

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

2015

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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	<i>Page</i>
7. Organization for the Prohibition of Chemical Weapons . . . . .	76
8. International Criminal Court. . . . .	76
Agreement on the Privileges and Immunities of the International Criminal Court . . . . .	76
 <b>Part Two. Legal activities of the United Nations and related intergovernmental organizations</b>	
 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 . . . . .	79
2. Peace and Security . . . . .	79
(a) Peacekeeping missions and operations . . . . .	79
(b) Political and peacebuilding missions . . . . .	85
(c) Other bodies . . . . .	91
(d) Missions of the Security Council . . . . .	93
(e) Action of Member States authorized by the Security Council . . . . .	94
(f) Sanctions imposed under Chapter VII of the Charter of the United Nations . . . . .	96
(g) Terrorism . . . . .	104
(h) Humanitarian law and human rights in the context of peace and security . . . . .	107
(i) Comprehensive assessment of United Nations peace operations. . . . .	110
(j) Review of the Peacebuilding Architecture. . . . .	110
(k) Piracy . . . . .	111
(l) Migrant smuggling and human trafficking . . . . .	111
3. Disarmament and related matters . . . . .	112
(a) Disarmament machinery . . . . .	112
(b) Nuclear disarmament and non-proliferation issues. . . . .	113
(c) Biological and chemical weapons issues . . . . .	116
(d) Conventional weapons issues . . . . .	118
(e) Regional disarmament activities of the United Nations . . . . .	120
(f) Outer space (disarmament aspects) . . . . .	122
(g) Other disarmament measures and international security. . . . .	123
4. Legal aspects of peaceful uses of outer space . . . . .	123
(a) Legal Subcommittee on the Peaceful Uses of Outer Space . . . . .	123
(b) General Assembly . . . . .	125
5. Human rights . . . . .	126
(a) Sessions of the United Nations human rights bodies and treaty bodies . . . . .	126
(b) Racism, racial discrimination, xenophobia and related intolerance . . . . .	130
(c) Right to development and poverty reduction . . . . .	132

	<i>Page</i>
(d) Right of peoples to self-determination . . . . .	133
(e) Economic, social and cultural rights . . . . .	134
(f) Civil and political rights . . . . .	137
(g) Rights of the child . . . . .	144
(h) Migrants . . . . .	145
(i) Internally displaced persons . . . . .	146
(j) Minorities . . . . .	146
(k) Indigenous issues . . . . .	147
(l) Terrorism and human rights . . . . .	148
(m) Persons with disabilities . . . . .	149
(n) Contemporary forms of slavery . . . . .	150
(o) Environment and human rights . . . . .	150
(p) Business and human rights . . . . .	151
(q) Promotion and protection of human rights . . . . .	152
(r) Miscellaneous . . . . .	155
6. Women . . . . .	156
(a) United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) . . . . .	156
(b) Commission on the Status of Women . . . . .	157
(c) Economic and Social Council . . . . .	157
(d) General Assembly . . . . .	158
(e) Security Council . . . . .	158
7. Humanitarian matters . . . . .	158
(a) Third United Nations World Conference on Disaster Risk Reduction . .	158
(b) Economic and Social Council . . . . .	159
(c) General Assembly . . . . .	159
8. Environment . . . . .	159
(a) United Nations Climate Change Conference in Paris . . . . .	159
(b) Economic and Social Council . . . . .	160
(c) General Assembly . . . . .	161
9. Law of the Sea . . . . .	162
(a) Report of the Secretary-General . . . . .	162
(b) Meeting of States Parties to the United Nations Convention on the Law of the Sea . . . . .	163
(c) General Assembly . . . . .	163
10. Crime prevention and criminal justice . . . . .	164
(a) United Nations Congress on Crime Prevention and Criminal Justice . .	164
(b) Conference of the States Parties to the United Nations Convention against Corruption . . . . .	164
(c) Commission on Crime Prevention and Criminal Justice . . . . .	165
(d) Economic and Social Council . . . . .	165

