee.⁸²²

The recommendations of the Committee on Relations with the Host Country were endorsed and the host country was thanked for its efforts to accommodate the needs of the diplomatic community in various areas, including for the timely issuance of visas and obtaining suitable banking services necessary for the effective functioning of the missions. The importance of fulfilling its obligations, *inter alia*, under the Convention on the Privileges and Immunities of the United Nations⁸²³ and the Headquarters Agreement⁸²⁴ was also reiterated.

The view was expressed that not issuing a visa to the President of one of the States required for his participation in the 68th session of the General Assembly was a violation of the Headquarters Agreement. The need to make sure that the obligations of the host country to grant visas under the Agreement are observed was stressed. The responsibilities of the Secretary-General and the President of the General Assembly to protect the rights of the Member States in the host country were also highlighted.

The United States confirmed its commitment to fulfil its obligations under international law and to continue to work closely with the diplomatic community in resolving issues that might arise during the coming year.

At the 29th meeting, on 15 November 2013, the representative of Cyprus, on behalf of a number of Member States, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country".⁸²⁵ At the same meeting, the Committee adopted the draft resolution without a vote.

⁸²⁰ *Official Records of the General Assembly, Sixty-eight session, Supplement No. 26 (A/68/26).*

⁸²¹ For the report of the Sixth Committee, see A/68/474. For the summary records, see A/C.6/67/SR.25.

⁸²² A/68/26.

⁸²³ United Nations, *Treaty Series*, vol. 1, p. 15.

⁸²⁴ General Assembly resolution 99 (I) of 14 December 1946.

⁸²⁵ A/C.6/68/L.26.

(iii) *General Assembly*

In resolution 68/120 of 16 December 2013, the General Assembly, *inter alia*, endorsed the recommendations and conclusions of the Committee on Relations with the Host Country. 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, and urged the host country to continue to take appropriate action 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. 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. The General Assembly noted the concerns expressed by some delegations concerning the denial and delay of entry visas to representatives of Member States and noted with concern the difficulties that continued to be experienced by some Permanent Missions in obtaining suitable banking services. In this regard, it welcomed the continued efforts of the host country to facilitate the opening of bank accounts for those Permanent Missions. The General Assembly requested the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country, and requested that the Committee on Relations with the Host Country continue its work in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971.

(m) **Observer Status in the General Assembly**

(i) *Sixth Committee*

The Committee considered requests for observer status in the General Assembly for the Cooperation Council of Turkic-speaking States, the International Conference of Asian Political Parties, the International Chamber of Commerce, the International Institute for the Unification of Private Law, the International Anti-Corruption Academy, the Pan African Intergovernmental Agency for Water and Sanitation for Africa and the Global Green Growth Institute.⁸²⁶

At the 29th meeting, on 15 November 2013, the Chair of the Committee announced that the sponsors of the draft resolution A/C.6/68/L.3 had decided not to pursue the request for observer status in the General Assembly for the International Conference of Asian Political Parties at the current session, while reserving the right to present it at a future session. At the same meeting, the Committee concluded its consideration of that agenda item without taking action.

(ii) *General Assembly*

In its resolutions 68/121, 68/122, 68/123 and 68/124, all of which were adopted on 16 December 2013, the General Assembly granted observer status to the International Institute for the Unification of Private Law (also known as UNIDROIT), the

⁸²⁶ For the reports of the Sixth Committee, see A/68/475, A/68/476, A/68/477, A/68/478, A/68/479, A/68/480 and A/68/481, respectively. For the summary records, see A/C.6/68/SR.11, 22, 27 and 29.

International Anti-Corruption Academy, the Pan African Intergovernmental Agency for Water and Sanitation for Africa and the Global Green Growth Institute, respectively. In its decisions 68/528 and 68/530, the General Assembly decided to defer to its sixty-ninth session the decisions on the request for observer status for the Cooperation Council of Turkic-speaking States and the International Chamber of Commerce, respectively.

(n) Revitalization of the work of the General Assembly

This item, which was included in the agenda of the forty-sixth session of the General Assembly, in 1991, had originally been proposed for inclusion in the draft agenda of that session by the President of the General Assembly at its forty-fifth session.⁸²⁷ The General Assembly had previously considered the question at its forty-sixth to forty-eighth, fifty-second to fifty-third and fifty-fifth⁸²⁸ to sixty-seventh sessions.

At its 2nd plenary meeting of the sixty-eighth session, on 20 September 2013, the General Assembly, on the recommendation of the General Committee of the General Assembly, decided to allocate the item to all the Main Committees for the sole purpose of considering and taking action on their respective tentative programmes of work for the sixty-ninth session of the General Assembly.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 29th meeting, on 15 November 2013.⁸²⁹ At the meeting, the Chair introduced a draft decision containing the provisional programme of work of the Committee for the sixty-ninth session of the General Assembly, as proposed by the Bureau.⁸³⁰ At the same meeting, the Committee adopted the draft decision.

(ii) *General Assembly*

In its decision 68/526, the General Assembly noted the decision of the Sixth Committee to adopt the provisional programme of work for the sixty-ninth session of the General Assembly, as proposed by the Bureau.

⁸²⁷ See General Assembly decision 45/461 of 16 December 1991.

⁸²⁸ At its fifty-fourth session, the General Assembly decided to defer consideration of the item (General Assembly decision 54/491).

⁸²⁹ For the report of the Sixth Committee, see A/68/592. For the summary records, see A/C.6/67/SR.25.

⁸³⁰ A/C.6/68/L.21.

17. *Ad hoc* international criminal tribunals⁸³¹

(a) International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda

(i) *International Criminal Tribunal for the former Yugoslavia*⁸³²

Judge Theodor Meron (United States) and Judge Carmel Agius (Malta) continued to act as President and Vice-President of the Tribunal, respectively, throughout 2013.

By Security Council resolution 2130 (2013) of 18 December 2013, acting under Chapter VII of the Charter of the United Nations, the term of office of the following permanent judges at the Tribunal, who were members of the Appeals Chamber, was extended until 31 December 2014 or until the completion of the cases to which they were assigned, if sooner: Koffi Kumelio A. Afande (Togo), Carmel Agius (Malta), Liu Daqun (China), Theodor Meron (United States), Fausto Pocar (Italy) and Patrick Robinson (Jamaica). The term of office of the following permanent judges at the Tribunal, who were members of the Trial Chambers, was also extended until 31 December 2014 or until the completion of the cases to which they were assigned, if sooner: Jean-Claude Antonetti (France), Guy Delvoie (Belgium), Burton Hall (Bahamas), Christoph Flügge (Germany), O-Gon Kwon (South Korea), Bakone Justice Moloto (South Africa), Howard Morrison (United Kingdom) and Alphons Orié (Netherlands). The term of office of the following *ad litem* judges at the Tribunal, who were members of the Trial Chambers was also extended: Frederik Harhoff (Denmark), Melville Baird (Trinidad and Tobago), Flavia Lattanzi (Italy) and Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), until 31 December 2014, or until the completion of the cases to which they were assigned.

At the end of 2013, the Chambers were composed of 20 permanent judges, including nine permanent judges from the International Criminal Tribunal for Rwanda serving in the Tribunal's Appeals Chamber, and three *ad litem* judges.

The 20 permanent judges of the Tribunal were as follows: Theodor Meron (President, United States), Carmel Agius (Vice-President, Malta), Koffi Kumelio Afande (Togo), Jean-Claude Antonetti (France), Guy Delvoie (Belgium), Christoph Flügge (Germany), Mehmet Güney (Turkey), Burton Hall (Bahamas), Khalida Rachid Khan (Pakistan), O-Gon Kwon (Republic of Korea), Liu Daqun (China), Bakone Justice Moloto (South Africa), Howard Morrison (United Kingdom), Mandiaye Niang (Senegal), Alphons Orié (Netherlands), Fausto Pocar (Italy), Arlette Ramaroson (Madagascar), Patrick Robinson (Jamaica),

⁸³¹ This section covers the organization of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals, established by Security Council resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, and 1966 (2010) of 22 December 2010, respectively. Further information regarding the judgments of the International Criminal Tribunal for Yugoslavia and International Criminal Tribunal for Rwanda is contained in chapter VII of this publication.

⁸³² For more information, see, for the period from 1 August 2012 to 31 July 2013, Twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/68/255-S/2013/463), and, for the period 1 August 2013 to 31 July 2014, the Twenty-first annual report (A/69/225-S/2014/556).

William Hussein Sekule (United Republic of Tanzania) and Bakhtiyar Tuzmukhamedov (Russian Federation).

At the end of 2013, the *ad litem* judges of the Tribunal were as follows: Melville Baird (Trinidad and Tobago), Flavia Lattanzi (Italy) and Antoine Kesia-Mbe Mindua (Democratic Republic of Congo).

(ii) *International Criminal Tribunal for Rwanda*⁸³³

Judge Vagn Joensen (Denmark) and Judge Florence Rita Arrey (Cameroon) continued to act as President and Vice-President of the Tribunal, respectively, from 2 March 2012 and 14 February 2012.

At the end of 2013, the permanent judges were as follows: Vagn Joensen (President, Denmark), Florence Rita Arrey (Vice-President, Cameroon), Carmel Agius (Malta), Mehmet Güney (Turkey), Khalida Rachid Khan (Pakistan), Liu Daqun (China), Theodor Meron (United States), Fausto Pocar (Italy), Arlette Ramaroson (Madagascar), Patrick Robinson (Jamaica), William H. Sekule (United Republic of Tanzania), Bakhtiyar Tuzmukhamedov (Russian Federation) and Andrézia Vaz (Senegal).

At the end of 2013, the *ad litem* judges were as follows: Elizabeth Gwaunza (Zimbabwe), Michèle Picard (France), Árpád Prandler (Hungary), Stefan Trechsel (Switzerland), Frederik Harhoff (Denmark), Melville Baird (Trinidad and Tobago), Flavia Lattanzi (Italy) and Antoine Kesia-Mbe Mindua (Democratic Republic of Congo).

(iii) *Composition of the Appeals Chamber*⁸³⁴

At the end of 2013, the composition of the Appeals Chamber was as follows: Theodor Meron (presiding, United States), William H. Sekule (United Republic of Tanzania), Carmel Agius (Malta), Mehmet Güney (Turkey), Khalida Rachid Khan (Pakistan), Liu Daqun (China), Fausto Pocar (Italy), Arlette Ramaroson (Madagascar), Patrick Robinson (Jamaica), Bakhtiyar Tuzmukhamedov (Russian Federation), Mandiaye Niang (Senegal) and Koffi Kumelio A. Afande (Togo).

(iv) *International Residual Mechanism for Criminal Tribunals*

By resolution 1966 (2010) of 22 December 2010, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to establish the International

⁸³³ For more information about the Tribunal's activities during the period of 1 July 2012 to 30 June 2013, see Eighteenth annual report 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 (A/68/270-S/2013/460), and, for the period from 1 July 2013 to 30 June 2014, the Nineteenth annual report (A/69/206-S/2014/546).

⁸³⁴ The Appeals Chamber consists of seven permanent Judges, five of whom are permanent judges of the ICTY and two of whom are permanent judges of the International Criminal Tribunal for Rwanda (ICTR). These seven judges constitute the Appeals Chamber of the ICTR and the ICTY.

Residual Mechanism for Criminal Tribunals (“the Mechanism”) with two branches, the branch for the ICTR which commenced functioning on 1 July 2012 and the branch for the ICTY which commenced functioning on 1 July 2013, to carry out a number of essential functions of the Tribunals after their closure.

(b) General Assembly

On 27 December 2013, the General Assembly adopted, on the recommendation of the Fifth Committee, three resolutions concerning the financing of the international tribunals and the Mechanism.⁸³⁵ On 14 October 2013, the General Assembly adopted three decisions taking note of the annual reports of the ICTR⁸³⁶, the ICTY⁸³⁷ and the Residual Mechanism⁸³⁸, respectively.⁸³⁹

(c) Security Council

In resolution 2130 (2013) of 18 December 2013, the Security Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, took note of the assessment of the International Residual Mechanism for Criminal Tribunal⁸⁴⁰ and the assessments by the International Tribunal in its Completion Strategy Report.⁸⁴¹ It requested the ICTY to take all possible measures to complete its work as expeditiously as possible with the aim to facilitate the closure of the Tribunal, and expressed concern that its current trial and appeal schedules would go beyond 31 December 2014.

⁸³⁵ The three resolutions, adopted without a vote, were resolutions 68/255 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”; 68/256 entitled “Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991”; and 68/257 entitled “Financing of the International Residual Mechanism for Criminal Tribunals”.

⁸³⁶ See note by the Secretary-General transmitting the eighteenth annual report of the International Criminal Tribunal for Rwanda of 2 August 2013 (A/68/270–S/2013/460).

⁸³⁷ See note by the Secretary-General transmitting the twentieth annual report of the International Tribunal for the Former Yugoslavia of 2 August 2013 (A/68/255–S/2013/463).

⁸³⁸ See note by the Secretary-General transmitting twentieth annual report of the International Residual Mechanism for Criminal Tribunals of 2 August 2013 (A/68/219–S/2013/464).

⁸³⁹ Decisions 68/508 entitled “Report 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”; 68/509 entitled “Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991”; and 68/510 entitled “Report of the International Residual Mechanism for Criminal Tribunals”.

⁸⁴⁰ S/2013/679.

⁸⁴¹ S/2013/678.

B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. International Labour Organization⁸⁴²

(a) Treaty provisions concerning the legal status of the International Labour Organization (ILO)

On 8 February 2013, an agreement for extension of the “Supplementary Understanding and its Minutes of the Meeting dated 28th February, 2007”⁸⁴³ was concluded and entered into force with the Government of Myanmar. This agreement extends the Supplementary Understanding relating to the role of the Liaison Officer with respect to forced labour complaints channelled through him/her.⁸⁴⁴

On 22 February 2013, the Government of the Republic of South Sudan and the International Labour Organization concluded a Framework Agreement for Cooperation to strengthen their cooperation.⁸⁴⁵

On 6 August 2013, an agreement for the “Further developments in relation to the International Organization for Standardization, including in the field of occupational safety and health (OSH)” was concluded on a pilot basis between the International Labour Organization and the International Organization for Standardization.⁸⁴⁶

(b) Resolutions adopted by the International Labour Conference during its 102nd Session (Geneva, June 2013)

At the 102nd session of the International Labour Conference (the “Conference”), twelve resolutions were adopted,⁸⁴⁷ three of which are highlighted below:

⁸⁴² For official documents and more information in the International Labour Organization, see <http://ilo.org>.

⁸⁴³ ILO, document GB.298/5/1, appendix.

⁸⁴⁴ *Ibid.*, document GB.317/INS/4/2, appendix III.

⁸⁴⁵ *Framework Agreement for Cooperation between the Republic of South Sudan and the International Labour Organization*.

⁸⁴⁶ ILO, document GB.319/INS/INF/1, appendix.

⁸⁴⁷ The following resolutions were adopted at the 102nd session: “Resolution concerning employment and social protection in the new demographic context”; “Resolution concerning sustainable development, decent work and green jobs”; “Resolution concerning the recurrent discussion on social dialogue”; “Resolution concerning remaining measures on the subject of Myanmar adopted under article 33 of the ILO Constitution”; “Resolution concerning the adoption of the Programme and Budget for 2014–15 and the allocation of the budget of income among Member States”; “Resolution concerning the scale of assessments of contributions to the budget for 2014–15”; “Resolution concerning the assessment of contributions of new Member States”; “Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization”; “Resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2012”; “Resolution concerning appointments to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board)”; “Resolution concerning the arrears of contributions of Comoros”; and “Resolution concerning the arrears of contributions of Paraguay”.

(i) *Resolution concerning employment and social protection in the new demographic context*

On 19 June 2013, the Conference adopted a resolution and conclusions concerning employment and social protection in the new demographic context, occasioned by demographic change, including population ageing. It was recognized that demographic transitions have major implications for labour markets and social protection systems. It also affirmed that coherent and integrated employment promotion and social protection policies that build on the virtuous cycle of employment, social protection and development are crucial to address the demographic challenge. The conclusions underscored the need for country specific policy mixes that recognize the interdependency between demographic shifts, employment, labour migration, social protection and economic development and that take into account the specific situation in each country.

The conclusions specified that, guided by the fundamental principles and rights at work of the ILO and pursuing the objective of decent work over the life cycle, policies need to prevent and combat age discrimination, promote gender equality and the inclusion of workers with disabilities, eliminate child labour, assure the transition from informal to formal work, and ensure well-managed labour migration. The conclusions furthermore specified that the increase in labour force participation of underrepresented groups is an essential element of the responses and that this can be achieved through employment-centered economic policies and development strategies to generate decent and productive jobs for all working-age groups of the population.

The conclusions emphasized the importance of comprehensive, adequate and sustainable social security systems, and called for their establishment and maintenance. The conclusions also emphasized that as a matter of priority, national social protection floors are needed to guarantee that all persons have access to education, essential health care and basic income security; higher levels of social security should be progressively ensured to as many people as possible. In this regard the conclusions pointed out that the ILO social security standards and notably the Social Security (Minimum Standards) Convention, 1952 (No. 102),⁸⁴⁸ and Social Protection Floors Recommendation, 2012 (No. 202)⁸⁴⁹ provide an international reference framework for the establishment of comprehensive social security systems that ensure protection throughout the life cycle. Recognizing the increase in pension costs in countries with ageing societies, the conclusions highlighted the need to ensure the financial, fiscal and economic sustainability of pension systems through appropriate and well-designed policies, financing mechanisms and enforcement measures, complemented by access to affordable, quality public health and social services. Policies should, according to the conclusions, further strive to ensure the adequacy and the predictability of pensions and a gradual and flexible transition from active working life to retirement. Attention should also be paid to social outcomes, notably in a context of pension reform, which should be guided notably by inter-generational fairness and solidarity.

In addition, the conclusions underlined that efficient social dialogue and collective bargaining based on mutual trust and respect will be central to finding effective, equitable and sustainable answers to demographic challenges. The conclusions further underlined

⁸⁴⁸ United Nations, *Treaty Series*, vol. 210, p. 131.

⁸⁴⁹ ILO, *Provisional Record No. 14A of the 101st Session of the International Labour Conference*.

that reform processes can be best managed through social dialogue to balance employment, social protection and related financial and fiscal requirements.

(ii) *Resolution concerning sustainable development, decent work and green jobs*

On 19 June 2013, the Conference adopted a resolution and conclusions on sustainable development, decent work and green jobs that set out a common vision—the Decent Work Agenda—for the creation of decent work in the transition to environmentally and socially sustainable economies and the critical role of Governments, employers and workers as agents of change, individually and collectively. The Decent Work Agenda was based on four pillars—social dialogue, social protection, rights at work and employment—which were considered indispensable building blocks of sustainable development.

The conclusions provided guiding principles for the greening of economies, enterprises and jobs, including the need for building strong social consensus on the goal and pathways to sustainability; the important role of social dialogue; and respect, promotion and realization of fundamental principles and rights at work. The Conference agreed on a basic policy framework to address the challenges of a just transition for all, with specific measures in nine key areas, namely macroeconomic and growth policies, industrial and sectoral policies, enterprise policies, skills development, occupational safety and health, social protection, active labour market policies, rights and social dialogue and tripartism.

The conclusions noted that globally, the ILO should leverage its mandate and core values to provide leadership in promoting the Decent Work Agenda as a critical vehicle for achieving sustainable development and poverty eradication. The conclusions further noted that the distinctive contribution of the ILO lies in articulating the implications of environmental issues and policies, including those related to climate change, natural resource management and energy, on the labour market and the needs for social protection. In turn, the conclusions stipulated that environmental concerns should be more strongly reflected in the Decent Work Agenda itself, thus leveraging its contribution to achieving integrated sustainable development.

According to the conclusions, the agreed vision and guiding principles should also guide the ILO in making sustainable development progressively a cross-cutting issue in all areas of its work. The conclusions called for a strategic action plan to transform the agreed vision into measurable results both at a state and a global level and which should inform the ILO's mandate for the future at the time of its centenary.

(iii) *Resolution concerning the recurrent discussion on social dialogue*

On 19 June 2013, the Conference adopted a resolution concerning the recurrent discussion on social dialogue stating that social dialogue and tripartism constitute the main governance paradigm of the ILO for promoting social justice, fair and peaceful workplace relations and decent work. The adopted conclusions drew on social dialogue and tripartism as key methods for implementing the ILO's strategic objectives laid down in the ILO Declaration on Social Justice for a Fair Globalization, 2008.⁸⁵⁰

⁸⁵⁰ Adopted by the Conference at its ninety-seventh session, Geneva, 10 June 2008.

The conclusions provided for measures to be implemented by ILO's members with the support of the Organization to promote social dialogue. They further called on members to reaffirm their commitment to social dialogue and tripartism. According to the conclusions, members should respect the independence and autonomy of workers' and employers' organizations, promote the rule of law through effective labour inspection and the strengthening of dispute prevention and resolution mechanisms, and ensure that collective bargaining is carried out in observance of the autonomy of the parties.

The conclusions contained a framework for action for the ILO which highlights the themes and types of activities based on the recurrent discussion and needs of the members. The framework of action called on the ILO to strengthen institutions and processes of social dialogue; provide support to the tripartite actors of social dialogue at all levels; enhance policy-coherence by engaging in a proactive manner with international organizations and institutions and providing coherent policy advice to its constituents; and actively promote social dialogue and participation of social partners in ILO's activities, namely Decent Work Country Programmes and technical cooperation activities.

(c) Entry into force of International Labour Conventions

Two conventions of relevance to this section entered into force in 2013.

The Maritime Labour Convention, 2006,⁸⁵¹ entered into force on 20 August 2013 and became binding for the 30 members (with a total share in the world gross tonnage of ships of a 33 per cent) whose ratification had been registered by 20 August 2012. As of 31 December 2013, 54 members, representing approximately 80 per cent of the world's gross tonnage of ships, had ratified the Convention, with entry into force for each member, in accordance with article VIII, paragraph 4 of the Convention, 12 months after the date of registered ratification.⁸⁵²

In addition, the Domestic Workers Convention, 2011 (No. 189)⁸⁵³ entered into force on 5 September 2013 and became binding for the 9 ratifying members.⁸⁵⁴

⁸⁵¹ *United Nations Juridical Yearbook 2006* (United Nations Publication, Sales No. E.09.V.1), p. 325. The MLC, 2006 was adopted by government, employer and worker representatives at a special ILO International Labour Conference, in February 2006, to provide international standards for the world's first genuinely global industry. Widely known as the "seafarers' bill of rights", it is unique in its effect on both seafarers and quality ship owners. The MLC, 2006 establishes minimum working and living standards for seafarers on those ships. It is also an essential step toward ensuring fair competition and a level-playing field for quality owners of ships flying the flags of ratifying countries.

⁸⁵² For more information on the status of ratification, see <http://www.ilo.org/global/standards/maritime-labour-convention/lang--en/>.

⁸⁵³ See United Nations, *Treaty Series*, I-51379.

⁸⁵⁴ Adopted by the ILC at its One-hundredth Session, Geneva, 16 June 2011, the Convention highlights the economic and social value of domestic work and sets out principles and measures for ensuring that domestic workers, like workers generally, enjoy their fundamental rights at work, fair terms of employment and decent working conditions. For more information, see <http://www.ilo.org/global/topics/domestic-workers/lang--en/>.

(d) Legal Advisory Services and Training

In 2013, with a view to improving the application of international labour standards in general, the ILO provided technical assistance, including training in reporting and other international labour standards related obligations and reform of both general and specialized national legislation. As to particular conventions in various sectors, the ILO, among other things, undertook promotional activities for their ratification and provided technical advice for their implementation.

Of the ILO's international labour standards training activities in 2013, 58 were conducted in collaboration with the International Training Centre in Turin at the interregional, regional, subregional and national levels. There were 1,069 participants from governments, employers' and workers' organizations and other key national actors (judges, labour inspectors and media professionals), originating from 136 Member States. These training courses addressed procedures relating to standard setting and supervision, as well as specific topics such as equality in employment, freedom of association, elimination of child labour and forced labour, the use of international labour standards by national jurisdictions and media professionals.⁸⁵⁵

The ILO also provided capacity-building and training on international social security standards and legislation in a number of countries and territories.⁸⁵⁶ Such training also took place at the International Training Centre of the ILO in Turin, within the Social Security Academy and the Social Protection Floors Assessment Course, which brought together participants from over one hundred countries.

⁸⁵⁵ International Labour Conference, *Report of the Committee of Experts on the Application of Convention and Recommendations: Report III, 2013—103rd Session (Part 2)—Information document on ratifications and standards-related activities*. Regarding social security, for example, the ILO provided, in 2013, legal advice and standards-related technical assistance to 22 countries and territories. Technical assistance was, amongst others provided to Honduras, Paraguay, Jordan, Benin and Russia on the requirements of ILO social security standards and notably those of the Social Security (Minimum Standards) Convention, 1952 (No. 102). Support was provided to Lesotho and Swaziland for the drafting of new legislation establishing a national social security system and related schemes, to Kurdistan for the drafting of legal provisions to extend the existing social security legislation to construction workers and casual workers and the drafting of unemployment insurance legislation, and to Palestine for the drafting of the new social security law for private sector workers, covering old-age, invalidity and survivors' pensions, as well as employment injury and maternity benefits. Legal advice was provided to Sri Lanka and Zambia for the establishment of a maternity insurance scheme, and to Oman on pension legislation. In addition, legal advice was provided to a number of countries in the context of social security reform. This included specific advice on pension reform to, e.g. Colombia, Jordan, Lebanon, Vietnam, Russia and Swaziland and advice on systemic social insurance reform to Burundi, Mauritania and Vietnam. A number of countries and territories, including Burundi, Niger, the Occupied Palestinian Territory and Zambia also requested assistance for the development of their national social protection floor and the development of enabling legislation, in line with the Social Protection Floors Recommendation, 2012 (No. 202) with a view to extending social security coverage. Furthermore, legal advice was provided in the aftermath of the Rana Plaza accident in Bangladesh on the establishment of a scheme providing income protection to disabled workers and the survivors of deceased ones, and the provision of medical care to injured workers, in line with the standards set out in the Employment Injury Benefits Convention, 1964 (No. 121).

⁸⁵⁶ The countries and territories included Honduras, Paraguay, Benin, Burundi, Lesotho, Niger, the Republic of Congo, Kurdistan, the Occupied Palestinian Territory, and the ASEAN countries as part of a regional workshop on this subject.

Finally, the ILO Programme on AIDS/HIV provided training to approximately 100 labour judges on the basis of its Handbook for Judges and Legal Professionals. In addition, ILO continued to provide technical advisory support for the development of over 40 national tripartite workplace policies integrating the key human rights principles of the HIV and AIDS Recommendation, 2010 (No. 200).⁸⁵⁷

(e) Committee on Freedom of Association

In 2013, the Committee on Freedom of Association had before it more than 212 cases concerning 66 countries. The Committee on Freedom of Association drew the attention of the Committee of Experts to the legislative aspects of Cases Nos. 2609 (Guatemala), 2723 (Fiji), 2737 (Indonesia), 2786 (Dominican Republic), 2843 (Ukraine), 2926 (Ecuador) and 2957 (El Salvador).⁸⁵⁸

(f) Representations submitted under article 24 of the ILO Constitution and complaints made under article 26 of the ILO Constitution

In 2013, the Governing Body considered the developments in nine representations submitted under article 24 of the ILO Constitution by industrial associations of employers or workers, alleging that a member State that had ratified a Convention had failed to secure within its jurisdiction the effective observance of that Convention. The Governing Body also considered the developments in five complaints made under article 26 of the Constitution alleging that a member State that has ratified a Convention was not securing its effective observance.

2. Food and Agriculture Organization of the United Nations⁸⁵⁹

(a) Membership of the Food and Agriculture Organization (FAO)

As of 31 December 2013, the membership of FAO consisted of 194 member nations, one member organization (the European Union) and two associate members (the Faroe Islands and Tokelau). In June 2013, the 38th Session of the FAO Conference admitted Brunei Darussalam, the Republic of Singapore and the Republic of South Sudan to membership of the Organization.⁸⁶⁰

⁸⁵⁷ ILO, *Provisional Record No. 13A of the 99th Session of the International Labour Conference*.

⁸⁵⁸ ILO, *Report of the Committee of Experts on the Application of Convention and Recommendations: Report III, 2013—103rd Session (Part 2)—Information document on ratifications and standards-related activities*.

⁸⁵⁹ For official documents and more information on the Food and Agriculture Organization of the United Nations, see <http://www.fao.org>.

⁸⁶⁰ FAO, report of the 38th Session of the Conference (Rome, 15–22 June 2013), document C2013/REP, paras. 120–127.

(b) Constitutional and general legal matters

(i) *Work undertaken by the Committee on Constitutional and Legal Matters*

In 2013, the FAO Legal Office supported the 96th and 97th sessions⁸⁶¹ of the Committee on Constitutional and Legal Matters (CCLM) established by paragraph 6 of article V of the FAO Constitution.⁸⁶²

The CCLM considered a number of issues concerning the governance of the Organization and other legal matters, and reported on them to the FAO Council (the Council). In particular, the CCLM examined the Organization's practice concerning acceptance of credentials of delegations to the Conference, with a view to increasing flexibility, clarity and efficiency in the review and validation of credentials, while maintaining the integrity of credentials and ensuring that the formal requirements for credentials in the United Nations system are not undermined.⁸⁶³ It also reviewed the process of review of draft Conference Resolutions proposed by delegates during the sessions of the Conference.⁸⁶⁴ The resulting CCLM proposals to streamline the overall process of review of credentials and to discontinue the practice of establishing a Resolution Committee for the editorial review of draft Conference resolutions were subsequently endorsed by the Council at its 148th session, held in Rome from 2 to 6 December 2013.⁸⁶⁵

At its 97th session, the CCLM also reviewed two draft Conference resolutions proposing amendments which would streamline procedures for appointment of the Independent Chairperson of the Council and for election of Council members.⁸⁶⁶ These draft resolutions were subsequently endorsed by the Council at its 148th session, which decided to forward them to the Conference session in June 2015.⁸⁶⁷

Furthermore, in 2013, the CCLM conducted a preliminary review of the participation of international non-governmental organizations and civil society organizations in meetings of FAO.⁸⁶⁸ The CCLM recommended that a process for the reformulation of rules and procedures on the participation of such organizations to FAO meetings be initiated, and this recommendation was endorsed by the Council, which emphasized that the intergovernmental nature of FAO's decision making process would be maintained.⁸⁶⁹ The CCLM

⁸⁶¹ The sessions were held in Rome from 4–6 March and 21–23 October 2013, respectively.

⁸⁶² FAO Constitution, *Basic Texts of the Food and Agriculture Organization of the United Nations* (FAO Basic Texts), 2013, vol. I, sect. A. See also, rule XXXIV of the General Rules of the Organization, FAO Basic Texts, 2013, vol. I, sect. B.

⁸⁶³ FAO, Report of the 97th Session of the CCLM (Rome, 21–23 October 2013), document CL 148/2 Rev.1, paras. 8–9.

⁸⁶⁴ *Ibid.*, Report of the 97th Session of the CCLM, paras. 10–11.

⁸⁶⁵ FAO, Report of the 148th Session of the Council (Rome, 2–6 December 2013), sub-para. 20(b) and (c).

⁸⁶⁶ The two draft Conference Resolutions propose amendments to Rule XII, paragraphs 3, 4, 12, and 13, and to Rule XII, subparagraph 10(a), of the General Rules of the Organization (GRO) respectively.

⁸⁶⁷ FAO, Report of the 97th Session of the CCLM, paras. 17–22; and Report of the 148th Session of the Council, appendixes C and D.

⁸⁶⁸ *Ibid.*, Report of the 97th Session of the CCLM, paras. 23–26.

⁸⁶⁹ *Ibid.*, Report of the 148th Session of the Council, sub-para. 20(f).

also conducted a preliminary review of the composition and functions of bureaus of Technical Committees established under article V of the FAO Constitution.⁸⁷⁰ In endorsing the CCLM report to it, the Council noted that this issue was under negotiation by the members and that the CCLM might review legal aspects of this matter at a future session.⁸⁷¹

(ii) *Amendments to the General rules of the Organization and to the Rules of procedure of FAO Governing and statutory bodies*

At its 38th session in June 2013, the Conference adopted several amendments to the General Rules of the Organization (GRO).⁸⁷² In addition, the Rules of Procedure of a number of Governing and Statutory Bodies (e.g. the Committee on World Food Security, the Commission on Genetic Resources for Food and Agriculture, and the Commission on Phytosanitary Measures) were amended. The process for further revision of such rules was also initiated in some cases (e.g. the Committee on World Food Security).

(iii) *Information provided by FAO to other United Nations System entities*

By order 2013/2 of 24 May 2013, the International Tribunal for the Law of the Sea (ITLOS) invited States and a number of organizations, including FAO, to present written statements on the questions raised in the request for an advisory opinion submitted by the Permanent Secretary of the Sub-Regional Fisheries Commission to the Tribunal.⁸⁷³ FAO provided background information on pertinent provisions of those international instruments relevant to fisheries adopted under the FAO Constitution, with a view to assisting the Tribunal in its consideration of the questions addressed in the proceeding.⁸⁷⁴

⁸⁷⁰ FAO, Report of the 97th Session of the CCLM, paras. 6–7.

⁸⁷¹ *Ibid.*, Report of the 148th Session of the Council, sub-para. 20(a).

⁸⁷² By resolution 8/2013, 9/2013 and 10/2013, the Conference amended the following Rules of the GRO: XXXIII, XXIX.2, XXX.2, XXXI.2, XXXII.2, XXXVII and XL (*Ibid.*, Report of the 38th Session of the Conference).

⁸⁷³ ITLOS, case No. 21 “*Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (SRFC)*”, Orders, 20 December 2013, 3 December 2013 and 24 May 2013. For the text of the written statement of FAO, see http://www.itlos.org/fileadmin/itlos/documents/cases/case_no.21/written_statements_round1/C21_26_FAO_orig_Eng.pdf (accessed on 31 December 2013). Also see chap. VII, sect. B.

⁸⁷⁴ The international instruments addressed in the written statement submitted by FAO to ITLOS are: the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the 1995 Code of Conduct for Responsible Fisheries, the 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(c) Activities in respect of multilateral treaties⁸⁷⁵*Depositary actions*

In 2013, a total of 17 depositary actions concerning treaties deposited with the Director-General of FAO by States and a regional economic integration organization were recorded. These actions related to the International Plant Protection Convention, 1951,⁸⁷⁶ the Plant Protection Agreement for the Asia and Pacific Region, 1951,⁸⁷⁷ the Constitution of the European Commission for the Control of Foot-and-Mouth Disease, 1953,⁸⁷⁸ the International Convention for the Conservation of Atlantic Tunas, 1966,⁸⁷⁹ the Agreement for the Establishment of the Near East Plant Protection Organization, 1993,⁸⁸⁰ the Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region, 1993,⁸⁸¹ the International Treaty on Plant Genetic Resources for Food and Agriculture, 2001,⁸⁸² the Southern Indian Ocean Fisheries Agreement, 2006,⁸⁸³ the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009,⁸⁸⁴ and the Agreement on the Central Asian and Caucasus Regional Fisheries and Aquaculture Commission, 2009.⁸⁸⁵

(d) Legislative matters**(i) Legislative assistance and advice**

In 2013, the FAO Legal Office provided legislative assistance and advice to more than 80 countries in the form of review and provision of advice in drafting national legislation and regulations on a range of topics, including food safety, food security, forestry, fisheries, aquaculture, animal health and production, plant protection, pesticide control, seed registration, land, agribusiness, trade and agricultural cooperatives and finance.

The FAO Legal Office also provided legislative assistance and advice during a number of international meetings. In particular, it participated in the 6th Ad Hoc Open-ended

⁸⁷⁵ Information on depositary actions regarding multilateral treaties adopted pursuant to article XIV of the FAO Constitution is available from: <http://www.fao.org/legal/treaties/treaties-under-article-xiv/en/>. Information on depositary actions regarding multilateral treaties adopted outside of FAO's framework and deposited with the Director-General of FAO is available from: <http://www.fao.org/legal/treaties/treaties-outside-fao-framework/en/>.

⁸⁷⁶ United Nations, *Treaty Series*, vol. 150, p. 67.

⁸⁷⁷ *Ibid.*, vol. 247, p. 400.

⁸⁷⁸ *Ibid.*, vol. 191, p. 285.

⁸⁷⁹ *Ibid.*, vol. 673, p. 63.

⁸⁸⁰ *Ibid.*, vol. 2581, p. 157.

⁸⁸¹ Available at http://www.fao.org/fileadmin/user_upload/legal/docs/025t-e.pdf (accessed on 31 December 2013).

⁸⁸² United Nations, *Treaty Series*, vol. 2400, p. 303.

⁸⁸³ *Ibid.*, vol. 2835, I-49647.

⁸⁸⁴ *Ibid.*, I-54133. See also Food and Agriculture Organization of the United Nations, *Report of the Conference of FAO, Thirty-sixth Session, Rome 18–23 November 2009* (C 2009/REP and Corr. 1), appendix E.

⁸⁸⁵ United Nations, *Treaty Series*, vol. 2754, p. 191.

Informal Working Group to Study Issues relating to the Conservation and Sustainable Use of Marine Biological Diversity in Areas Beyond National Jurisdiction, the 14th Plenary Session of the Contact Group on Piracy off the Coast of Somalia, the World Trade Organization's Committee on Trade and Environment (CTE), where FAO briefed the CTE on market sanctions within legal instruments developed under auspices of FAO, and the United Nations Environment Programme's Second Global Conference on Land-Ocean Connections, where FAO presented its involvement in UNEP'S Global Partnership for Marine Litter.

The FAO Legal Office supported the resumed Technical Consultations on Flag State Performance, which was a follow-up to a previous session held in February 2012. During these consultations, the members of the Organization adopted the Voluntary Guidelines for Flag State Performance and requested that they be submitted to the 31st Session of the FAO Committee on Fisheries, to be held in June 2014.⁸⁸⁶

The FAO Legal Office also supported the negotiation process for the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which were endorsed by the 38th (Special) Session of the Committee on World Food Security.⁸⁸⁷ These Guidelines are intended to contribute to global and national efforts towards the eradication of hunger and poverty by promoting secure tenure rights and equitable access to land, fisheries and forests. In support of the use of these Guidelines, during 2013, the FAO Legal Office contributed to the completion of technical guides on governance of tenure.

In March 2013, the FAO Legal Office participated in the Meeting of the Heads of Fisheries organized by the Secretariat of the Pacific Community for the Member States of the Pacific Community. The FAO Legal Office contributed to the work of the Network of Experts on the Legal Aspects of Maritime Safety and Security (MARSAFENET) on the issue of marine living resources management and illegal, unreported and unregulated (IUU) fishing in areas beyond national jurisdiction at the Conference on Jurisdiction and Control at Sea. The FAO Legal Office also contributed to the ITLOS-Nippon Programme held at the International Tribunal for the Law of the Sea (ITLOS), focusing on the legal instruments developed under auspices of FAO and activities undertaken by FAO and Regional Fishery Management Organizations (RFMO) to address IUU fishing.

The FAO Legal Office and the FAO Fisheries Department co-organized a workshop with the Forum Fisheries Agency (FFA) on the 2009 FAO Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.⁸⁸⁸

The FAO Legal Office partnered with the International Organization for the Unification of Private Law (UNIDROIT) in the preparation of a Legal Guide on Contract Farming. This Legal Guide is intended to serve as a reference document enabling better understanding of contractual relations in contract farming operations, with a view to supporting the better protection of the rights of contracting parties, particularly weak parties.

⁸⁸⁶ FAO, Report of the Technical Consultation on Flag State Performance (Rome, 26 May 2011, 5–9 March 2012, 4–8 February 2013), para. 26. The text of the guidelines is available from ftp://ftp.fao.org/FI/DOCUMENT/tc-fsp/2013/VolGuidelines_adopted.pdf.

⁸⁸⁷ For the text of the guidelines, see <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>.

⁸⁸⁸ Available from <http://www.fao.org/legal/treaties/treaties-under-article-xiv/en/>.

For this purpose, FAO and UNIDROIT established an international working group of legal experts, supported by IFAD, the World Food Programme (WFP), the World Farmers Organization (WFO) and other public and private organizations, which met twice and elaborated a first draft of the Guide.

(ii) *Legislative research and publications*

In 2013, the FAO Legal Office published the following Legal Papers Online:⁸⁸⁹

- “Les outils pour une gestion durable des forêts”; and
- “Aquaculture regulatory frameworks: Trends and initiatives in national aquaculture legislation”.

(iii) *Collection, Translation and Dissemination of Legislative Information*

During 2013, the FAO continued to collect, translate and disseminate legislative information on food and agriculture legislation through its online databases. It continued to augment the databases which include: FAOLEX,⁸⁹⁰ FISHLEX,⁸⁹¹ WATERLEX,⁸⁹² WATER TREATIES,⁸⁹³ and ECOLEX.⁸⁹⁴

3. United Nations Educational, Scientific and Cultural Organization⁸⁹⁵

(a) International regulations

(i) *Entry into force of instruments previously adopted*

No multilateral conventions or agreements adopted under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO) entered into force in 2013.

(ii) *Proposals concerning the preparation of revised instruments*

a. Preliminary study on the technical, legal and museological aspects relating to the desirability of a standard-setting instrument on the protection and promotion of museums and collections

In November 2013, the 37th session of the General Conference invited the Director-General to prepare, under extrabudgetary funding, in close cooperation with the

⁸⁸⁹ Available from <http://www.fao.org/legal/publications/legal-papers/en/>.

⁸⁹⁰ See <http://faolex.fao.org/faolex/>.

⁸⁹¹ See <http://faolex.fao.org/fishery/>.

⁸⁹² See <http://faolex.fao.org/waterlex/>.

⁸⁹³ See <http://faolex.fao.org/watertreaties/>.

⁸⁹⁴ See <http://www.ecolex.org/start.php>.

⁸⁹⁵ For official documents and more information on the United Nations Educational, Scientific and Cultural Organization, see <http://www.unesco.org>.

International Council of Museums (ICOM), and in consultation with the Member States, a preliminary text of a new non-binding standard-setting instrument on the protection and promotion of various aspects of the role of museums and collections, to complement existing standard-setting instruments, in the form of a Recommendation, and to submit the text to it at its 38th session in 2015.⁸⁹⁶

b. Preliminary study of the technical, financial and legal aspects relating to the desirability of a standard-setting instrument on preservation and access to documentary heritage

At its 37th session, the General Conference invited the Director-General to submit to it, at its 38th session, a draft recommendation on preservation and access to documentary heritage, including digital heritage.⁸⁹⁷

c. Preliminary study on the technical and legal aspects relating to the desirability of revising the 1976 Recommendation on the Development of Adult Education

The 37th session of the General Conference invited the Director-General to submit to it, at its 38th session, a draft of the revised Recommendation on the Development of Adult Education.⁸⁹⁸

d. Preliminary study on the technical and legal aspects relating of the desirability of revising the 2001 Revised Recommendation concerning Technical and Vocational Education

At its 37th session, the General Conference invited the Director-General to submit to it, at its 38th session, a draft of the revised Recommendation concerning Technical and Vocational Education.⁸⁹⁹

(b) Human Rights

The Committee on Conventions and Recommendations met in private sessions at UNESCO Headquarters from 10 to 12 April 2013 and from 24 to 27 September 2013 in order to examine communications which had been transmitted to it in accordance with decision 104 EX/3.3 of the Executive Board.

At its April 2013 session, the Committee examined 32 communications, of which five were examined with a view to determining their admissibility or otherwise, 18 were examined as to their substance and 9 were examined for the first time. Four communications were struck from the list because they were considered as having been settled and the examination of the other 28 was deferred. The Committee presented its report to the Executive Board at its 191st session.

⁸⁹⁶ UNESCO, document 37 C/resolution 43.

⁸⁹⁷ *Ibid.*, resolution 53.

⁸⁹⁸ *Ibid.*, resolution 16.

⁸⁹⁹ *Ibid.*, resolution 18.

At its September 2013 session, the Committee examined 31 communications, of which 11 were examined with a view to determining their admissibility, 16 were examined as to their substance and 4 were examined for the first time. One communication was struck from the list because it was considered as having been settled and the examination of the other 30 was deferred. The Committee presented its report to the Executive Board at its 192nd session.

(c) Copyright activities

The 14th session of the Intergovernmental Copyright Committee (ICC) established under the Universal Copyright Convention, for which UNESCO provides the Secretariat, took place from 7 to 9 June 2010. At this session, the Committee decided to suspend rule 2 (1) of its Rules of procedure concerning periodicity of ordinary sessions and to convene ordinary sessions at the request of one third of its members following the initiative either of one or more of its members or of the Secretariat. Consequently, UNESCO has not taken activities under the implementation of this Convention in 2013.

4. World Health Organization⁹⁰⁰

(a) Constitutional developments⁹⁰¹

No new amendments to the WHO Constitution were proposed or adopted, and neither of the two current amendments entered into force.⁹⁰²

(b) Other normative developments and activities

(i) *International Health Regulations (2005)* (“IHR (2005)” or the “Regulations”)

In accordance with article 60 of the IHR (2005), the Regulations entered into force for South Sudan on 16 April 2013. With the inclusion of South Sudan, there were 196 States parties to the IHR (2005) as of the end of 2013.

Beginning on 9 July 2013, in accordance with articles 12, 48, and 49 of the IHR (2005), the Director-General convened four meetings of the International Health Regulations (2005) Emergency Committee concerning cases of human infection with Middle East respiratory syndrome coronavirus (MERS-CoV). This was the second time since the IHR (2005) entered into force in June 2007 that such a Committee had been convened. The Committee, which is composed of independent international experts from a variety of relevant disciplines and from all regions of WHO, provided expert technical views to the Director-General in accordance with the IHR (2005), including on whether the events involving MERS-CoV constituted a Public Health Emergency of International

⁹⁰⁰ For official documents and more information on the World Health Organization, see <http://www.who.int>.

⁹⁰¹ For the text of the WHO Constitution, see United Nations, *Treaty Series*, vol. 14, p. 185.

⁹⁰² The amendment to article 7 (adopted by the eighteenth World Health Assembly by resolution WHA18.48 of 20 May 1965) and the amendment to article 74 (adopted by the thirty-first World Health Assembly by resolution WHA31.18 of 18 May 1978).

Concern (PHEIC). Based on the current information, the Committee took the unanimous view that the conditions for a PHEIC had not been met.

In the area of implementation of the Regulations in national legislation, in 2013, Secretariat activities included a multi-country interactive workshop for legal and technical personnel on assessment and revision of national legislation for IHR implementation in Yangon, Myanmar, including participation by all States parties in WHO's South-East Asia Region. Support in this area was also provided through a wide range of other activities, communications, advice and information directly to States parties or through Regional Offices, including missions to countries.

(ii) *Amendments to Basic documents and to the Rules of procedure of the regional committees of the WHO*

The Executive Board, by resolutions EB132.R10 and EB132.R11 of 28 January 2013, confirmed amendments to Staff Rules made by the Director-General concerning the effective date of amendments to the Staff Rules, appointment policies, completion of appointments, abolition of posts including the reassignment process, standards of conduct for staff members, working hours and attendance, appeals process, and terminal remuneration, with effect from 1 February 2013, and to the remuneration of staff in the professional and higher categories, with effect from 1 January 2013.

The Executive Board, by resolution EB132.R13 of 29 January 2013, amended rule 52 of its Rules of procedure with effect from the closure of its 132nd session to: (a) provide that the process for nomination starts nine rather than six months before the opening of the sessions at which a person is to be nominated; (b) provide for the establishment of a candidates' forum open to all Member States and associate members to which all candidates are invited to make themselves and their vision known to Member States on an equal basis; and (c) reflect that the Board shall henceforth nominate three candidates for the Health Assembly's consideration.

The World Health Assembly, by resolution WHA66.3 of 24 May 2013, adopted the changes to the Financial Regulations with effect from the 1 January 2014. The changes related to (a) the scope of the authority of the Director-General that results from approval of the budget, given that funding is not fully approved for the voluntary contributions component, (b) the exact nature of financial obligations of Member States upon approval of the budget and (c) the interrelationship between the changes to the Financial Regulations and the wording of the budget resolution.

The World Health Assembly, by resolution WHA66.18 of 27 May 2013, agreed on the following: (a) to adopt a code of conduct for the election of the Director-General of the World Health Organization which aims at promoting an open, fair, equitable and transparent process for the election of the Director-General of the World Health Organization; (b) to establish a candidates' forum open to all Member States as a non-decision-making platform for candidates; (c) that the curriculum vitae of each candidate, which should be based on the standard form contained in annex 3 to the resolution, shall be limited to 3500 words and shall also be submitted in electronic format in order to enable the Chairman of the Executive Board to verify that this limit is not exceeded; and (d) to amend rules 70 and 108 of its Rules of procedure and to add a new Rule 70 *bis*, in order to reflect the specific

modalities for appointing the Director-General out of three candidates nominated by the Executive Board.

The Regional Committee for Africa, by resolution AFR/RC63/R2 of 5 September 2013, amended, with effect from the end of its sixty-third session, rules 2, 3 and 52 of its Rules of procedure, relating to the attendance of observers at the Regional Committee, the examination of credentials and the process of nominating persons for the post of Regional Director, respectively. Additionally, it amended the terms of reference of the Programme Subcommittee in order to include oversight functions over the work of the Secretariat.

The Regional Committee for Europe, by resolution EUR/RC63/R7 of 18 September 2013, amended its Rules of procedure with effect from the end of the sixty-third session in order to establish a screening mechanism for credentials at Regional Committee meetings and a procedure for the submission of and amendments to Regional Committee resolutions. Additionally, it decided to amend the rule 3 of the Rules of procedure of the Standing Committee of the Regional Committee for Europe, by providing that the Standing Committee's meeting in May be open to all Member States of the region, with the aim to ensure transparency of the Standing Committee's proceedings.

The Regional Committee for the South-East Asia, by resolution SEA/RC66/R8 of 13 September 2013, amended rules 2 and 3 of its Rules of procedure, with effect from the end of the sixty-sixth session of the Regional Committee, concerning the participation of observers in the work of the Regional Committee and the procedure for submitting and examining credentials, respectively.

(iii) *Agreement with South Sudan*

On 25 October 2013, WHO entered into a technical advisory cooperation agreement with South Sudan. The cooperation consists of WHO providing technical advice to the State which in turn facilitates the effective development of technical advisory cooperation in the country. Specific provisions address the establishment of a WHO office in the country and govern its functioning, including the granting of privileges and immunities to the Organization and to the staff.

(iv) *Agreement with Algeria*

On 27 February 2013, WHO entered into an agreement with Algeria for the establishment of a WHO Country Office in the country. The cooperation consists of WHO contributing to the implementation of its programmes at the national level, providing technical assistance to the national authorities and promoting the dissemination of its publications and documents in the country. Specific provisions address the establishment of a WHO office in the country and govern its functioning, including the granting of privileges and immunities to the Organization and to the staff.

(v) *Agreement with Turkey*

On 17 June 2013, WHO entered into an agreement with Turkey for the establishment of a WHO Country Office in Ankara. The purpose of the agreement is to provide technical

expertise to the Government of Turkey and to develop effective international collaboration and partnership in the field of health. Specific provisions address the establishment of a WHO office in the country and govern its functioning, including the granting of privileges and immunities to the Organization and to the staff.

(vi) *Agreements with intergovernmental organizations*

On 27 May 2013, by resolution WHA66.20, the World Health Assembly approved the Agreement between the South Centre and the World Health Organization, which was submitted to it under the terms of article 70 of the WHO Constitution. As indicated in its article II, the Agreement aims at strengthening cooperation in areas including access to medicines and other health technologies and at reaffirming the two Organizations' complementary commitments to serve the needs of their respective Member States and partner countries through research activities, information collection and dissemination, and the convening of meetings of representatives of their Member States and other relevant stakeholders.

(vii) *Code of Conduct for the Election of the Director-General of the World Health Organization*

On 27 May 2013, by resolution WHA66.18, the World Health Assembly adopted the Code of Conduct for the Election of the Director-General of the World Health Organization.⁹⁰³

(viii) *Code of Conduct for the Nomination of the Regional Director of the European Region of the World Health Organization*

On 18 September 2013, by resolution EUR/RC63/R7, the Regional Committee for Europe adopted the Code of Conduct for the Nomination of the Regional Director of the European Region of the World Health Organization which became effective at the end of the sixty-third session of the Regional Committee for Europe.⁹⁰⁴

(ix) *Supporting national law reform efforts on WHO mandated topics*

During 2013, the Headquarters and Regional Offices of WHO provided technical cooperation to a number of Member States in connection with the development, assessment, or review of various areas of health legislation and WHO-mandated topics, including

⁹⁰³ The Code is a political understanding that aims to promote an open, fair, equitable, and transparent process for the election of the Director-General of the World Health Organization. In seeking to improve the overall process, this Code addresses a number of areas, including the submission of proposals, the conduct of electoral campaigns, and the nomination and appointment of the Director-General.

⁹⁰⁴ The Code is a political understanding that aims to promote an open, fair, equitable, and transparent process for the nomination of the Regional Director. In seeking to improve the overall process, this Code addresses a number of areas, including the submission of proposals, the conduct of electoral campaigns, and the nomination of the Regional Director.

maternal health, biological standardization, tobacco-related issues, and the child's right to the highest attainable standard of health. Specific support was provided to countries for developing and/or revising national law and legislation on reducing preventable maternal mortality, universal health coverage, road safety, regulation of medical research, disability rights, mental health, reproductive health, and maternal child nutrition.

(c) Status on new instruments

On 21 June 2013, Tajikistan became a Party to the WHO Framework Convention on Tobacco Control (FCTC).⁹⁰⁵ There were 177 Parties to the Convention at the end of 2013.

In addition, the first protocol to the WHO FCTC, the Protocol to Eliminate Illicit Trade in Tobacco Products, which was adopted by the Conference of the Parties to the WHO FCTC on 12 November 2012, was opened for signature by all Parties to the WHO FCTC on 10 January 2013. Forty-two Parties to the WHO FCTC signed the Protocol in 2013,⁹⁰⁶ and the first instrument of ratification was deposited by Nicaragua on 20 December 2013.

5. International Monetary Fund⁹⁰⁷

(a) Membership

(i) Accession to membership

No new countries became members of the International Monetary Fund (IMF) in 2013. As of 31 December 2013, the membership of the IMF consisted of 188 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,⁹⁰⁸ members of the IMF may not, without the IMF's approval, (a) impose restrictions on the making of payments and transfers for current international transactions; or (b) 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 mem-

⁹⁰⁵ United Nations, *Treaty Series*, vol. 2302, p. 166.

⁹⁰⁶ The parties were Belgium, Benin, Botswana, Burkina Faso, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Ecuador, European Union, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guinea-Bissau, Ireland, Israel, Kenya, Kuwait, Libya, Lithuania, Madagascar, Mongolia, Montenegro, Myanmar, Nicaragua, Norway, Panama, Qatar, Republic of Korea, South Africa, the Sudan, Syrian Arab Republic, Tunisia, Turkey, United Republic of Tanzania, and Uruguay. See chapter IX. 4.a of *Multilateral Treaties Deposited with the Secretary-General*, available on the website <http://treaties.un.org/Pages/ParticipationStatus.aspx>.

⁹⁰⁷ For documents and more information on the International Monetary Fund, see <http://www.imf.org>.

⁹⁰⁸ United Nations, *Treaty Series*, vol. 2, p. 39.

ber 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 technical assistance to help the member remove its exchange restrictions and multiple currency practices.

The total number of countries that had accepted the obligations of article VIII, Sections 2, 3, and 4, as of December 31, 2013, was 169.

(iii) *Overdue financial obligations to the IMF*

As of 31 December 2013, members with protracted arrears (i.e., financial obligations that were overdue by six months or more) involving the general resources of the IMF were Somalia and the Sudan. Zimbabwe had arrears to the Poverty Reduction and Growth Trust (PRGT) administered by the IMF as trustee. In addition, Somalia and the Sudan had protracted overdue Trust Fund and/or Structural Adjustment Facility obligations not involving the general resources of the IMF.

Article XXVI, section 2(a) of the IMF's Articles of Agreement provides that if "a member fails to fulfil 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 at end of December 2013 with respect to Somalia and the Sudan, whose arrears were subject to sanctions under article XXVI. In the case of Zimbabwe, its arrears to the PRGT were handled under a separate framework since such arrears do not involve the IMF's general resources and are therefore not subject to article XXVI.

(b) **Issues pertaining to representation at the IMF**

In September 2009, the IMF found that there was no internationally recognized government for Madagascar with which the IMF could carry on its activities. Since then and throughout 2013, the positions of the Governor and Alternate-Governor for Madagascar in the IMF remained vacant.

(c) **Key policy decisions of the IMF**

In 2013, the IMF took steps to move ahead with a number of major policy reforms that would allow it to meet the evolving needs of its members and to adjust to changes in the global economy.

(i) *IMF surveillance*

The activity known as IMF surveillance is a core mandate of the IMF. Article IV requires the IMF to exercise oversight over members' compliance with their obligations under article IV, section 1, and also directs the IMF to give scrutiny ("firm surveillance") to members' exchange rate policies. As a means of enabling the IMF to discharge these responsibilities, members are required to provide the necessary information to the IMF and, when requested by the IMF, to consult with the IMF regarding their policies. In addition, article IV, section 3(a) gives the IMF a specific mandate to "oversee the international monetary system in order to ensure its effective operation". This function provides the basis for so-called multilateral surveillance. While surveillance is continuous in nature, policy discussions between the IMF and its members are conducted primarily in the context of "Article IV consultations", which are typically held on an annual basis. Staff reports providing economic analysis and policy advice at a bilateral and multilateral level are prepared for discussion by the Executive Board. Discussion at the Executive Board is a culmination of the surveillance cycle and serves as a mechanism for peer review of the policies of IMF members and of the issues impacting global stability.

Mandatory financial stability assessments

In September 2010, the IMF's Executive Board made financial stability assessments (FSAs) under the Financial Sector Assessment Program (FSAP) a regular and mandatory part of bilateral surveillance under article IV for jurisdictions with systemically important financial sectors. These jurisdictions were chosen based on a set of relevant and transparent criteria composing of two key features of a country's financial sector, namely size and interconnectedness with financial sectors in other countries. On this basis, 25 jurisdictions were determined by the IMF's Managing Director to have systemically important financial sectors.

In December 2013, the Executive Board reviewed and approved revisions to the 2010 decision to align the legal basis for mandatory FSAs with the IMF's 2012 Integrated Surveillance Decision (ISD) and to modify the methodology for determining systemically important financial sectors. The ISD made article IV consultations a vehicle for both bilateral and multilateral surveillance, enabling the IMF to examine spillovers arising from a member's domestic policies when these may significantly influence the effective operation of the international monetary system. Consistent with the approach under the ISD, mandatory FSAs would now cover spillovers from a member's financial sector policies when those policies undermine either the member's own stability or may significantly influence the effective operation of the international monetary system, for example by undermining global economic and financial stability.

Further, as a result of the modified methodology, the systemic importance of a jurisdiction's financial sector would be determined not only on the basis of size and cross-border banking linkages, as was the case in the original 2010 methodology, but also take into account other potential transmission channels for shocks. This modified methodology shifts more emphasis to interconnectedness, expands the range of covered exposures, and brings into consideration the potential for price contagion across financial sectors. Based on the modified methodology, 29 jurisdictions have been determined by the IMF's Managing Director to have systemically important financial sectors.

(ii) *IMF financing and financial resources*

a. Adoption of new rules and regulations for the IMF's Investment Account

The Executive Board of the IMF adopted on 23 January 2013, a new set of rules and regulations for the IMF's Investment Account.⁹⁰⁹ The rules replaced those approved by the Executive Board in 2006, and provide the legal framework for the implementation of the expanded investment authority that is authorized under the Fifth Amendment to the IMF's Articles of Agreement, which became effective in February 2011. The expanded investment authority is a key element of the IMF's income model, which aims to diversify the IMF's sources of income and to put the IMF's finances on a sound long-term footing.

The new rules and regulations established two main sub-accounts within the Investment Account: (a) the Fixed-Income Subaccount, totaling about SDR⁹¹⁰ 8.4 billion at end-2012 (about USD 13 billion), the assets of which are invested in marketable obligations of IMF members and international financial institutions that are denominated either in SDR or in currencies included in the SDR basket, and managed against a 1–3 year government bond benchmark, which is weighted to reflect the currency composition of the SDR basket; and (b) the Endowment Subaccount to be funded with assets attributed to profits from the strictly limited sale of holdings of the IMF's post-Second Amendment gold during 2009 and 2010 (totaling approximately SDR 4.4 billion, or about USD 7 billion at end-2012), which will be invested in a conservative, globally diversified portfolio consisting of fixed income assets and a limited portion of equities (including real estate investment trusts) in accordance with a strategic asset allocation benchmark.

The new rules and regulations provide strong protection against actual or perceived conflicts of interest, including a clear separation of responsibilities among the Executive Board, management, and external managers, as well as the exclusion of certain investment activities that, by their nature, could be more susceptible to the perception of conflicts of interest.

b. Distribution of windfall gold sales profits

The IMF sold 403.3 metric tons of gold in 2009–2010 to create an endowment to ensure the long-term financing of the IMF's day-to-day operations and as part of a strategy to mobilize IMF members' subsidy contributions to boost the IMF concessional lending. High world gold prices during the sales period generated "windfall" profits of SDR 2.45 billion (USD 3.8 billion).

The IMF's Executive Board in 2012 approved two separate distributions of this amount to IMF members, each was subject to members' assurances that they would provide new voluntary subsidy contributions to the PRGT, the IMF concessional lending to low-income countries, in amounts equivalent to at least 90 percent of the respective distribution. Requisite assurances were received for the effectiveness of the first and second distributions in October 2012 and October 2013, respectively, and as a result of these

⁹⁰⁹ For more information and the text of the new set of rules, see <http://www.imf.org/external/np/sec/pr/2013/pr1337.htm>.

⁹¹⁰ The currency value of the SDR is determined by summing the values in U.S. dollars, based on market exchange rates, of a basket of major currencies. For more information, see https://www.imf.org/external/np/fin/data/rms_sdrv.aspx.

assurances, the total amount of resources transferred or pledged by the IMF membership to support concessional lending under the PRGT reached more than SDR 2.2 billion (about USD 3.4 billion).

**c. Review of facilities for low-income countries and eligibility
for using concessional financing**

On 8 April 2013, the Executive Board of the IMF reviewed and approved several changes to the IMF's facilities for low-income countries (LICs) and to eligibility to use the IMF's concessional resources under the PRGT.⁹¹¹ These reforms aim at improving the tailoring and flexibility of Fund financial support to LICs in a manner that is consistent with the resources projected to be available over the period 2013–2035.

As part of the eligibility review, the Executive Board adopted special provisions setting higher income-related thresholds for very small states (microstates) in the PRGT-eligibility framework than for other low-income countries, both for PRGT entry and graduation, in view of unique challenges, such as greater volatility and the disadvantageous small economy scale, faced by them. Based on these new special provisions, the Executive Board endorsed the entry to the IMF's PRGT eligibility list of three microstates: Marshall Islands, Micronesia, and Tuvalu. The Executive Board also endorsed the graduation of Armenia and Georgia from the list.

In reviewing the facilities for LICs, the Executive Board adopted several proposals to improve the tailoring and flexibility of the IMF's toolkits to meet the financing needs of its low-income members while preserving the self-sustainability of the PRGT.⁹¹²

⁹¹¹ For more information, see <http://www.imf.org/external/np/pp/eng/2013/031813a.pdf>.

⁹¹² The proposals included: increasing the cumulative access limit under the Rapid Credit Facility that is designed primarily to benefit countries in fragile situations or prone to natural disasters; encouraging the use of the Standby Credit Facility (SCF) arrangements on a precautionary basis; allowing the extension of the initial length of certain arrangements, *i.e.*, the Extended Fund Facility (ECF) arrangements and the Policy Support Instrument (PSI); allowing augmentation of access during ad-hoc reviews between scheduled reviews under ECF and SCF arrangements in cases where balance of payments problems are so acute that the augmentation cannot await the completion of the next review under the arrangement; allowing more flexibility in the periodicity of reviews, phasing, and performance criteria (no longer limited to semi-annual and quarterly); relaxing certain documentation requirements involving members' Poverty Reduction Strategies; and conserving scarce concessional resources by terminating certain off-track ECF arrangements after the expiration of a period of 18 months following the date of the last completed review.

(iii) *IMF transparency policy*

In June 2013, the IMF's Executive Board reviewed and adopted several measures for further improvement of the IMF's transparency policy, including: (a) to increase publication rates and reduce information lags through applying a stronger publication regime to all IMF staff reports on the use of IMF financial resources and PSIs, defining prompt publication as being within 14 days of Executive Board consideration, and requiring the issuance of factual statements in case of delayed publication; (b) to streamline external communication products to reduce the risk of inconsistent messages; (c) to provide further safeguards to confidential information through additional guidance to IMF staff, upfront clarification with IMF members on the application of IMF confidentiality rules, and the strengthening of departmental review to avoid information leakage; and (d) to group multi-country documents that address cross-country coverage and spillover issues into a new category and to introduce new modification and publication rules for this category.⁹¹³

(iv) *Review of developments in sovereign debt restructuring*

In May 2013, the IMF's Executive Board discussed a staff paper on recent developments in the area of sovereign debt restructuring and their implications for the IMF's legal and policy framework. The Executive Board discussion focused on the following four areas: (a) staff's observation that debt restructurings have often been too little and too late in recent crisis cases, thus failing to re-establish debt sustainability and market access in a durable way; (b) options to make the current contractual, market-based approach to debt restructuring more effective in overcoming collective action problems, especially in pre-default cases; (c) the growing role and changing composition of official lending and the potential need to clarify the framework for official sector involvement in light of these developments; and (d) whether the Fund's lending into arrears (LIA) policy remains the most promising way to regain market access post-default and whether a review of the effectiveness of this policy is warranted in light of the recent experience and increased complexity of the creditor base.⁹¹⁴

⁹¹³ For more information, see <http://www.imf.org/external/pubs/ft/survey/so/2013/POL072213A.htm>.

⁹¹⁴ For more information, see <https://www.imf.org/external/np/pp/eng/2013/042613.pdf>.

The Board endorsed a two-stage work program over the next year for further analysis starting with issues related to the timeliness and adequacy of debt restructuring as well as collective action problems, followed by official sector involvement and LIA issues in later stages.

6. International Civil Aviation Organization⁹¹⁵

(a) Depositary actions in relation to multilateral air law instruments

A total of 51 depositary activities by States were recorded during 2013.⁹¹⁶

(b) Activities of ICAO in the legal field

(i) *Legal issues relating to unruly passengers*

The Legal Committee held its 35th session in May 2013 and decided to transmit to the ICAO Council (the Council) a draft text of the Protocol to the Tokyo Convention, 1963,⁹¹⁷ as a final draft for presentation to States and, ultimately, to a Diplomatic Conference. Based on the report of the Legal Committee, the Council decided to convene a Diplomatic Conference to amend the Tokyo Convention from 26 March to 4 April 2014. As part of the efforts to promote the Diplomatic Conference, ICAO supported and participated in the Gdansk International Air and Space Law Conference, which covered the issue of unruly passengers, and was sponsored and organized by Poland on 15 November 2013.

(ii) *Promotion of Beijing instruments*

The Organization continued to promote the ratification of the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 2010 (the Beijing Convention),⁹¹⁸ and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (the Beijing Protocol), 2010.⁹¹⁹ The 38th session of the ICAO Assembly (the Assembly) adopted resolution A38-19 to urge all States to sign and ratify these two instruments. As of 31 December 2013, the Beijing Convention had been signed by 30 States and ratified or acceded to by: Saint Lucia, Mali, the Dominican Republic, Guyana, Myanmar, Cuba, Angola, the Czech Republic, South Africa and Turkey. The Beijing Protocol had been signed by 32 States and ratified or acceded to by: Saint Lucia, Mali, Cuba, Guyana, Myanmar, the Dominican Republic, the Czech Republic, South Africa and Turkey.

⁹¹⁵ For official documents and more information on the International Civil Aviation Organization, see <http://www.icao.int>.

⁹¹⁶ A chronological record of States that signed, ratified, acceded, accepted or adhered to multilateral air law instruments during 2013 can be found on the ICAO website as part of the Legal Affairs and External Relations Bureau's Treaty Collection.

⁹¹⁷ United Nations, *Treaty Series*, vol. 704, p. 219.

⁹¹⁸ International Civil Aviation Organization, document 9960.

⁹¹⁹ *Ibid.*, document 9959.

(iii) *Cooperation within the framework of the United Nations Counter-Terrorism Implementation Task Force (CTITF)*

Within the framework of CTITF, ICAO continued to cooperate with other members of the Task Force. At the invitation of the United Nations Office on Drugs and Crime (UNODC), ICAO participated in the review of the Draft Module on Transport related (Civil Aviation and Maritime) Terrorism Offences,⁹²⁰ initiated and developed by the Terrorism Prevention Branch of the UNODC. The Module, once finalized, will be used as training material to cover the contents of the Beijing Convention and the Beijing Protocol.

(iv) *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 to monitor the operation of the Registry to ensure that it functions efficiently in accordance with article 17 of the Convention in International Interests in Mobile Equipment, 2001 (Cape Town Convention).⁹²¹ The sixth meeting of the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR) took place in April 2013 at ICAO Headquarters. The purpose of the meeting was to finalize consideration of the changes proposed by the Registrar to the Regulations and Procedures for the International Registry,⁹²² which were the subject of preliminary discussion at the fifth meeting of CESAIR in December 2012, and to make recommendations thereon to the Council. The Council subsequently approved the recommended changes during its 199th session. Pursuant to article 62 (2) (c) of the Cape Town Convention and article XXXVII (2) (c) of the Cape Town Protocol, the Supervisory Authority regularly receives information from the Depository on ratifications, declarations, denunciations and designations of entry points. As of 15 December 2013, there were 57 ratifications and accessions to the Cape Town Convention and 52 ratifications and accessions to the Protocol⁹²³.

(v) *Work programme of the Legal Committee*

Following the decisions taken with regard to the work programme by the 35th session of the Legal Committee and the 38th session of the Assembly, the Council, at its 200th session, approved the general work programme of the Legal Committee, including the prioritization of items, as follows: (a) acts or offences of concern to the international aviation community and not covered by existing air law instruments; (b) consideration of Guidance on Conflicts of Interest; (c) safety aspects of economic liberalization and article 83 *bis*; (d) consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment

⁹²⁰ For more information and the finalized module see: https://www.unodc.org/documents/terrorism/Publications/Module_on_Transport/13-89032_Ebook_from_DM_9-9-2014.pdf.

⁹²¹ United Nations, *Treaty Series*, vol. 2307, p. 285.

⁹²² International Civil Aviation Organization, document 9864.

⁹²³ United Nations, *Treaty Series*, vol. 2367, p. 615.

of a legal framework; (e) promotion of the ratification of international air law instruments; and (f) study of legal issues relating to remotely piloted aircraft.

(vi) *Supplementary Agreement between the International Civil Aviation Organization and the Government of Canada regarding the Headquarters of the International Civil Aviation Organization*

At the tenth meeting of its 198th session, the Council endorsed the draft Supplementary Agreement between the International Civil Aviation Organization and the Government of Canada regarding the Headquarters of the International Civil Aviation Organization and authorized the Secretary General to sign the Supplementary Agreement on behalf of ICAO. On 27 May 2013, ICAO and Canada signed the new Supplementary Agreement which will come into force at the end of 2016⁹²⁴, for a duration of 20 years.

(vii) *Host State Agreement for ICAO Regional Sub Office*

A Host State Agreement (HSA) with the Government of the People's Republic of China for the ICAO Asia and Pacific Regional Sub-Office was signed on 27 June 2013.⁹²⁵ The HSA sets out arrangements for the premises and facilities that are provided by the Host State and the privileges and immunities of ICAO. On 20 December 2013, ICAO and China signed the Supplementary Agreement regarding Financial and Administrative Arrangements for the Asia and Pacific Regional Sub-Office.

(viii) *Tripartite Consultative Committee and the Council Committee on Relations with the Host Country*

The fourth meeting of the ICAO Tripartite Consultative Committee was held on 13 February 2013. In addition to officials from Protocol Ottawa, Protocol Quebec and the City of Montreal, as well as Representatives on the Council of ICAO, Citizenship and Immigration Canada (CIC) were also represented. The meeting reviewed the issues on its agenda regarding the achievements to date and consideration of a way forward for the outstanding issues and the form of future consultations. A brief presentation of the revised edition of the Information for members of national delegations regarding their arrival and residence in Canada (Yellow Book) was provided.⁹²⁶

(ix) *Working Group on Governance and Efficiency (WGGE)*

The WGGE considered a mechanism for consultation with the Host Country on privileges and immunities and courtesy services to Representatives accredited to ICAO and its recommendation to establish a Committee on Relations with the Host Country (RHCC) was adopted by the Council during its 199th session in May 2013.

⁹²⁴ United Nations, *Treaty Series*, A-28718.

⁹²⁵ *Ibid.*, I-51597.

⁹²⁶ The revised edition of the Yellow Book was uploaded to the ICAO Secure site in February 2013.

(x) *Committee on Relations with the Host Country (RHCC)*

At the first meeting of its 200th session, the Council noted the composition of the members of the RHCC and elected the Chairperson. At the first meeting of the RHCC held on 22 October 2013, the Vice-Chairperson was elected and the terms of reference were agreed upon.

7. International Maritime Organization⁹²⁷

(a) Membership of the organisation

As at 31 December 2013, the membership of the International Maritime Organization (IMO) stood at 170.

(b) Review of the legal activities undertaken by the IMO Legal Committee

The Legal Committee (“the Committee”) held its one-hundredth session from 15 to 19 April 2013.⁹²⁸

(i) *Monitoring the implementation of the Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Protocol)*⁹²⁹

The Committee endorsed the Guidelines on reporting of HNS contributing cargo, contained in annex 2 to document LEG 100/3, including its annexes and appendices,⁹³⁰ which had been developed at a workshop on HNS reporting jointly organized by the IMO and the International Oil Pollution Compensation Funds (IOPC Funds) Secretariats. The workshop, which was held at IMO on 12 and 13 November 2012, in preparation for the entry into force of the HNS Protocol 2010, was attended by a large number of Member States and observers.

The Committee noted that the Guidelines, which were not binding, were intended to facilitate the submission by States to the Secretary-General, when ratifying or acceding to the HNS Protocol, of data on contributing cargo.

(ii) *Fair treatment of seafarers in the event of a maritime accident*

The Committee noted the findings of a survey conducted by Seafarers’ Rights International (SRI),⁹³¹ concerning respect for the rights of seafarers facing criminal pros-

⁹²⁷ For official documents and more information on the International Maritime Organization, see <http://www.imo.org>.

⁹²⁸ The report of the Legal Committee is contained in document LEG 100/14.

⁹²⁹ IMO, document LEG/100/3.

⁹³⁰ *Ibid.*, document LEG/100/14, paras. 3.1 to 3.5.

⁹³¹ *Ibid.*, document LEG/100/5/1.

ecution. The survey, conducted in eight languages, was carried out over a 12 month period, ending in February 2012. A total of 3,480 completed questionnaires had been submitted by seafarers from 68 different nationalities.

The findings strongly suggested that the rights of seafarers, as enshrined in the Guidelines on fair treatment of seafarers in the event of a maritime accident, adopted jointly by IMO and ILO, are often subject to violation. The Committee expressed general support for the continuous promotion of the Guidelines and agreed that the issue of fair treatment of seafarers in the event of a maritime accident should remain on the agenda of the Legal Committee. Delegations were invited to submit proposals for outputs to improve compliance with the Guidelines to its next session.⁹³²

The Committee also considered a submission by the Islamic Republic of Iran⁹³³ proposing that the Joint IMO/ILO Ad Hoc Expert Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident be reconvened to consider the issue of shore leave, including a draft resolution regarding shore leave and shore-side facilities.

The Committee, recalling its decision at LEG 99 that matters concerning unfair treatment of seafarers due to nationality or religion be referred to the Facilitation (FAL) Committee, noted that the Islamic Republic of Iran had subsequently submitted a draft amended text on the relevant Standard⁹³⁴ of the Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention)⁹³⁵ to FAL 38,⁹³⁶ which, after due consideration, decided to proceed with the proposed amendments to Standard 3.44.

The Committee concluded that, in view of the decision taken at FAL 38 to proceed with the amendments to Standard 3.44 and in view of the fact that it was not procedurally appropriate to consider the proposal contained in document LEG 100/5 under this item of the Legal Committee's agenda, this issue should not be dealt with further by the Committee. The Committee further concluded that there was no need to reconvene the Joint IMO/ILO Ad Hoc Expert Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident to consider the issue. In addition, the Committee noted that, notwithstanding that it may take some time for FAL to finalize the amendments to Standard 3.44, the issues raised by the Islamic Republic of Iran remained solely within the purview of the relevant provisions of the FAL Convention, and work on the issue should therefore continue in FAL and be brought to its natural conclusion there. According to the Committee, the Islamic Republic of Iran and other interested member Governments should consider submitting the issue, including the draft resolution, to an appropriate IMO organ, possibly to the forthcoming IMO Assembly. Assuming the Assembly agreed to adopt it, on the basis of the recent decision of FAL 38, this would provide the short-term solution sought by the Islamic Republic of Iran and other delegations.

It was suggested, in the event that the issue was submitted to the Assembly, that any Assembly resolution should not levy conditions on the work of FAL, nor should it raise legal issues or those of a jurisdictional nature.

⁹³² *Ibid.*, document LEG/100/14, paras. 5.1 to 5.6.

⁹³³ *Ibid.*, document LEG/100/5.

⁹³⁴ Standard 3.44.

⁹³⁵ United Nations, *Treaty Series*, vol. 591, No. 8564.

⁹³⁶ IMO, document FAL/38/4/2.

Piracy

The Committee noted the outcome of the 11th and 12th sessions of Working Group 2 of the Contact Group on Piracy off the Coast of Somalia, held in Copenhagen in September 2012 and in April 2013.⁹³⁷ It expressed strong support for a proposal that organizations in consultative status with IMO share their experience in resolving problems relating to the apprehension of pirates, as well as share with IMO any related information.

The Committee noted the information provided by the United Nations Interregional Crime and Justice Research Institute (UNICRI) on its database of court decisions related to piracy off the coast of Somalia, as well as statistics drawn from its piracy analysis, including the average age of pirates; the region and clans they come from; their occupations; when attacks are most likely to occur; the number of pirates participating in individual attacks; the use of mother ships; the number of casualties occurring in pirate ranks and the number and type of ships boarded. The Committee agreed to collaborate closely with UNICRI with regard to piracy-related issues.

(iii) Collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims

The Committee recalled that the Assembly, at its twenty-seventh regular session on 30 November 2011, adopted resolution A.1058(27) on collation and preservation of evidence following an allegation of a serious crime having taken place on board of a ship or following a report of a missing person from a ship, and pastoral and medical care of victims. The resolution invited Member States and other parties concerned to submit proposals to the Legal Committee to enable consideration of the issues raised in the resolution, bearing in mind that issues of criminal jurisdiction should be consistent with international law.⁹³⁸ The Committee also noted its agreement, at its last session, to include this item on its agenda, with a target completion date of 2014.

The Committee considered document LEG 100/7, which was introduced by the delegation of the United Kingdom, on behalf of the co-sponsoring delegations, proposing the development of guidelines on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims. The draft guidelines were based on existing guidelines developed by the Maritime Safety Committee (MSC) to assist in the investigation of crimes of piracy and armed robbery against ships. They were adapted to fit the particular issues related to other alleged crimes at sea and contained guidance on actions in the event of a missing person and on the pastoral and medical care of victims.

After discussing the five substantive issues set out in paragraph 7 of the document, the Committee established a Working Group under the chairmanship of a representative of the United Kingdom to discuss the guidelines, with the terms of reference contained in document LEG 100/WP.3.

⁹³⁷ *Ibid.*, document LEG/100/14, paras. 6.1 to 6.16.

⁹³⁸ *Ibid.*, paras. 7.1 to 7.13.

The Committee approved in its entirety the text of the draft guidelines, as revised by the Working Group, including their new title and the associated appendices. The Committee also approved the associated draft resolution to the guidelines and agreed to the Working Group's recommendation not to convene an intersessional working group or correspondence group to develop the guidelines further. In addition, the Committee approved the report of the Working Group.⁹³⁹

The Committee further agreed to refer the draft guidelines and their associated draft Assembly resolution⁹⁴⁰ to the twenty-eighth regular session of the Assembly for adoption, subject to the Secretariat making any necessary editorial amendments to the text.

(iv) *Other matters*

a. Liability and compensation issues connected with transboundary pollution damage from offshore exploration and exploitation activities

The Committee, recalling its decision at LEG 99, which was in turn noted by the 108th session of the Council, to analyse further the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, with the aim of developing guidance to assist States interested in pursuing bilateral or regional arrangements without revising Strategic Direction 7.2,⁹⁴¹ discussed two documents submitted by Indonesia. The first⁹⁴² reported on a conference on the subject held in Bali, Indonesia, in November 2012. The second⁹⁴³ contained principles for guidance on model bilateral regional agreements/arrangements.

Following the discussion, in which a variety of views were expressed, there was general support for increased cooperation between States on the subject, as well as for further work by the Committee.

The Committee agreed that the keywords in providing guidance were collaboration by States and assistance to those States which are in need of guidance for bilateral and multilateral agreements. The Committee invited Member States to send examples of existing bilateral and regional agreements to the Secretariat and encouraged the delegation of Indonesia to continue its work intersessionally to facilitate further progress within the Committee.

b. Advice and guidance on issues brought to the Legal Committee in connection with implementation of IMO instruments; advice on the implementation of the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 92).⁹⁴⁴

The Committee considered a request for advice by the IOPC Funds on the possible consequences of the discrepancies between insurance policies, blue cards and certificates issued under the CLC 92.⁹⁴⁵

⁹³⁹ *Ibid.*, document LEG/100/WP.8.

⁹⁴⁰ *Ibid.*, document LEG/100/14, annex 2.

⁹⁴¹ *Ibid.*, paras. 13.1 to 13.8.

⁹⁴² *Ibid.*, document LEG/100/13.

⁹⁴³ *Ibid.*, document LEG/100/13/2.

⁹⁴⁴ United Nations, *Treaty Series*, vol. 973, p. 3.

⁹⁴⁵ *Ibid.*, document LEG/100/14, paras. 13.9 to 13.15.

In particular, the Committee considered whether the State issuing the CLC certificate has an obligation to investigate the terms, conditions and cover provided in certificates (blue cards) presented by insurers and whether, as a consequence, the State would have a potential liability to the IOPC Fund, should the Fund suffer a loss as a result of the insurance cover being insufficient.

In discussing these issues, the Committee noted that it had not been requested to provide advice on a specific case, but instead was invited to express its views on the two questions listed above on the basis of CLC 92. The Committee noted further that these questions go beyond the narrow limits of claims against the IOPC Fund under the 1992 Civil Liability and Fund Conventions and have much broader characteristics and implications that potentially touch upon a number of international conventions, including the International Convention on Civil Liability for Bunker Oil Pollution, 2001,⁹⁴⁶ and the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974,⁹⁴⁷ as well as other instruments providing for State certificates.

c. Other items

The Committee made progress on other items including: provision of financial security in cases of abandonment, personal injury to, or death of, seafarers in the light of the progress towards the entry into force of the ILO Maritime Labour Convention, 2006,⁹⁴⁸ and of the amendments relating thereto;⁹⁴⁹ technical co-operation activities related to maritime legislation;⁹⁵⁰ and review of the status of conventions and other treaty instruments emanating from the Legal Committee.⁹⁵¹

(c) Adoption of amendments to conventions and protocols

(i) *2013 amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL)*⁹⁵² *(amendments to Form A and Form B of Supplements to the IOPP Certificate under MARPOL Annex I)*

These amendments were adopted by the Marine Environment Protection Committee (MEPC) on 17 May 2013, by resolution MEPC.235(65). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 April 2014 and should enter into force on 1 October 2014 unless, prior to the former date, not less than one third of the Parties to MARPOL or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant

⁹⁴⁶ Adopted on 23 March 2001, entered into force on 21 November 2008, IMO/LEG/CONF.12/19 (27 March 2001).

⁹⁴⁷ United Nations, *Treaty Series*, vol. 1463, p. 19.

⁹⁴⁸ United Nations Juridical Yearbook 2006 (United Nations Publication, Sales No. E.09.V.1), p. 325.

⁹⁴⁹ *Ibid.*, document LEG/100/14, paras. 4.1 to 4.7.

⁹⁵⁰ *Ibid.*, paras. 9.1 to 9.7.

⁹⁵¹ *Ibid.*, paras. 10.1 to 10.12.

⁹⁵² United Nations, *Treaty Series*, vol. 1340, p. 61.

fleet, had notified their objections to them. As of 31 August 2013, no such notification of objection had been received.

(ii) *2013 amendments to the Condition Assessment Scheme under MARPOL Annex I*

These amendments were adopted by the MEPC on 17 May 2013, by resolution MEPC.236(65). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 April 2014 and should enter into force on 1 October 2014 unless, prior to the former date, not less than one third of the Parties to MARPOL 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, had notified them of their objections. As of 31 December 2013, no such notification of objection had been received.

(iii) *2013 Code for Recognized Organizations (RO Code) (under MARPOL)*

This Code was adopted by the MEPC on 17 May 2013, by resolution MEPC.237(65). At the time of its adoption, the Committee determined that it would take effect on 1 January 2015, upon the entry into force of the respective amendments to annex I and Annex II of MARPOL, adopted by resolution MEPC.238(65) of 17 May 2013.

(iv) *2013 amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (amendments to MARPOL annexes I and II to make the RO Code mandatory)*

These amendments were adopted by the MEPC on 17 May 2013, by resolution MEPC.238(65). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 July 2014 and should enter into force on 1 January 2015 unless, prior to the former date, not less than one third of the Parties to MARPOL 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, had notified their objections to them. As of 31 December 2013, no such notification of objection had been received.

(v) *2013 Code for Recognized Organizations (RO Code) (under the International Convention for the Safety of Life at Sea, 1974, (SOLAS),⁹⁵³ and the Protocol of 1988 relating to the International Convention on Load Lines⁹⁵⁴)*

This Code was adopted by the MSC on 21 June 2013 by resolution MSC.349(92). At the time of its adoption, the Committee determined that it would take effect on 1 January 2015, upon the entry into force of SOLAS, 1974, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966, adopted under resolutions MSC.350(92) and MSC.356(92) on 21 June 2013, respectively.

⁹⁵³ *Ibid.*, vol. 1184, p. 2.

⁹⁵⁴ Maritime Safety Committee, MSC.77/26/Add.1.

(vi) *2013 amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended*

These amendments were adopted by the MSC on 21 June 2013, by resolution MSC.350(92). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 July 2014, and should enter into force on 1 January 2015 unless, prior to the former date, 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, had notified their objections to them. As of 31 December 2013, no such notification of objection had been received.

(vii) *2013 amendments to the International Code of Safety for High Speed Craft, 1994 (1994 HSC Code)*

These amendments were adopted by the MSC on 21 June 2013, by resolution MSC.351(92). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 July 2014, and should enter into force on 1 January 2015 unless, prior to the former date, 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, had notified their objections to them. As of 31 December 2013, no such notification of objection had been received.

(viii) *2013 amendments to the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code)*

These amendments were adopted by the MSC on 21 June 2013, by resolution MSC.352(92). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 July 2014, and should enter into force on 1 January 2015 unless, prior to the former date, 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, had notified their objections to them. As of 31 December 2013, no such notification of objection had been received.

(ix) *2013 amendments to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code)*

These amendments were adopted by the MSC on 21 June 2013, by resolution MSC.353(92). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 July 2014, and should enter into force on 1 January 2015 unless, prior to the former date, 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, had notified their objections to them. As of 31 December 2013, no such notification of objection had been received.

(x) *2013 amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code*

These amendments were adopted by the MSC on 21 June 2013, by resolution MSC.354(92). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 July 2014, and should enter into force on 1 January 2015 unless, prior to the former date, 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, had notified their objections to them. As of 31 December 2013, no such notification of objection had been received.

(xi) *2013 amendments to the International Convention for Safe Containers, 1972 (CSC)⁹⁵⁵*

These amendments were adopted by the Maritime Safety Committee (MSC) on 21 June 2013, by resolution MSC.355(92). At the time of their adoption, the Committee determined that they should enter into force on 1 July 2014 unless, prior to 1 January 2014, five or more of the Contracting Parties to CSC 1972 notify the Secretary General of their objections to them. As of 31 December 2013, no such notification of objection had been received.

(xii) *2013 amendments to the Protocol of 1988 relating to the International Convention on Load Lines, 1966, as amended⁹⁵⁶*

These amendments were adopted by the MSC on 21 June 2013, by resolution MSC.356(92). At the time of their adoption, the Committee determined that they should be deemed to have been accepted on 1 July 2014, and should enter into force on 1 January 2015 unless, prior to the former date, more than one third of the Contracting Governments to the 1988 Load Lines Protocol, or Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of all the merchant fleets of all parties, had notified their objections to them. As of 31 December 2013, no such notification of objection had been received.

(xiii) *2013 amendments to the International Convention on Load Lines, 1966 (LL)⁹⁵⁷*

These amendments were adopted by the Assembly at its 28th regular session on 4 December 2013, by resolution A.1082(28) and by resolution A.1083(28). At the time of

⁹⁵⁵ United Nations, *Treaty Series*, vol. 1064, p. 3.

⁹⁵⁶ Maritime Safety Committee, MSC.77/26/Add.1.

⁹⁵⁷ United Nations, *Treaty Series*, vol. 640, p. 133.

their adoption the Assembly determined that both the unanimous acceptance procedure, as specified in article 29(2) of the Convention, and the explicit acceptance procedure, as specified in article 29(3) of the Convention, could be applied one after another or simultaneously. Following the explicit acceptance procedure, in accordance with article 18(3)(c) of the Convention, the amendments would come into force 12 months after the date on which they are accepted by two-thirds of the Contracting Governments. If the unanimous acceptance procedure is applied, in accordance with article 29(3)(c) of the Convention, the amendments would enter into force 12 months after the date of their acceptance by all Contracting Governments unless an earlier date is agreed upon.

(xiv) *2013 amendments to the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE)*⁹⁵⁸

These amendments were adopted by the Assembly at its 28th regular session on 4 December 2013, by resolution A.1084(28). At the time of their adoption the Assembly determined that both the unanimous acceptance procedure, as specified in article 18(2) of the Convention, and the explicit acceptance procedure, as specified in article 18(3) of the Convention, could be applied one after another or simultaneously. Following the explicit acceptance procedure, in accordance with article 18(3)(c) of the Convention, the amendments would come into force 12 months after the date on which they are accepted by two-thirds of the Contracting Governments. If the unanimous acceptance procedure is applied, in accordance with article 29(3)(c) of the Convention, the amendments would enter into force 12 months after the date of their acceptance by all Contracting Governments unless an earlier date is agreed upon.

(xv) *2013 amendments to the International Regulations for Preventing Collisions at Sea, 1972 (COLREG)*⁹⁵⁹

These amendments were adopted by the Assembly at its 28th regular session on 4 December 2013, by resolution A.1085(28). At the time of their adoption, the Assembly determined that the amendments would enter into force on 1 January 2016 unless, in accordance with the provisions of article VI(4) of the Convention, they were objected to by more than one third of the Contracting Parties to the Convention by 1 July 2015. As of 31 December 2013, no such notification of objection had been received.

8. Universal Postal Union⁹⁶⁰

On 15 April 2013, the Universal Postal Union's (UPU) Postal Operations Council approved the Letter Post Regulations, the Parcel Post Regulations, the Postal Payment Services Regulations, as well as their Final Protocols thereto, and set 1 January 2014 as their date of entry into force.

⁹⁵⁸ *Ibid.*, vol. 1291, p. 3.

⁹⁵⁹ *Ibid.*, vol. 191, p. 3.

⁹⁶⁰ For official documents and more information on the Universal Postal Union, see <http://www.upu.int>.

On 19 April 2013, the UPU signed a cooperation agreement with the Ministry for Internal Affairs and Communications of Japan in order to support further development in the area of certain disaster risk management activities of the UPU.

On 25 April 2013, a memorandum of understanding was signed between the UPU and the European Conference of Postal and Telecommunications Administrations to pursue activities in the fields of technical cooperation and information. The two organizations wish to establish a framework of cooperation with the aims to promote and exchange best practices among UPU member countries and restricted unions, through cooperation in specialized studies, as well as projects within their respective fields of competence, including multi-year integrated projects associated with UPU regional development plans and projects established on a bilateral basis with UPU member countries and other restricted unions.

On 30 April 2013, the agreement with the Bill & Melinda Gates Foundation⁹⁶¹ was renewed until 31 December 2015 in order to promote financial inclusion through postal networks. This support from the Gates Foundation has permitted the funding of an International Bureau expert, together with technical assistance, communications and fundraising activities for designated operators, and an experience-exchange programme between Posts.

On 1 October 2013, the UPU signed a cooperation agreement with the Planet Finance Group regarding development projects on financial inclusion and postal money transfers in Cameroon, Burkina Faso, Mali, and Côte d'Ivoire. The agreement is valid until 16 May 2016.

Finally, on 15 November 2013, the UPU's Council of Administration approved the invitation from the Government of Côte d'Ivoire to host the next UPU Strategy Conference in Abidjan in 2014. The UPU Strategy Conference is expected to be held from 14 to 15 October 2014.

9. World Meteorological Organization

(a) Membership

The World Meteorological Organization (WMO) had a membership of 185 Member States and 6 territories as of 31 December 2013.

(b) Agreements and other arrangements concluded in 2013

(i) *Agreements with States*

Norway

Agreement between the Norwegian Ministry of Foreign Affairs and the WMO regarding financial assistance to the "Climate Services Adaptation Programme in Africa". The agreement was signed during the COP19 session held in Warsaw, Poland from 11 to 22 November 2013.

⁹⁶¹ The agreement was originally signed in 2011.

Agreement between the Government of Norway and the WMO concerning Junior Professional Officers (JPOs). The agreement was signed on 17 June 2013.

People's Republic of China

Memorandum of Understanding between the Ministry of Education of the People's Republic of China and the WMO regarding the establishment of Joint Scholarship for Training Students from Selected WMO Members Studying in the People's Republic of China. The Memorandum of Understanding was signed on 23 August 2012 and 17 January 2013.

Republic of Korea

Memorandum of Understanding between the Korean Meteorological Administration (KMA) and the WMO regarding the International Coordination Office of the Sub-seasonal to Seasonal Prediction Project. The Memorandum of Understanding was signed on 16 May 2013.

(ii) Agreements with the United Nations

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Working Agreement between the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the WMO regarding the Long-Term Cooperation between UNESCO and WMO in the field of Hydrology and Water Resources (FRESHWATER). The Working Agreement was signed 25 November 2013.

UNESCO-IHE Institute for Water Education

Memorandum of Understanding between the UNESCO-IHE Institute for Water Education and WMO on cooperation in provision of Fellowships for MSc Programmes. The Memorandum of Understanding was signed on 25 April 2013.

(iii) Agreements with other intergovernmental organizations

Intergovernmental Authority on Development (IGAD)

Specific Agreement between the Intergovernmental Authority on Development (IGAD) and the WMO on the implementation of the IGAD-HYCOS project. The agreement was signed on 23 September 2013.

International Mobile Satellite Organization (IMSO)

Memorandum of Understanding between the International Mobile Satellite Organization (IMSO) and the WMO to establish and maintain cooperation relative to matters of common interest to both Organizations, in particular the use of satellite telecommunication services for the collection and dissemination of marine meteorological and oceanographic data to promote the safety of life and property at sea and the safe and

efficient operation of ships. The Memorandum of Understanding was signed on 25 March and 10 April 2013.

(iv) *Agreements with non-governmental organizations*

Academy of Sciences for the Developing World (TWAS)

Memorandum of Understanding between the WMO and the Academy of Sciences for the Developing World (TWAS) regarding WMO-TWAS fellowships education programme. The Memorandum of Understanding was signed on 28 January 2013.

International Commission on Irrigation and Drainage (ICID)

Memorandum of Understanding between the WMO and the International Commission on Irrigation and Drainage (ICID) in the area of flood management, drought management and irrigation management for beneficial use of WMO climatic and disaster risk reduction information and services by the worldwide irrigation and drainage community. The Memorandum of Understanding was signed on 23 June and 8 July 2013.

International Federation of Red Cross and Red Crescent Societies (IFRC)

Memorandum of Understanding between the WMO and the International Federation of Red Cross and Red Crescent Societies (IFRC) to constitute a framework within which the Parties shall, on a basis of reciprocity, develop cooperation in fields related to their mandates. The Memorandum of Understanding was signed on 3 July 2013.

International Union for Conservation of Nature and Natural Resources (IUCN)

Memorandum of Understanding between the WMO and the International Union for Conservation of Nature and Natural Resources (IUCN) in the area of Institutional, scientific and technical collaboration to define and meet the needs of the IUCN for Climate Information. The Memorandum of Understanding was signed on 19 December 2013.

**Physikalisch-Meteorologisches Observatorium Davos,
the World Radiation Center (PMOD/WRC)**

Letter of Agreement between the Physikalisch-Meteorologisches Observatorium Davos, the World Radiation Center (PMOD/WRC) and the WMO related to the provision of a World Calibration Center for Ultraviolet Radiation (UV) to the World Meteorological Organization Global Atmosphere Watch Programme (WMO/GAW). The Letter of Agreement was signed on 25 February, 5 and 10 March 2013.

10. World Intellectual Property Organization⁹⁶²

In 2013, the World Intellectual Property Organization (WIPO) took legal actions that fell into the following four areas: (a) service, by providing systems to allow for global IP protection through patents, trademarks, designs, and appellations of origin, as well as a dispute resolution mechanism; (b) law, by continuing the advancement of global IP laws and standards; (c) development, by encouraging the use of IP for economic growth, specifically in developing countries; and (d) reference, by facilitating public access to IP and IP information through networks and databases. The summary below will discuss the actions taken by WIPO in 2013 to help advance international IP law and policy in these areas.

(a) Service: Facilitating international IP protection

WIPO continued to provide services, based on international agreements, which enabled users in Member States to enjoy international protection of their IP within centralized frameworks for patents, trademarks, industrial designs, and appellations of origin.

(i) *Patent Cooperation Treaty (PCT)*⁹⁶³

The PCT allows patent protection in a large number of countries through the filing of a central international patent application. According to annualized provisional data, 201,700 PCT applications were filed in 2013. The year 2013 marked the first year in which more than 200,000 international applications were filed. This continues the growth in applications since the decline in filings in 2009.

(ii) *Madrid System for Trademarks*

The Madrid system makes it possible for an applicant to apply for a trademark registration in a large number of countries by filing a single international application. The system also simplifies the subsequent management of the mark, since it is possible to centrally request and record further changes, or to renew the registration, through a single procedural step. During 2013, WIPO received 46,829 international applications, which was a record in the history of WIPO and represented a growth of 6.4% compared to 2012. The Madrid international register contained 578,320 marks at the end of 2013, which represented a growth of 3.3% compared to 2012.

(iii) *Hague System for Industrial Designs*

The Hague system is an international procedure which simplifies the process of protecting industrial designs in multiple jurisdictions. Through the Hague system, an applicant can obtain protection for up to one hundred industrial designs in multiple jurisdictions by filing a single application with the Secretariat of WIPO. The subsequent

⁹⁶² For official documents and more information on the World Intellectual Property Organization, see <http://www.wipo.int>.

⁹⁶³ United Nations, *Treaty Series*, vol. 1160, p. 231.

management of the international registration is also simplified, as it is possible to record changes and renew the registration through a single procedural step. In 2013, 2,734 international registrations containing some 12,806 industrial designs were recorded under the Hague System.

(iv) *Lisbon System for the Protection of Appellations of Origin and their International Registration*

The Lisbon system facilitates the protection of a special category of geographical indications, namely appellations of origin, in countries other than the country of origin, by means of their registration with WIPO through a single procedure, for a minimum of formalities and expense. To date, 921 appellations of origin have been registered under the Lisbon system, of which 816 are still in force. As appellations of origin generally consist of a geographical name or a traditional designation referring to a specific geographical area, the number of registrations is much lower than registrations under the other international forms of IP. In 2013, there were 13 new appellations of origin registered. This was consistent with prior years as eight new registrations were recorded in 2012, three in 2011, and six in 2010.

(v) *WIPO Arbitration and Mediation Center (Center)*

The Uniform Domain Name Dispute Resolution Policy (UDRP) is the basis for most alternative dispute resolution (ADR) cases regarding trademark infringement in domain names. There was a decline in the number of cases filed in 2013 compared to previous years. In 2013, there were 2,585 cases filed with the Centre under procedures based on the UDRP, compared to 2,884 cases filed in 2012. At the same time, WIPO's market share for UDRP cases actually increased over the period, and the number of disputed domain names in WIPO cases increased by 21.8% over 2012.

The Legal Rights Objection (LRO) procedure was developed by WIPO so that trademark owners could object to the establishment of a new generic top level domain on the basis that it infringes a trademark. WIPO received 69 LRO objections during the formal objection period of June 2012 to March 2013. LRO procedures began in 2013. In September 2013, the final expert determination was rendered for the last LRO procedure WIPO had administered in this period.⁹⁶⁴ WIPO provided a resume and analysis of its experience with the LRO procedure in a report published on its website.⁹⁶⁵

(b) Law: Global IP laws and standards

As the central organization for international IP law, WIPO continued to administer several treaties. In 2013, 31 new instruments of ratification or accession were received for WIPO-administered treaties.

⁹⁶⁴ Arbitration and mediation center end report on legal rights objection procedure 2013–2014. Available at <http://www.wipo.int/export/sites/www/amc/en/docs/lroreport.pdf>.

⁹⁶⁵ *Ibid.*

(i) *New treaties to be administered by WIPO*

WIPO convened a diplomatic conference in Marrakesh, Morocco from 17 to 28 June 2013, which resulted in the adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled.⁹⁶⁶ Fifty-one States signed the treaty at the conclusion of the diplomatic conference. Before the end of 2013, nine more States signed. It will enter into force three months after 20 eligible parties (any Member State of WIPO, an IGO with certain characteristics, or the EU) have ratified or acceded to it.

(ii) *Standing Committee on the Law of Patents (SCP)*

The nineteenth session of the SCP was held from 25 to 28 February 2013. The SCP agreed on its future work in respect of all of the five issues contained on the agenda, namely: exceptions and limitations to patent rights, the quality of patents (including opposition systems), patents and health, confidentiality of communications between clients and their patent advisors, and transfer of technology.⁹⁶⁷

(iii) *Standing Committee on the Law of Trademarks, Industrial Designs, and Geographical Indications (SCT)*

The twenty-ninth session of the SCT was held from 27 to 31 May 2013. In the context of industrial designs, the SCT discussed proposals for a Design Law Treaty, and reviewed in detail the draft Articles and Regulations for this potential legal instrument.⁹⁶⁸ The main objective of the future treaty is to harmonize and simplify the formalities associated with obtaining industrial design registration and managing existing registrations. In the context of trademarks, the SCT reviewed the Secretariat's report on the protection of country names against registration and use as trademarks. It also considered information on trademark-related aspects of ICANN's work on the management of the domain name system.⁹⁶⁹

The thirtieth session of the SCT was held from 4 to 8 November 2013. In the context of industrial designs, the SCT further discussed the Design Law Treaty and the possible convening of a diplomatic conference for adopting the treaty.⁹⁷⁰ In the context of trademarks, the SCT continued discussion on the protection of country names against registration and use by trademarks. The Committee also considered a proposal for work on a possible administrative filing system for geographical indications and discussed how geographical indications could be protected against unauthorized use as Internet domain names.

⁹⁶⁶ WIPO, "Diplomatic conference to conclude a treaty to facilitate access to published works by visually impaired persons and persons with print disabilities", document VIP/DC/12.

⁹⁶⁷ *Ibid.*, summary by the Chair of the nineteenth session of the Standing Committee on the Law of Patents, document SCP/19/7.

⁹⁶⁸ *Ibid.*, summary by the Chair of the twenty-ninth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, document SCT/29/9.

⁹⁶⁹ *Ibid.*, report on the twenty-ninth session of the Standing Committee on the Law of Trademarks, Industrial Designs, and Geographical Indications, document SCT/29/10.

⁹⁷⁰ WIPO, summary by the Chair of the thirtieth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, document SCT/30/8.

(iv) *Standing Committee on the Law of Copyright and Related Rights (SCCR)*

The SCCR held two special sessions in 2013 to draft the text of a treaty for the visually impaired. These sessions were held from 18 to 22 February 2013 and 18 to 20 April 2013. The SCCR adopted a draft of the treaty as a basic proposal for the substantive provisions at the April 2013 special session.⁹⁷¹ The SCCR also held an inter-sessional meeting from 10 to 12 April 2013. The purpose of that meeting was to review revisions to a working draft of a treaty to protect broadcasting organizations.⁹⁷²

The twenty-sixth session of the SCCR was held from 16 to 20 December 2013. The SCCR further discussed the treaty to protect broadcasting organizations, and made new proposals for the treaty. It was decided that discussion about integrating the new proposal into the treaty would take place at the SCCR's next session.⁹⁷³

The SCCR also discussed an appropriate legal instrument that would allow limitations and exceptions for libraries to make copies of works to provide for their preservation and replacement in certain circumstances.⁹⁷⁴ The SCCR created a working document that will be used as a basis for the future instrument to be drafted at the SCCR's next session. The progress included a request to the Secretariat for an update of the Study on Copyright Limitations and Exceptions for Libraries and Archives, and to arrange a separate study on limitations and exceptions for museums.⁹⁷⁵

The SCCR also discussed the creation of an international legal instrument on copyright and related rights limitations and exceptions for educational, teaching, and research institutions, and persons with disabilities other than visual impairment.⁹⁷⁶ The Secretariat was asked to update studies on limitations and exceptions for educational, teaching, and research institutions, and to explore the possibility of commissioning a similar study for persons with other disabilities. The provisional working document will provide a basis for the legal instrument to be drafted at the twenty-seventh session of the SCCR.

(v) *Intergovernmental Committee on Intellectual Property and Genetic Resources (GRs), Traditional Knowledge (TK) and Folklore (TCEs) (the IGC)*

In 2013, the WIPO General Assembly renewed the mandate of the IGC for two years. The General Assembly requested that the IGC expedite its text-based negotiations with the objective of reaching agreement on (a) text(s) of (an) international legal instrument(s) that would ensure the effective protection of GRs, TK, and TCEs.

⁹⁷¹ *Ibid.*, draft report of the informal session and special session of the Standing Committee on the Law of Copyright and Related Rights, document SCCR/SS/GE/2/13/3.

⁹⁷² *Ibid.*, draft agenda of the inter-sessional meeting on the protection of broadcasting organizations of the Standing Committee on the Law of Copyright and Related Rights, document WIPO/IS/BC/GE/13/1.

⁹⁷³ WIPO, conclusion of the twenty-sixth session of the Standing Committee on the Law of Copyright and Related Rights, document SCCR/26/REF/CONCLUSIONS.

⁹⁷⁴ *Ibid.*

⁹⁷⁵ *Ibid.*

⁹⁷⁶ *Ibid.*

The twenty-third session of the IGC was held from 4 to 8 February 2013.⁹⁷⁷ The IGC addressed the protection of IP relating to GRs and produced a revised document, entitled “Consolidated document relating to Intellectual Property and Genetic Resources”, to be submitted to the WIPO General Assembly.⁹⁷⁸ At the twenty-fourth session of the IGC, held from 22 to 26 April 2013, the IGC discussed the protection of IP relating to traditional knowledge. The IGC created a revised document, “The Protection of Traditional Knowledge: Draft articles Rev. 2”, to be transmitted to the WIPO General Assembly.⁹⁷⁹ At the twenty-fifth session of the IGC, held from 15 to 24 July 2013, the IGC discussed protection of IP relating to TCEs. The IGC produced a revised document, “The Protection of Traditional Cultural Expressions: Draft articles Rev. 2”, to be transmitted to the WIPO General Assembly.⁹⁸⁰ The IGC also reviewed and took stock of the text(s) of the international legal instrument(s) ensuring the effective protection of TCEs, TK, and GRs, and created a recommendation report to submit to the WIPO General Assembly.

(vi) *Working Group on the Development of the Lisbon System*

During its seventh and eighth sessions, held in 2013, the Working Group continued its review of the Lisbon Agreement and its draft of the Revised Lisbon Agreement and the corresponding rules. Upon a recommendation from the Working Group, the Lisbon Union Assembly approved the convening of a diplomatic conference for the adoption of a Revised Lisbon Agreement in 2015.⁹⁸¹

(c) Development: Using IP to support economic development

WIPO seeks to help developing countries use IP for the advancement of national economic objectives and development plans.⁹⁸² In 2013, WIPO continued this work through its efforts related to the Development Agenda, the Millennium Development Goals (MDGs), and the Committee on Development and IP.

⁹⁷⁷ WIPO, draft program for the twenty-third session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, document WIPO/GRTKF/IC/23/INF/3.

⁹⁷⁸ *Ibid.*, draft report for the twenty-third session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, document WIPO/GRTKF/IC/23/8.

⁹⁷⁹ *Ibid.*, report for the twenty-fourth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, document WIPO/GRTKF/IC/24/8.

⁹⁸⁰ *Ibid.*, draft report on the twenty-fifth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, document WIPO/GRTKF/IC/25/8.

⁹⁸¹ *Ibid.*, summary by the chair for the eighth session of the Working Group on the Development of the Lisbon System, document LI/WG/DEV/8/6.

⁹⁸² *Ibid.*, report of the Director General to the WIPO assemblies 2013, document IO5OE/13, available at http://www.wipo.int/edocs/pubdocs/en/general/1050/wipo_pub_1050_2013.pdf.

Committee on Development and Intellectual Property (CDIP)

At the eleventh session of the CDIP from 13 to 17 May 2013, the CDIP considered the Director General's report on the Implementation of WIPO's Development Agenda during 2012.⁹⁸³ The Committee also continued discussions on Patent-Related Flexibilities in the Multilateral IP Legal Framework, the contribution of WIPO to the Millennium Development Goals (MDGs), the use of copyright to promote access to information and creative content, and the organization of an international conference on IP and development.

At the twelfth session of the CDIP from 18 to 21 November 2013, the CDIP took note of the progress achieved on the projects under implementation and the 19 Development Agenda recommendations for immediate implementation. It also took note of a manual on the delivery of WIPO technical assistance and discussed, among other topics, the interplay between patents and the public domain, the strengthening of the audiovisual sector in certain African countries, and the relationship between intellectual property (IP) and socio-economic development. In addition, the Committee approved a pilot project on IP and Design Management in Developing and Least-Developed Countries (LDCs).

(d) Reference: Access to IP and IP Information

WIPO seeks to facilitate access to IP by disseminating knowledge and information about IP to the public, providing online databases, and creating networks for innovators and groups to connect with one another.

(i) WIPO Re:Search

WIPO Re:Search promotes the sharing of proprietary information to help develop treatments for tropical diseases, malaria, and tuberculosis.⁹⁸⁴ WIPO Re:Search now has over 70 members as well as 30 agreements or collaborations between members.⁹⁸⁵

(ii) WIPO Green

WIPO Green was launched in November 2013. It is a virtual marketplace that seeks to connect groups to share environmentally sustainable technologies that address climate change.⁹⁸⁶ WIPO Green encourages users and partners to share environmentally friendly technologies through its database and network.

(iii) WIPO Lex

WIPO Lex provides access to IP laws and treaties of the members of WIPO, WTO and the United Nations. In 2012, one million users visited the database; in 2013 that number

⁹⁸³ *Ibid.*, agenda for the eleventh session of the Committee on Development and Intellectual Property, document CDIP 11/1.

⁹⁸⁴ For more information, see <http://www.wipo.int/research/en/about/>.

⁹⁸⁵ WIPO, report of the Director General to the WIPO assemblies 2013, document IOSOE/13.

⁹⁸⁶ *Ibid.*, press release, document PR/2013/749.

was reached by July.⁹⁸⁷ In 2013, WIPO Lex added access to the database in the Russian language; it is also available in Arabic, Chinese, English, French, and Spanish.

(iv) *Global Innovation Index (GII)*

WIPO co-published the GII in 2013 to provide public information about innovation in over 140 economies worldwide.⁹⁸⁸ The GII recognizes the key role that innovation plays in the development of economies. It provides free public access to this information in its yearly report. WIPO has been a co-publisher of the GII since 2012.

11. International Fund for Agricultural Development⁹⁸⁹

(a) Membership

At its 36th session from 13 to 14 February 2013, the Governing Council approved the non-original membership in the International Fund for Agricultural Development (IFAD) of the Republic of Nauru, Tuvalu, and the Republic of Vanuatu.⁹⁹⁰

(b) Partnership agreements and memoranda of understanding

(i) *Memorandum of understanding between the Asian Development Bank and IFAD*

In May 2012 IFAD and the Asian Development Bank (ADB) agreed⁹⁹¹ that the 1978 cooperation agreement between the two institutions should be renewed as it contained a number of redundancies and constrained the furthering of collaboration between the two institutions. In May 2013, a new Memorandum of Understanding (MoU) between ADB and IFAD was approved by correspondence,⁹⁹² in accordance with rule 23 of the Rules of procedure of the Executive Board. The MoU is aimed at strengthening the effectiveness, impact, efficiency and sustainability of the development operations of each of the Parties and at furthering their cooperation in all areas of common interest.

(ii) *Report on IFAD's institutional partnership agreements*

At its 109th session from 17 to 19 September 2013, the Executive Board considered a proposal⁹⁹³ to review IFAD's institutional partnership strategy. The purpose underlying

⁹⁸⁷ *Ibid.*, report of the Director General to the WIPO assemblies 2013, document IOSOE/13.

⁹⁸⁸ *Ibid.*, press release, document PR/2013/743.

⁹⁸⁹ For official documents and more information on the International Fund for Agricultural Development, see <http://www.ifad.org>.

⁹⁹⁰ IFAD resolutions 171/XXXVI, 172/XXXVI and 173/XXXVI.

⁹⁹¹ During discussions at the annual meeting of the Asian Development Bank in May 2012.

⁹⁹² IFAD, document EB 2013/108/R.17/Rev.1.

⁹⁹³ *Ibid.*, document EB 2013/109/R.32.

this revision was to achieve more efficiently IFAD's goal to invest in rural people, through a more selective use and effective management of partnerships.

Following the request for clarification made by the EB's members, Management indicated that it had undertaken a review of existing partnership agreements to determine which were active and relevant, and which required to be revised and updated. The revision also stressed the growing importance of private sector collaboration.

(iii) *Proposals for partnership agreements with the private sector*

In order to deepen the engagement with the private sector, two proposals for partnership were presented to the Board at its 110th session from 10 to 12 December 2013: one concerning Unilever PLC and the other Intel Corporation.

The intention to cooperate and to outline a framework, within which collaborative activities may be developed and undertaken, led to the presentation for approval of the above mentioned proposals. The MoUs with Unilever PLC and Intel Corporation represent a way to support IFAD's private-sector engagement objectives and, at the same time, to respond to the private parties' interests, as sustainable development has become part of their core business strategies.

After having considered the two proposals, the Executive Board authorised the President to negotiate and finalize the MoUs in accordance with the terms presented therein.⁹⁹⁴

(iv) *Host Country Agreement between IFAD and the Government of the Republic of Madagascar*

On 30 July 2013, IFAD's President Mr. Kanayo F. Nwanze signed the Host Country Agreement (HCA) between IFAD and the Government of the Republic of Madagascar in Rome. The HCA was countersigned on 26 August 2013 by the Minister of Foreign Affairs of the Republic of Madagascar, Mr. Pierrot Jocelyn Rajaonarivelo, in Antananarivo. The HCA became effective on 26 August 2013.

(c) Legal developments and other

(i) *Revision of the lending policies and criteria*

At its 36th session from 13 to 14 February 2013, the Governing Council approved the "Policies and criteria for IFAD Financing".⁹⁹⁵ The document is a comprehensive review of IFAD's lending terms and conditions in order to align, as much as possible, IFAD's products with those of the International Development Association (IDA) and other comparable International Financial Institutions.

⁹⁹⁴ *Ibid.*, document EB 2013/110/R.38.

⁹⁹⁵ *Ibid.*, resolution 178/XXXVI and document GC 36/L.9.

(ii) *Debt rescheduling agreement between IFAD and the Republic of Mali*

In 2013, the Republic of Mali requested IFAD to reschedule its debt with respect to its outstanding loans. A proposal for debt rescheduling was made by IFAD on 21 March 2013.

At its 108th session from 10 to 11 April 2013, the Executive Board, recognizing the need to support the upcoming agricultural season in Mali and its difficult situation, approved the debt settlement proposal⁹⁹⁶ concerning the arrears of the Republic of Mali in respect of outstanding loans from IFAD and authorized the President to negotiate and sign the debt settlement agreement. The debt rescheduling agreement between IFAD and the Republic of Mali was signed on 29 May 2013.

(iii) *IFAD Country Presence Strategy (2014–2015)*

In order to improve the development effectiveness and cost efficiency of IFAD's operations, an updated country presence strategy for 2014–2015⁹⁹⁷ was submitted to the 110th session of the Executive Board from 10 to 12 December 2013. The updated strategy was approved by the Board, through a vote by correspondence, on 31 January 2014.

(iv) *IFAD's Investment Policy Statement*

At its 110th session from 10 to 12 December 2013, the Executive Board approved a series of amendments⁹⁹⁸ to IFAD's Investment Policy Statement (IPS).⁹⁹⁹

The new IPS provides a framework for managing the investments of the Fund and its purpose is to document IFAD's investment policy by: (a) identifying key roles and responsibilities relating to the governance of IFAD's investment portfolio; (b) setting forth IFAD's investment objectives for risk and return, including eligible asset classes; (c) defining key components of investment guidelines; and (d) establishing formalized criteria to measure, monitor and evaluate performance and risk.

(v) *Revision of IFAD evaluation policy*

At its 110th session from 10 to 12 December 2013, the Executive Board discussed the revision of the procedures for selecting and appointing the Director of the Independent Office of Evaluation,¹⁰⁰⁰ contained in the IFAD evaluation policy, and approved the related proposed amendments.¹⁰⁰¹ Additional proposed changes to the procedures for handling corrective or disciplinary measures following integrity investigations will be discussed by the Evaluation Committee in 2014 and will be submitted for approval thereafter by the Executive Board.

⁹⁹⁶ *Ibid.*, document EB 2013/108/R.27.

⁹⁹⁷ *Ibid.*, document EB 2013/110/R.5 ("*IFAD Country Presence Strategy*").

⁹⁹⁸ *Ibid.*, document EB 2013/110/R.30.

⁹⁹⁹ *Ibid.*, document EB 2012/107/R.32.

¹⁰⁰⁰ *Ibid.*, document EB 2013/110/R.10.

¹⁰⁰¹ Contained in the annex to document EB 2013/110/R.10.

12. United Nations Industrial Development Organization¹⁰⁰²

(a) Constitutional matters

The General Conference decided to include Turkmenistan in List A of Annex I to the Constitution of the United Nations Industrial Development Organization (UNIDO), at its 3rd plenary meeting on 3 December 2013.¹⁰⁰³

On 30 September and 31 December 2013, respectively, France and Portugal, deposited with the Secretary-General of the United Nations instruments of denunciation of the Constitution of UNIDO. In accordance with article 6(2) of the Constitution, the denunciations would take effect on the last day of the fiscal year following that during which such instruments were deposited, i.e. on 31 December 2014.

(b) Lima Declaration: Towards inclusive and sustainable industrial development

On 2 December 2013, at its fifteenth session held in Lima, Peru, the General Conference adopted the Lima Declaration: Towards inclusive and sustainable industrial development.¹⁰⁰⁴

(c) Agreements and other arrangements concluded in 2013

For information on this aspect, attention is drawn to Appendix F to UNIDO's 2013 Annual report.¹⁰⁰⁵

13. Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization¹⁰⁰⁶

(a) Membership

The Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO) is composed of States signatories to the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT).¹⁰⁰⁷ By the end of 2013, the CTBT had 183 States signatories.

During 2013, four States (Brunei Darussalam, Chad, Guinea-Bissau and Iraq) deposited instruments of ratification of the CTBT with the United Nations Secretary-General as depositary. In order for the Treaty to enter into force, ratification by the following

¹⁰⁰² For official documents and more information on the United Nations Industrial Development Organization, see <http://www.unido.org>.

¹⁰⁰³ GC.15/Dec.6: Inclusion of Turkmenistan in the Lists of States of annex I to the Constitution.

¹⁰⁰⁴ GC.15/Res.1: Lima Declaration: Towards inclusive and sustainable industrial development.

¹⁰⁰⁵ <http://www.unido.org/resources/publications/flagship-publications/annualreport/2013.html>.

¹⁰⁰⁶ For official documents and more information on the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, see <http://www.ctbto.org>.

¹⁰⁰⁷ A/50/1027. See also *United Nations Juridical Yearbook 1996* (United Nations Publications Sales No. 01.V.10), p. 311.

eight States is needed: China, Democratic People's Republic of Korea, Egypt, India, Israel, Islamic Republic of Iran, Pakistan and the United States of America.

(b) Legal status, privileges and immunities and international agreements

In addition to the Headquarters Agreement, the legal status, privileges and immunities are granted to the Commission through "Facility Agreements" concluded with each of the 89 States which host one or more of the 337 monitoring facilities comprising the International Monitoring System (IMS) foreseen to be established under the CTBT. In 2013, facility agreements with Austria and Kuwait were concluded. The status at the end of 2013 was: Forty-five concluded facility agreements out of which 36 have entered into force.

Pursuant to the decision of the Commission in 2006 to exceptionally allow IMS data to be shared with tsunami warning centres approved as such by the Intergovernmental Oceanographic Commission of UNESCO,¹⁰⁰⁸ in 2013 the Preparatory Commission concluded with the Russian Federation an Agreement concerning the Use of Primary Seismic, Auxiliary Seismic and Hydroacoustic Data for Tsunami Warning Purposes based on the model approved by the Commission. This brought the total number of such agreements to 12, concluded with Australia, France, Indonesia, Japan, Malaysia, Philippines, Republic of Korea, the Russian Federation, Thailand, Turkey and two with the United States of America.

In 2013, the Social Security Agreement concluded by the Preparatory Commission with the Republic of Austria entered into force.

To provide for the necessary privileges and immunities and arrangements for the conduct of workshops or training courses outside of Austria, 5 Exchanges of Letters were concluded with host States.

(c) Legislative assistance activities

Pursuant to paragraph 18 of the annex to the 1996 resolution establishing the Preparatory Commission, the Provisional Technical Secretariat of the Preparatory Commission continued to provide advice and assistance upon request to States in three areas: (a) legal and technical information about the CTBT in order to facilitate signature or ratification of the Treaty; (b) the legal and administrative measures necessary for the implementation of the Treaty; and (c) the national measures necessary to enable activities of the Preparatory Commission during the preparatory phase, in particular those related to the provisional operation of the IMS.

In 2013, the Secretariat continued promoting the exchange of information between States signatories on the subject of national implementation measures. As part of its Programme of Legal Assistance, the Secretariat organizes Workshops on National Implementation Measures in order to provide a venue for signatory States interested in addressing the subject of national implementation measures for the CTBT and in participating in an exchange of information with other States. The aims of the workshops are the following: (a) Promoting understanding and raising awareness of the measures needed

¹⁰⁰⁸ *Ibid.*, 2006 (United Nations Publications Sales No. 09.V.1), p. 256.

to implement the CTBT; (b) providing legal assistance to participating States in drafting CTBT implementing legislation; (c) facilitating the exchange of information among participating States; and (d) contributing to comparative analysis of existing national provisions and approaches for CTBT implementation.

In 2013, a legislation workshop on “National Implementation Measures for the CTBT Verification Regime” was held within the framework of the CTBT Diplomacy and Public Policy Course, with the participation of representatives from 12 States signatories. The workshop focused on the steps necessary to ensure the proper operation of the International Monitoring System and preparedness to undergo an on-site inspection in accordance with the provisions of the CTBT. Panelists included experts from France, Iraq, the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Verification Research, Training and Information Centre (VERTIC).

Lastly, the Secretariat provided comments and assistance on 44 legal assistance requests from States signatories or from within the Secretariat. It also maintained a Legislation Database on its website to facilitate the exchange of information on national implementing legislation as well as other documentary assistance tools, including the Legislation Questionnaire.¹⁰⁰⁹

14. International Atomic Energy Agency¹⁰¹⁰

(a) Membership

In 2013, San Marino and Swaziland became Member States of the International Atomic Energy Agency (IAEA). By the end of the year, there were 160 Member States.

(b) Treaties under IAEA’s auspices

(i) *Convention on the Physical Protection of Nuclear Material*¹⁰¹¹

In 2013, the number of parties to the Convention remained unchanged, at 148 parties.

(ii) *Amendment to the Convention on the Physical Protection of Nuclear Material*¹⁰¹²

In 2013, Albania, Armenia, Belgium, Canada, Cuba, Cyprus, France, Malta, Slovakia and Uzbekistan agreed to the Amendment. By the end of the year, there were 71 contracting States.

¹⁰⁰⁹ For access to the Legislation Questionnaire and other documents of the CTBTO, see <http://www.ctbto.org/member-states/legal-resources/>.

¹⁰¹⁰ For official documents and more information on the International Atomic Energy Agency, see <http://www.iaea.org>.

¹⁰¹¹ United Nations, *Treaty Series*, vol. 1456, p. 101.

¹⁰¹² IAEA, “Amendment to the Convention on the Physical Protection of Nuclear Material”, *IAEA International Law Series*, No. 2, 2006.

(iii) *Convention on Early Notification of a Nuclear Accident*¹⁰¹³

In 2013, the Lao People's Democratic Republic, Lesotho and Paraguay became parties to the Convention. By the end of the year, there were 117 parties.

(iv) *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency*¹⁰¹⁴

In 2013, the Lao People's Democratic Republic, Lesotho and Paraguay became parties to the Convention. By the end of the year, there were 111 parties.

(v) *Convention on Nuclear Safety*¹⁰¹⁵

In 2013, Oman became a party to the Convention. By the end of the year, there were 76 parties.

(vi) *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*¹⁰¹⁶

In 2013, Armenia, Malta, Mauritius and Oman became parties to the Joint Convention. By the end of the year, there were 68 parties.

(vii) *Vienna Convention on Civil Liability for Nuclear Damage*¹⁰¹⁷

In 2013, Mauritius became a party to the Convention. By the end of the year, there were 39 parties.

(viii) *Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage*¹⁰¹⁸

In 2013, Bosnia and Herzegovina became a party to the Protocol. By the end of the year, there were 11 parties.

(ix) *Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention*¹⁰¹⁹

In 2013, the status of the Protocol remained unchanged, at 27 parties.

¹⁰¹³ United Nations, *Treaty Series*, vol. 1439, p. 275.

¹⁰¹⁴ *Ibid.*, vol. 1457, p. 133.

¹⁰¹⁵ *Ibid.*, vol. 1963, p. 293.

¹⁰¹⁶ *Ibid.*, vol. 2153, p. 303.

¹⁰¹⁷ *Ibid.*, vol. 1063, p. 265.

¹⁰¹⁸ *Ibid.*, vol. 2241, p. 270.

¹⁰¹⁹ *Ibid.*, vol. 1672, p. 293.

(x) *Convention on Supplementary Compensation for Nuclear Damage*¹⁰²⁰

In 2013, Canada and Mauritius signed the Convention. By the end of the year, there were 17 signatories and 4 contracting States.

(xi) *Optional Protocol Concerning the Compulsory Settlement of Disputes*¹⁰²¹

In 2013, the status of the Protocol remained unchanged, at 2 parties.

(xii) *Revised Supplementary Agreements Concerning the Provision of Technical Assistance by the JAEA (RSA)*¹⁰²²

In 2013, Malawi concluded an RSA Agreement. By the end of the year, there were 122 Member States party to an RSA Agreement with the Agency.

(xiii) *Fifth Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (RCA)*¹⁰²³

In 2013, Palau and the Philippines became parties to the Agreement. By the end of the year, there were 14 parties to the Agreement.

(xiv) *African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) — (Fourth Extension)*¹⁰²⁴

In 2013, Nigeria became a party to the Agreement. By the end of the year, there were 35 parties.

(xv) *Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)*¹⁰²⁵

In 2013, the status of the Agreement remained unchanged, at 21 parties.

(xvi) *Co-operative Agreement for Arab States in Asia for Research, Development and Training Related to Nuclear Science and Technology (ARASIA)*¹⁰²⁶

In 2013, the status of the Agreement remained unchanged, at 9 parties.

¹⁰²⁰ IAEA, document INFCIRC/567.

¹⁰²¹ United Nations, *Treaty Series*, vol. 2086, p. 94.

¹⁰²² Model text available from <http://ola.iaea.org>.

¹⁰²³ IAEA, document INFCIRC/167/Add.23.

¹⁰²⁴ *Ibid.*, document INFCIRC/377 and INFCIRC/377/Add.19 (Fourth extension).

¹⁰²⁵ United Nations, *Treaty Series*, vol. 2338, p. 337.

¹⁰²⁶ *Ibid.*, vol. 2203, p. 355.

(xvii) *Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*¹⁰²⁷

In 2013, the status of the Agreement remained unchanged, at 7 parties.

(xviii) *Agreement on the Privileges and Immunities of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*¹⁰²⁸

In 2013, the status of the Agreement remained unchanged, at 6 parties.

(c) IAEA legislative assistance activities

In 2013, the Agency continued to provide legislative assistance to its Member States through its technical cooperation programme. Country specific bilateral legislative assistance was provided to 13 Member States through written comments and advice on drafting national nuclear legislation. The Agency also organized short-term scientific visits to Agency Headquarters for a number of individuals, allowing fellows to gain further practical experience in nuclear law.

The Agency organized the third session of the Nuclear Law Institute in Baden, Austria, from 29 September to 11 October 2013. The comprehensive two-week course, which uses modern teaching methods based on interaction and practice, was established to meet the increasing demand by Member States for legislative assistance and to enable participants to acquire a solid understanding of all aspects of nuclear law, as well as to draft, amend or review their respective national nuclear legislation. Sixty-three representatives from IAEA Member States participated in the session. The Agency also continued to contribute to the activities organized at the World Nuclear University and the International School of Nuclear Law by providing lectures and funding participants through appropriate technical cooperation projects.

A Workshop for Diplomats on Nuclear Law was organized in Vienna, Austria, in July 2013 in order to provide diplomats and technical experts from Member States with a broad understanding of all aspects of nuclear law. The workshop was attended by 65 participants from 43 Member States. A similar workshop was held in Geneva, Switzerland, in April 2013.

The Agency also enhanced its outreach activities through the development of new online training material and the third volume of the Handbook on Nuclear Law which will cover various areas of nuclear law going beyond regulatory matters covered in the first two volumes.

The third IAEA Treaty Event took place during the 57th regular session of the IAEA General Conference, and provided Member States with a further opportunity to deposit their instruments of ratification, acceptance or approval of, or accession to, the treaties deposited with the Director General, notably those related to nuclear safety, security and civil liability for nuclear damage.

¹⁰²⁷ IAEA, document INFCIRC/703.

¹⁰²⁸ *Ibid.*

The Agency continued to organize “awareness missions” to Member States in order to raise the awareness of national policy-makers about the importance of adhering to relevant international legal instruments adopted under the Agency’s auspices.

(d) Conventions

In 2013, there were four meetings of the Working Group on Effectiveness and Transparency, which was established by the contracting parties to the Convention on Nuclear Safety (CNS)¹⁰²⁹ at their Second Extraordinary Meeting in August 2012. The purpose of these meetings was to facilitate the review of proposals submitted by several contracting parties aimed at enhancing the effectiveness of the Convention. During the last meeting of the Working Group in November, a final report was adopted, which included, *inter alia*, a list of actions to strengthen the CNS to be considered at the 6th Review Meeting of the Contracting Parties to the CNS that will be held from 24 March to 4 April 2014.

As agreed during the 4th Review Meeting of the Contracting Parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management,¹⁰³⁰ a Topical Meeting on Comprehensive Approaches to Managing the Back End of the Nuclear Fuel Cycle was organised at IAEA Headquarters in Vienna in October 2013. The objective of the Topical Meeting, which was open only to the Contracting Parties to the Joint Convention, was to provide a forum for the exchange of information on approaches to managing the back-end of the nuclear fuel cycle in a comprehensive manner.

(e) Civil liability for nuclear damage

The International Expert Group on Nuclear Liability (INLEX) continued to serve as the Agency’s main forum for questions related to nuclear liability. In April 2013, a new text developed by INLEX, *The 1988 Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention—Explanatory Text*, was published as IAEA International Law Series No. 5. At its 13th regular meeting held in May 2013, INLEX discussed, *inter alia*, liability in the case of the transport of nuclear material, with special focus on the rights of non-nuclear transit States, liability issues in respect of transportable nuclear power plants, and the impact of the 2012 revision of the Agency’s Transport Regulations on the Board of Governors’ decision to exclude small quantities of nuclear material from the scope of the nuclear liability conventions. The Group also discussed a paper on the benefits of joining the nuclear liability regime and developed corresponding key messages to be used during IAEA legislative assistance activities.

A Workshop on Civil Liability for Nuclear Damage was held in May 2013 at the IAEA Headquarters and provided participants with an introduction to the subject. The workshop was attended by 49 diplomats and experts from 34 Member States and one international organization.

A joint IAEA/INLEX mission aimed at raising awareness of the international nuclear liability regime and encouraging adherence to the relevant international legal instruments

¹⁰²⁹ United Nations, *Treaty Series*, vol. 1963, p. 293.

¹⁰³⁰ *Ibid.*, vol. 2153, p. 303.

was dispatched to Malaysia in August 2013. The mission consisted of meetings with policy-makers and senior officials and a workshop on civil liability for nuclear damage for other interested stakeholders. Preparations are underway to organize similar missions in 2014.

(f) Safeguards agreements

During 2013, a Safeguards Agreement pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) with Bosnia and Herzegovina¹⁰³¹ and Vanuatu¹⁰³² entered into force. A Safeguards Agreement pursuant to the NPT was signed by Guinea-Bissau but had not entered into force as at 31 December 2013.

In 2013, Protocols Additional to the Safeguards Agreements between the IAEA and Antigua and Barbuda,¹⁰³³ Bosnia and Herzegovina,¹⁰³⁴ Denmark¹⁰³⁵ and Vanuatu¹⁰³⁶ entered into force. An Additional Protocol was signed by Guinea-Bissau and Myanmar but had not entered into force as at 31 December 2013. An Additional Protocol with St. Kitts and Nevis was approved by the IAEA Board of Governors in 2013.

15. Organization for the Prohibition of Chemical Weapons¹⁰³⁷

(a) Membership

In 2013, the number of States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (“the Convention” or “CWC”)¹⁰³⁸ increased by two to 190. Somalia deposited its instrument of accession to the CWC with the Secretary General of the United Nations on 29 May 2013, and the Syrian Arab Republic deposited its instrument of accession to the CWC on 14 September 2013, declaring that it “shall comply with the stipulations contained [in the Convention] and observe them faithfully and sincerely, applying the Convention provisionally pending its entry into force for the Syrian Arab Republic”. The CWC entered into force for Somalia and the Syrian Arab Republic on 28 June 2013 and on 14 October 2013 respectively, in accordance with article XXI of the CWC. Upon entry into force of the CWC for Somalia and the Syrian Arab Republic, both States became members of the Organization for the Prohibition of Chemical Weapons (OPCW) pursuant to paragraph 2 of article VIII of the CWC.

¹⁰³¹ IAEA, document INFCIRC/851.

¹⁰³² *Ibid.*, document INFCIRC/852.

¹⁰³³ *Ibid.*, document INFCIRC/528/Add.1.

¹⁰³⁴ *Ibid.*, document INFCIRC/851/Add.1.

¹⁰³⁵ *Ibid.*, document INFCIRC/176/Add.1.

¹⁰³⁶ *Ibid.*, document INFCIRC/852/Add.1.

¹⁰³⁷ For official documents and more information on the Organisation for the Prohibition of Chemical Weapons, see <http://www.opcw.org>.

¹⁰³⁸ United Nations, *Treaty Series*, vol. 1974, p. 45.

(b) Legal status, privileges and immunities and international agreements

During 2013, OPCW continued to negotiate privileges and immunities agreements with Member States in accordance with paragraph 50 of article VIII of the Convention. As a result, the Executive Council of the OPCW concluded privileges and immunities agreements with two Member States, namely Gambia and the Sudan. As at 31 December 2013, these two agreements had not yet entered into force.

The OPCW concluded a number of other international agreements with Member States in 2013, including voluntary contribution agreements. Amendments to facility agreements concluded between the OPCW and the Russian Federation to govern OPCW on-site inspections at chemical weapons destruction facilities located in the Russian Federation were also approved by the OPCW Executive Council.¹⁰³⁹ The Relationship Agreement between the United Nations and the OPCW¹⁰⁴⁰ was augmented with a Supplementary Arrangement¹⁰⁴¹ to implement OPCW Executive Council decision EC-M-33/DEC.1 and United Nations Security Council resolution 2118 (2013), which were both adopted on 27 September 2013.

In addition, various other international agreements were also concluded with Member States in the form of technical arrangements and memoranda of understanding to facilitate the day-to-day work of the Technical Secretariat of the OPCW in support of the objectives of the Convention.

(c) Review of the Chemical Weapons Convention

The Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (“the Third Review Conference”) was convened from 8 to 19 April 2013 to conduct a review of the operation of the Convention as provided for in paragraph 22 of article VIII thereof, taking into account any relevant scientific and technological developments.

At the Third Review Conference, all States Parties declared, *inter alia*, their unequivocal commitment to achieving the object and purpose of the Convention, as well their unqualified commitment to achieving the universality of the Convention. States Parties also declared their commitment to adopt, in accordance with their constitutional processes, the necessary measures to fully implement their obligations under the Convention as a matter of priority and to keep the effectiveness of these measures under review. States Parties further declared their commitment to foster, and to further develop and enhance actions for, international cooperation amongst States Parties in the peaceful uses of chemistry, and

¹⁰³⁹ OPCW, document EC-71/DEC.3, dated 20 February 2013; EC-71/DEC.5, dated 20 February 2013; EC-72/DEC.2, dated 7 May 2013 and EC-74/DEC.2, dated 9 October 2013.

¹⁰⁴⁰ Agreement concerning the Relationship between the United Nations and the Organisation for the Prohibition of Chemical Weapons (approved by the General Assembly of the United Nations on 7 September 2001 and by the Conference of the States Parties of the OPCW on 17 May 2001 and entered into force on 11 October 2001).

¹⁰⁴¹ Supplementary Arrangement concerning Cooperation between the United Nations and the Organisation for the Prohibition of Chemical Weapons for the Implementation of the OPCW Executive Council Decision EC-M-33/DEC.1; and United Nations Security Council resolution 2118 (2013) relating to the Elimination of Syrian Chemical Weapons (concluded and entered into force on 16 October 2013).

also in a manner which avoids hampering economic and technological development for purposes not prohibited under the Convention.

The Third Review Conference reaffirmed that the full, effective and non-discriminatory implementation of articles I to VIII, X and XI of the Convention is essential for the realisation of the object and purpose of the Convention.

A number of obligations of States Parties to the Convention were also reaffirmed. Among other things, the Third Review Conference recalled that the destruction of the remaining chemical weapons by possessor States Parties should continue in accordance with the Convention and with the application of the measures contained in decision C-16/DEC.11 on the final extended deadline of 29 April 2012 adopted by the Conference of the States Parties on 1 December 2011. It also reaffirmed the importance of the destruction of all abandoned chemical weapons in accordance with the Convention and the Executive Council's decision EC-67/DEC.6 adopted on 15 February 2012, as well as the obligation to destroy or otherwise dispose of old chemical weapons. Moreover, the Third Review Conference recalled the obligation for all States Parties to submit timely, accurate and complete declarations consistent with the provisions of article VI of the Convention, and reiterated that declarations provided by States Parties are the cornerstone of the verification regime of the Convention.

Additionally, the Third Review Conference reaffirmed certain rights enjoyed by States Parties to the Convention, including the right of each State Party, subject to the provisions of the Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under the Convention. Besides, it reaffirmed that, without prejudice to the right of any State Party to request a challenge inspection in line with article IX of the Convention, States Parties should, whenever possible, first make every effort to clarify and resolve, through the exchange of information and consultation among themselves, any matter that might cause doubt about compliance with the Convention, or which gives rise to concerns about a related matter that may be considered ambiguous. The Third Review Conference also stressed that the OPCW should remain the global repository of knowledge and expertise with regard to chemical weapons disarmament, the verification of their non-possession and non-use, and their destruction. While reaffirming the autonomous and independent status of the OPCW, and bearing in mind that the OPCW is not a counter terrorism organization, the Third Review Conference underscored the need to explore further cooperation with international organizations and international bodies that deal with the potential threats of chemical terrorism. It also encouraged the Technical Secretariat to engage in more active cooperation with relevant regional and subregional organizations as well as international organizations that have mandates relevant to assistance and protection against chemical weapons. Additionally, the Third Review Conference stressed the importance of investigations of alleged use or threat of use of chemical weapons involving States Parties, adding that the OPCW should have the capacity and be ready at all times to investigate such matters, as well as to facilitate the delivery of assistance in cooperation with relevant international organisations and the United Nations.

(d) Legislative assistance

Throughout 2013, the Technical Secretariat of the OPCW continued to render assistance, upon request, to States Parties that had yet to adopt legislative and other measures to implement their obligations under the Convention, as well as to States parties wishing to update their legal framework. The OPCW continued to provide assistance on national implementation of the Convention to requesting States Parties, pursuant to subparagraph 38(e) of article VIII of the Convention, the decision on national implementation measures of article VII obligations adopted by the Conference of the States Parties (“the Conference”) at its fourteenth session,¹⁰⁴² as well as on paragraph 9.103 (c) of the report of the third special session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention.¹⁰⁴³

In its implementation support efforts, the Technical Secretariat of the OPCW acted in accordance with the terms of subparagraph 38(e) of article VIII of the Convention and the provisions of the decision regarding the implementation of article VII obligations adopted by the Conference at its eighth session,¹⁰⁴⁴ as well as other decisions regarding the implementation of article VII obligations.¹⁰⁴⁵ These decisions focused on, among other things, the obligations of States Parties to designate or establish a National Authority to serve as national focal point for effective liaison with the OPCW and other States Parties, as required by paragraph 4 of article VII of the Convention, and the steps necessary to enact national implementing legislation, including penal legislation and administrative measures to implement the Convention, as required by paragraph 1 of article VII of the Convention.

During 2013, the Technical Secretariat provided, upon request, four sets of comments on draft implementing legislation and one set of comments or guidance on measures at the regulatory level. Such requests for legal assistance were received from State Parties from Africa, the Group of Latin America and Caribbean Countries (GRULAC) and the Western European and Others Group (WEOG).¹⁰⁴⁶

Over the course of 2013, the number of National Authorities increased to 188. There remained only two States Parties that had not yet fulfilled the requirement under article VII (4) of the CWC to designate or establish a National Authority. Additionally, with regard to the adoption of the necessary legislative and/or administrative measures, 131 States Parties (69%) had submitted the full text of their implementing legislation. Furthermore, regarding legislation covering all initial measures, as of the end of 2013, 108 States Parties (57%) had informed the Technical Secretariat of having adopted such legislative or administrative measures.

The Technical Secretariat continued to maintain formal and informal working contacts with States Parties with which it had built a relationship through technical assistance

¹⁰⁴² OPCW, document C-14/DEC.12, dated 4 December 2009.

¹⁰⁴³ *Ibid.*, document RC-3/3*, dated 19 April 2013.

¹⁰⁴⁴ *Ibid.*, document C-8/DEC.16, dated 24 October 2003.

¹⁰⁴⁵ *Ibid.*, document C-10/DEC.16, dated 11 November 2005; C-11/DEC.4, dated 6 December 2006; C-12/DEC.9, dated 9 November 2007; C-13/DEC.7, dated 5 December 2008; and C-14/DEC.12, dated 4 December 2009.

¹⁰⁴⁶ Please note that the State Party from WEOG requested assistance in drafting legislation as well as regulatory measures.

visits and consultations, in order to identify additional needs for assistance, to follow up on assistance already provided and to coordinate future assistance activities.

In addition to the assistance to individual States Parties, a number of national, sub-regional, regional workshops, sensitization and awareness presentations and training courses were held for National Authorities, Parliamentarians and other national stakeholders involved in the implementation of the Convention. These events dealt, *inter alia*, with matters such as legislative and regulatory drafting.

Furthermore, four sessions of the Internship Programme for Legal Drafters and National Authorities' Representatives were held in 2013 and nine States Parties assisted in drafting legislation. The programme, which was conducted in English, French and Spanish (depending on the participants), focused on Africa, Asia and Latin America and the Caribbean. Since its commencement, five sessions of the programme have been organized directly benefiting 11 States Parties.

Between May and June 2013, the Technical Secretariat organized and served four regional meetings for National Authorities.¹⁰⁴⁷ The purpose of these meetings was to provide participants with an overview of the Convention and its requirements and to provide a forum of discussion for the representatives of the National Authorities, in order to identify what further steps each State party should take to implement its obligations under the Convention. In addition, these meetings represented an opportunity to foster regional cooperation and share experiences and best practices.

(e) Other normative developments and activities of the policy-making organs

(i) Investigation of alleged use of chemical weapons in the Syrian Arab Republic

During its Thirty-Second Meeting, the Executive Council received information from the Director-General on the request of the Secretary General of the United Nations, submitted pursuant to paragraph 27 of part XI of the Verification Annex to the CWC and subparagraph 2(c) of article II of the Relationship Agreement between the United Nations and the OPCW,¹⁰⁴⁸ for the OPCW to support an investigation of alleged use of chemical weapons in the Syrian Arab Republic.¹⁰⁴⁹

¹⁰⁴⁷ The meetings were as follows: "Eleventh Regional Meeting of National Authorities of States Parties in Africa to the CWC", held in Brazzaville, Congo; "Fourteenth Regional Meeting of National Authorities in Latin America and the Caribbean to the CWC", held in Quito, Ecuador; "Eleventh Regional Meeting of National Authority in Asia to the CWC", held in Nicosia, Cyprus; and "Twelfth Regional Meeting of National Authorities of States Parties in Eastern Europe", held in Zagreb, Croatia.

¹⁰⁴⁸ Under paragraph 27 of Part XI of the Verification annex to the CWC and subparagraph 2(c) of article II of the Relationship Agreement between the United Nations and the OPCW, in the case of alleged use of chemical weapons involving a State not Party to the Convention or in territory not controlled by a State Party, the OPCW is under an obligation to closely cooperate with, and, if so requested, to put its resources at the disposal of the Secretary-General of the United Nations. The modalities of this cooperation between the United Nations and the OPCW are established in the Supplementary Arrangement concerning the Implementation of article II (2) (c) of the Relationship Agreement between the United Nations and the Organisation for the Prohibition of Chemical Weapons, which was concluded on 14 and 20 September 2012 and entered into force on 20 September 2012.

¹⁰⁴⁹ OPCW, document EC-M-32/3 and EC-M-32/DG.1, both dated 27 March 2013.

In view of the report submitted in September 2013 by the Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic,¹⁰⁵⁰ which concluded that “chemical weapons [had] been used in the ongoing conflict between the parties in the Syrian Arab Republic, also against civilians, including children, on a relatively large scale”, the Conference of the States Parties, at its eighteenth session, underscored that no party in the Syrian Arab Republic should use, develop, acquire, produce, stockpile, retain or transfer chemical weapons.¹⁰⁵¹ The Conference also underlined that the use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community.¹⁰⁵²

(ii) *Destruction of Syrian chemical weapons and chemical weapons production facilities*

At its Thirty-Third Meeting, further to the accession of the Syrian Arab Republic to the CWC on 14 September 2013 and the submission on 19 September 2013 by the Syrian Arab Republic of detailed information on its chemical weapons, the Executive Council adopted a decision on the destruction of Syrian chemical weapons.¹⁰⁵³ Under this decision, while recognizing “the extraordinary character of the situation posed by Syrian chemical weapons”, the Executive Council required the Syrian Arab Republic to complete the elimination of all its chemical weapons material and equipment in the first half of 2014.¹⁰⁵⁴ In a subsequent decision adopted at its Thirty-Fourth Meeting,¹⁰⁵⁵ the Executive Council set forth the detailed requirements for the destruction of Syrian chemical weapons and Syrian chemical weapons production facilities, setting, *inter alia*, dates for the removal of relevant chemicals for destruction outside the Syrian territory, as well as the destruction of all chemical weapons production facilities.

Finally, at its Thirty-Sixth Meeting, the Executive Council considered the plan for the destruction of Syrian chemical weapons outside the Syrian Arab Republic, submitted by the Director-General of the OPCW and containing, *inter alia*, necessary arrangements for the removal of Syrian chemical weapons and subsequent destruction thereof.¹⁰⁵⁶ At this Meeting, the Council also adopted a decision by which it welcomed the assistance offered by certain States Parties¹⁰⁵⁷ for specific stages of the plan of destruction, supported the Director-General’s work to identify commercial facilities for the destruction of certain specified chemicals and reaction masses, and strongly encouraged States Parties in a

¹⁰⁵⁰ Report on the Alleged Use of Chemical Weapons in the Ghouta area of Damascus on 21 August 2013 (S/2013/553, dated 13 September 2013).

¹⁰⁵¹ See paragraph 7.3 of the report of the Eighteenth Session of the Conference of the States Parties 2–5 December 2013, C-18/5, dated 5 December 2013.

¹⁰⁵² See paragraph 7.4 of the report of the Eighteenth Session of the Conference of the States Parties 2–5 December 2013, C-18/5, dated 5 December 2013.

¹⁰⁵³ OPCW, document EC-M-33/DEC.1, dated 27 September 2013.

¹⁰⁵⁴ *Ibid.*, document EC-M-33/DEC.1, dated 27 September 2013, operative para. 1(c).

¹⁰⁵⁵ *Ibid.*, document EC-M-34/DEC.1, dated 15 November 2013.

¹⁰⁵⁶ *Ibid.*, document EC-M-36/DEC.2, dated 17 December 2013, preambular para. 4.

¹⁰⁵⁷ *Ibid.*, document EC-M-36/DEC.2, dated 17 December 2013, operative para. 1.

position to do so to consider making in-kind contributions by directly sponsoring commercial entities to undertake the treatment and disposal of chemicals and effluents.¹⁰⁵⁸

16. World Trade Organization¹⁰⁵⁹

(a) Membership

(i) General

Two new members formally joined the World Trade Organization (WTO) in 2013: Lao People's Democratic Republic (2 February 2013) and Tajikistan (2 March 2013). The WTO membership is now 159 members.

On 4 December 2013, the Ninth WTO Ministerial Conference adopted the Decision on the Accession of the Republic of Yemen. Formal membership would occur following ratification of Yemen's Accession Protocol by Yemen's Parliament and the subsequent notification and deposit with the WTO Director-General of Yemen's Instrument of Acceptance of the Protocol.

Applications for WTO Membership are examined in individual Accession Working Parties, which are established by the Ministerial Conference/General Council. The legal framework of WTO accessions is set out in article XII of the Marrakesh Agreement establishing the World Trade Organization.¹⁰⁶⁰ As a result of bilateral and multilateral negotiations with WTO members, acceding countries/separate customs territories undertake trade liberalizing commitments on market access, specific commitments on WTO rules, and agree to comply with the WTO Agreement.

Special guidelines for least-developed countries' accessions are set out in the General Council Decision of 10 December 2002.¹⁰⁶¹ Work on these 2002 Guidelines continued, pursuant to the Decision on Accession of Least-Developed Countries taken at the Eighth WTO Ministerial Conference of 17 December 2011.¹⁰⁶² The General Council adopted the Decision on Accession of Least-Developed Countries of 25 July 2012 to strengthen, streamline and operationalize the 2002 Guidelines.¹⁰⁶³ The 2012 Decision included provisions under the following pillars: (a) benchmarks on goods; (b) benchmarks on services; (c) transparency in accession negotiations; (d) special and differential treatment and transition periods; and (e) technical assistance.

¹⁰⁵⁸ *Ibid.*, document EC-M-36/DEC.2, dated 17 December 2013, operative para. 7.

¹⁰⁵⁹ For official documents and more information on the World Trade Organization, see <http://www.wto.org>.

¹⁰⁶⁰ United Nations, *Treaty Series*, vol. 1867, p. 3.

¹⁰⁶¹ WTO, document WT/L/508.

¹⁰⁶² *Ibid.*, WT/L/846.

¹⁰⁶³ *Ibid.*, WT/L/508/Add.1.

(ii) *Ongoing accessions in 2013*

In 2013, the following countries/separate customs territories were in the process of acceding to the WTO (in alphabetical order):

- | | |
|-------------------------------|-----------------------------|
| 1. Afghanistan* | 13. Iraq |
| 2. Algeria | 14. Kazakhstan |
| 3. Andorra | 15. Lebanese Republic |
| 4. Azerbaijan | 16. Liberia, Republic of* |
| 5. The Bahamas | 17. Libya |
| 6. Belarus | 18. Sao Tomé and Príncipe* |
| 7. Bhutan* | 19. Serbia |
| 8. Bosnia and Herzegovina | 20. Seychelles |
| 9. Comoros, Union of the* | 21. Sudan, Republic of the* |
| 10. Equatorial Guinea* | 22. Syrian Arab Republic |
| 11. Ethiopia* | 23. Uzbekistan |
| 12. Iran, Islamic Republic of | 24. Yemen ^{*/**} |

* Least-developed countries (LDCs) (9)

** The Accession Working Party completed its mandate and the Decision on the Accession of the Republic of Yemen was adopted by the Ninth WTO Ministerial conference on 4 December 2013. The Republic of Yemen would become a member of the WTO thirty days after notifying the Director-General of the WTO of the domestic ratification of its Protocol of Accession

In 2013, progress in various accession processes was registered as follows:

- A Memorandum on the Foreign Trade Regime (MFTR) was submitted by the Government of the Union of the Comoros;
- The Elements of a draft Working Party Report was circulated by the Secretariat for the Working Party on the Accession of Seychelles;
- First versions of draft reports were circulated by the Secretariat for the Working Parties on the Accessions of Afghanistan, Azerbaijan, and Seychelles,
- Draft reports were revised and circulated by the Secretariat for Working Parties on the Accessions of Algeria, Bosnia and Herzegovina, and Kazakhstan, and
- One Accession Working Party completed its mandate and the Decision on the Accession was adopted at the Ninth WTO Ministerial Conference on 4 December 2013.¹⁰⁶⁴

(b) **Dispute settlement**

The General Council convenes as the Dispute Settlement Body (DSB) to deal with disputes arising under: the Marrakesh Agreement Establishing the World Trade Organization, the multilateral trade agreements covering trade in goods, trade in services,

¹⁰⁶⁴ *Ibid.*, documents WT/MIN(13)/4; WT/MIN(13)/4/Add.1; and WT/MIN(13)/4/Add.2.

and trade-related aspects of intellectual property rights, and, under a specific decision, the plurilateral trade agreement on government procurement. The DSB has the sole authority to establish dispute settlement panels, adopt panel and Appellate Body reports, maintain surveillance over the implementation of recommendations and rulings contained in such reports, and authorize suspension of concessions in the event of non-compliance with those recommendations and rulings.¹⁰⁶⁵

(i) *Requests for consultations received and panels established*

During 2013, the DSB received 20 requests for consultations (the first formal step in dispute settlement proceedings) pursuant to article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).¹⁰⁶⁶ The DSB established 12 new panels to adjudicate 14 new cases. (Where more than one complaint is filed dealing with the same matter, such complaints are normally adjudicated by a single panel.) The DSB established panels in the following disputes:

- United States—Anti-Dumping Measures on Certain Frozen Warm Water Shrimp from Viet Nam (WT/DS429);
- Australia—Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (WT/DS435);
- European Union—Anti-Dumping Measures on Imports of Certain Fatty Alcohols from Indonesia (WT/DS442);
- Argentina—Measures Affecting the Importation of Goods (WT/DS438, WT/DS444, WT/DS445);
- United States—Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina (WT/DS447);
- Argentina—Measures Relating to Trade in Goods and Services (WT/DS453);
- China—Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (“HP-SSST”) from Japan (WT/DS454);
- Indonesia—Importation of Horticultural Products, Animals and Animal Products (WT/DS455);
- Peru—Additional Duty on Imports of Certain Agricultural Products (WT/DS457);
- China—Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (“HP-SSST”) from the European Union (WT/DS460);
- Colombia—Measures Relating to the Importation of Textiles, Apparel and Footwear (WT/DS461);
- Russian Federation—Recycling Fee on Motor Vehicles (WT/DS462).

¹⁰⁶⁵ Further information on WTO dispute settlement in 2013 can be found in the WTO Annual report 2014.

¹⁰⁶⁶ United Nations, *Treaty Series*, vol. 1869, p. 401.

(ii) *Appellate Body and Panel reports adopted by the DSB*

The DSB adopted two Appellate Body reports and four Panel reports during 2013:

- Canada—Certain Measures Affecting the Renewable Energy Generation Sector (WT/DS412) (Appellate Body and Panel Reports);
- China—Definitive Anti-Dumping Duties on X-Ray Security Inspection Equipment from the European Union (WT/DS425) (Panel Report);
- Canada—Measures Relating to the Feed-in Tariff Program (WT/DS426) (Appellate Body and Panel Reports);
- China—Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States (WT/DS427) (Panel Report).

(iii) *Authorization of the suspension of concession and obligations*

- United States—Measures Affecting the Cross-Border Supply of Gambling and Betting Services (WT/DS285).

At the DSB meeting on 28 January 2013, Antigua and Barbuda requested the DSB to authorize the suspension of concessions and obligations to the United States in the area of intellectual property rights. Pursuant to this request under article 22.7 of the DSU, the DSB agreed to grant authorization to suspend the application to the United States of concessions or other obligations consistent with the 2007 Decision by the Arbitrator which determined that the annual level of nullification or impairments of benefits accruing to Antigua was US \$21 million.

(c) **Main decisions of the General Council and the 2013 Ministerial Conference**(i) *2013 Ministerial Conference*

On 7 December 2013, in Bali, Indonesia, the following Ministerial Declaration and ministerial decisions were adopted:

- WT/MIN(13)/DEC Bali Ministerial Declaration.

The Declaration refers to the following decisions adopted by ministers:

a. Part I—Regular work under the General Council

- TRIPS Non-violation and Situation Complaints—Ministerial Decision—WT/MIN(13)/31 or WT/L/906;
- Work Programme on Electronic Commerce—Ministerial Decision—WT/MIN(13)/32 or WT/L/907;
- Work Programme on Small Economies—Ministerial Decision—WT/MIN(13)/33 or WT/L/908;
- Aid for Trade—Ministerial Decision—WT/MIN(13)/34 or WT/L/909;
- Trade and Transfer of Technology—Ministerial Decision—WT/MIN(13)/35 or WT/L/910.

b. Part II—DOHA Development Agenda

Trade facilitation

- Agreement on Trade Facilitation—Ministerial Decision—WT/MIN(13)/36 or WT/L/911.

Agriculture

- General Services—Ministerial Decision—WT/MIN(13)/37 or WT/L/912;
- Public Stockholding for Food Security Purposes—Ministerial Decision—WT/MIN(13)/38 or WT/L/913;
- Understanding on Tariff Rate Quota Administration Provisions of Agricultural Products, as Defined in Article 2 of the Agreement on Agriculture- Ministerial Decision—WT/MIN(13)/39 or WT/L/914;
- Export Competition—Ministerial Decision—WT/MIN(13)/40 or WT/L/915.

Cotton

- Cotton—Ministerial Decision—WT/MIN(13)/41 or WT/L/916.

Development and LDC issues

- Preferential Rules of Origin for Least-Developed Countries—Ministerial Decision—WT/MIN(13)/42 or WT/L/917;
- Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries—Ministerial Decision—WT/MIN(13)/43 or WT/L/918;
- Duty-Free and Quota-Free Market Access for Least-Developed Countries—Ministerial Decision—WT/MIN(13)/44 or WT/L/919;
- Monitoring Mechanism on Special and Differential Treatment—Ministerial Decision—WT/MIN(13)/45 or WT/L/920.

(ii) *Waivers under article IX of the WTO Agreement*

The General Council granted a number of waivers from obligations under the WTO Agreements including pursuant to article IX:4 of the Marrakesh Agreement Establishing the World Trade Organization:

- Kimberley Process Certification Scheme for Rough Diamonds—Extension of Waiver (WT/L/876);
- Preferential Treatment to Services and Service Suppliers of Least-Developed countries (WT/L/847);
- Preferential Tariff Treatment for Least-Developed Countries—Decision on Extension of waiver (WT/L/759);
- Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (WT/L/540 and Corr.1);
- Least-Developed Country Members—Obligations under article 70.9 of the TRIPS Agreement with respect to Pharmaceutical Products (WT/L/478);
- Waivers were also granted in respect of (a) WTO Members' Schedules of Concessions (specific commitments made by Member governments): WT/L/873, WT/L/874,

WT/L/875, and (b) preferential trading arrangements: WT/L/694, WT/L/722, WT/L/753, WT/L/754, WT/L/755, WT/L/759, WT/L/835, WT/L/836 WT/L/847 and WT/L/851.

**(d) Acceptances of the protocols amending the Agreement
on the Trade-Related Aspects of Intellectual Property Rights (TRIPS)
and the Government Procurement Agreement (GPA)**

The revised GPA, which streamlines and modernizes the obligations under the original Agreement, will enter into force when it is ratified by two thirds of the 15 parties. As of 31 December 2013, the following had ratified the agreement: Canada, Chinese Taipei, the European Union, Hong Kong, China, Liechtenstein, Norway, and the United States.

The amended TRIPS Agreement incorporating a decision on patents and public health will enter into force when two thirds of WTO Members have accepted the amendment. During 2013, Chile, the Dominican Republic, Montenegro and Trinidad and Tobago accepted the amendment, bringing the number of acceptances to 49.

17. International Criminal Court (ICC)¹⁰⁶⁷

The International Criminal Court (ICC) is an independent permanent international court established to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes, as well as the crime of aggression, once the conditions under which the Court can exercise its jurisdiction on the latter have been fulfilled. The Court was established by the Rome Statute of the International Criminal Court, 1998.¹⁰⁶⁸

The ICC is an independent international organization and is not part of the United Nations system. However, it was born under the auspices of the United Nations, and the two organizations engage in practical cooperation under a relationship agreement.¹⁰⁶⁹

Following ratification by Côte d'Ivoire on 15 February 2013, as at 31 December 2013, 122 States were parties to the Rome Statute of the International Criminal Court.¹⁰⁷⁰

In 2013, 10 States ratified amendments on the crime of aggression and 12 States ratified amendments on certain crimes in non-international armed conflicts, bringing the total number of States to have accepted these amendments to 13 and 16, respectively. One State ratified the Agreement on the Privileges and Immunities of the International Criminal Court¹⁰⁷¹ (APIC) in 2013, bringing the total number of countries having ratified the APIC to 72.

¹⁰⁶⁷ For official documents and more information on the International Criminal Court, see <https://www.icc-cpi.int/>.

¹⁰⁶⁸ United Nations, *Treaty Series*, vol. 2187, p. 3.

¹⁰⁶⁹ *Ibid.*, vol. 2283, p. 195.

¹⁰⁷⁰ *Ibid.*, vol. 2187, p. 3.

¹⁰⁷¹ *Ibid.*, vol. 2271, p. 3.

At the end of 2013, eight situations were under investigation by the ICC: Uganda, the Democratic Republic of Congo (DRC), the Central African Republic (CAR), Darfur (the Sudan), Kenya, Libya, Côte d'Ivoire and Mali. In addition, over the course of 2013, the Office of the Prosecutor conducted preliminary examinations relating to Afghanistan, CAR, Colombia, Georgia, Guinea, Honduras, the Republic of Korea, Nigeria and, finally, a situation referred by the Union of the Comoros, concerning crimes allegedly committed aboard vessels reportedly registered in Comoros, Greece and Cambodia.

The caseload of the Court continued to increase in 2013. A number of developments took place regarding cases before the Court in 2013, including the following:¹⁰⁷²

In the situation in the DRC, the *Lubanga* and *Ngudjolo Chui* cases moved to the appeals stage, following a first conviction decision in 2012 in the *Lubanga* case and a first acquittal in 2013 in the *Ngudjolo Chui* case.¹⁰⁷³ As of the end of 2013, the decisions in the *Lubanga* and *Ngudjolo Chui* cases were subject to appeal. In addition, *Bosco Ntaganda* was the first person subject to an ICC arrest warrant to surrender himself to the Court on 22 March 2013.¹⁰⁷⁴

In the situation in the CAR, the presentation of oral evidence in the trial of *Jean-Pierre Bemba Gombo* reached its conclusion.¹⁰⁷⁵ On 20 November 2013, a warrant of arrest for *Jean-Pierre Bemba Gombo*, *Aimé Kilolo Musamba*, *Jean-Jacques Mangenda Kabongo*, *Fidèle Babala Wandu*, and *Narcisse Arido* was issued by the ICC for offences against the administration of justice allegedly committed in connection with the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*. This was followed by the arrest of four of the suspects on 23 and 24 November 2013 by the authorities of the Netherlands, France, Belgium and the DRC.¹⁰⁷⁶

In the situation in Kenya, the trial in the *Ruto and Sang* case opened on 10 September 2013.¹⁰⁷⁷ Notably, the *Ruto and Sang* case was the first criminal trial before any international court in which the accused were not in custody, having voluntarily complied with

¹⁰⁷² For a complete list of situations and cases before the Court, see Chapter VII.

¹⁰⁷³ *The Prosecutor v. Thomas Lubanga Dyilo*, Case No. ICC-01/04–01/06 and *The Prosecutor v. Mathieu Ngudjolo Chui*, Case No. ICC-01/04–02/12. *Thomas Lubanga Dyilo* was found guilty of committing the war crimes of the enlistment and conscription of children under the age of 15 into the FPLC and using them to participate actively in hostilities between September 2002 and August 2003. *Mathieu Ngudjolo Chui* was acquitted of three counts of crimes against humanity (murder, rape and sexual slavery) and seven counts of war crimes (using children under the age of 15 to take active part in the hostilities, directing an attack against a civilian population as such or against individual civilians not taking direct part in hostilities, wilful killing, destruction of property, pillaging, sexual slavery, and rape).

¹⁰⁷⁴ *The Prosecutor v. Bosco Ntaganda*, Case No. ICC-01/04–02/06. *Bosco Ntaganda* faces three counts of crimes against humanity (murder, rape and sexual slavery) and seven counts of war crimes (using children under the age of 15 to take active part in the hostilities, directing an attack against a civilian population as such or against individual civilians not taking direct part in hostilities, wilful killing, destruction of property, pillaging, sexual slavery, and rape).

¹⁰⁷⁵ *The Prosecutor v. Jean-Pierre Bemba Gombo*, Case No. ICC-01/05–01/08. *Jean-Pierre Bemba Gombo* faces two counts of crimes against humanity (rape and murder) and three counts of war crimes (rape, murder, and pillaging).

¹⁰⁷⁶ *The Prosecutor v. Jean-Pierre Bemba Gombo*, *Aimé Kilolo Musamba*, *Jean-Jacques Mangenda Kabongo*, *Fidèle Babala Wandu* and *Narcisse Arido*, Case No. ICC-01/05–01/13.

¹⁰⁷⁷ *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Case No. ICC-01/09–01/1109.

the summons to appear issued by the ICC. The trial in the *Kenyatta* case, where *Uhuru Kenyatta* is accused of five counts of crimes against humanity, was postponed by Trial Chamber V(b).¹⁰⁷⁸ On 2 October 2013, Pre-Trial Chamber II unsealed an arrest warrant against *Walter Osapiri Barasa*, initially issued on 2 August 2013, for several offences against the administration of justice.¹⁰⁷⁹

In the situation in Côte d'Ivoire, on 30 September 2013, Pre-Trial Chamber I unsealed an arrest warrant against *Charles Blé Goudé*, initially issued on 21 December 2011, for four counts of crimes against humanity.¹⁰⁸⁰

In the situation in Darfur, the Sudan, Trial Chamber IV terminated the proceedings against *Saleh Mohammed Jerbo Jamus* on 4 October 2013, upon receiving evidence pointing towards his death.

In the situation in Libya, on 31 May 2013, Pre-Trial Chamber I rejected Libya's challenge to the admissibility of the case against *Saif Al-Islam Gaddafi* and reminded Libya of its obligation to surrender the suspect to the Court.¹⁰⁸¹ As of 31 December 2013, an appeal on that decision was pending. On 11 October 2013, Pre-Trial Chamber I decided that the case against *Abdullah Al-Senussi* was inadmissible before the ICC.¹⁰⁸² On 14 November 2013, the ICC Prosecutor presented her sixth report to the United Nations Security Council pursuant to Security Council resolution 1970 (2011).

On 16 January 2013, the Prosecutor formally opened an investigation into alleged crimes committed on the territory of Mali since January 2012, following the Mali Government's referral of the situation to the Prosecutor on 13 July 2012.

¹⁰⁷⁸ *The Prosecutor v. Uhuru Muigai Kenyatta*, Case No. ICC-01/09-02/11.

¹⁰⁷⁹ *The Prosecutor v. Walter Osapiri Barasa*, Case No. ICC-01/09-01/13.

¹⁰⁸⁰ *The Prosecutor v. Charles Blé Goudé*, Case No. ICC-02/11-02/11.

¹⁰⁸¹ *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Case No. ICC-01/11-01/11.

¹⁰⁸² *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Case No. ICC-01/11-01/11.