	<i>Page</i>
(e) General Assembly . . . . .	166
11. International drug control . . . . .	166
(a) Commission on Narcotic Drugs . . . . .	166
(b) Economic and Social Council . . . . .	167
(c) General Assembly . . . . .	167
12. Refugees and displaced persons . . . . .	167
(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees . . . . .	167
(b) General Assembly . . . . .	167
13. International Court of Justice . . . . .	168
(a) Organization of the Court . . . . .	168
(b) Jurisdiction of the Court . . . . .	169
(c) General Assembly . . . . .	169
14. International Law Commission . . . . .	169
(a) Membership of the Commission . . . . .	169
(b) Sixty-seventh session of the International Law Commission . . . .	170
(c) Sixth Committee . . . . .	172
(d) General Assembly . . . . .	173
15. United Nations Commission on International Trade Law . . . . .	173
(a) Forty-eighth session of the Commission . . . . .	173
(b) General Assembly . . . . .	175
16. Legal questions dealt with by the Sixth Committee and other related subsidiary bodies of the General Assembly . . . . .	176
(a) Criminal accountability of United Nations officials and experts on mission . . . . .	176
(b) United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law . . . .	178
(c) Report of the Special Committee on the Charter of the United Na- tions and on the Strengthening of the Role of the Organization . .	179
(d) The rule of law at the national and international levels . . . . .	180
(e) The scope and application of the principle of universal jurisdiction . .	181
(f) Measures to eliminate international terrorism . . . . .	182
(g) Revitalization of the work of the General Assembly . . . . .	183
(h) Administration of justice at the United Nations . . . . .	184
(i) Report of the Committee on Relations with the Host Country . . .	186
(j) Observer status in the General Assembly . . . . .	186
17. <i>Ad hoc</i> international criminal tribunals . . . . .	187
(a) Organization of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda . . .	187
(b) General Assembly . . . . .	190
(c) Security Council . . . . .	190



	<i>Page</i>
B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS . . . . .	191
1. International Labour Organization . . . . .	191
(a) Entry into force of the 1997 amendment to the ILO Constitution . . . . .	191
(b) Resolution concerning the application by the Cook Islands for admission to membership of the International Labour Organization . . . . .	191
(c) Recommendation and other resolutions adopted by the International Labour Conference during its 104th Session (Geneva, June 2015) . . . . .	192
(d) Approval of the terms of reference of the Standard Review Mechanism Tripartite Working Group . . . . .	194
(e) Guidance documents submitted to the Governing Body of the International Labour Office . . . . .	194
(f) Legal advisory services and training . . . . .	194
(g) Committee on Freedom of Association . . . . .	195
(h) Representations submitted under article 24 of the ILO Constitution and complaints made under article 26 of the ILO Constitution . . . . .	196
2. Food and Agriculture Organization of the United Nations . . . . .	196
(a) Membership . . . . .	196
(b) Constitutional and general legal matters . . . . .	196
(c) Activities in respect of multilateral treaties . . . . .	202
(d) Legislative matters . . . . .	202
3. United Nations Educational, Scientific and Cultural Organization . . . . .	204
(a) International regulations . . . . .	204
(b) Human rights . . . . .	205
4. World Health Organization . . . . .	206
(a) Constitutional developments . . . . .	206
(b) Other normative developments and activities . . . . .	206
5. International Monetary Fund . . . . .	208
(a) Membership issues . . . . .	208
(b) Key policy decisions of the IMF . . . . .	209
6. International Civil Aviation Organization . . . . .	215
(a) Depositary actions in relation to multilateral air law instruments . . . . .	215
(b) Activities of ICAO in the legal field . . . . .	215
7. International Maritime Organization . . . . .	218
(a) Membership . . . . .	218
(b) Review of the legal activities . . . . .	218
(c) Adoption of amendments to conventions and protocols . . . . .	222
8. Universal Postal Union . . . . .	223
9. World Meteorological Organization . . . . .	224
(a) Membership . . . . .	224
(b) Agreements and other arrangements concluded in 2015 . . . . .	224

	<i>Page</i>
10. The World Intellectual Property Organization .....	225
(a) Service.....	225
(b) Law .....	227
(c) Development .....	230
(d) Reference .....	232
11. International Fund for Agricultural Development .....	233
(a) Membership.....	233
(b) Tenth replenishment of IFAD's resources .....	233
(c) Establishment of an <i>Ad hoc</i> Working Group on governance issues ..	233
(d) Policy for grant financing.....	234
(e) Sovereign borrowing framework .....	234
(f) Supplementary fund contribution from the Bill & Melinda Gates Foundation.....	234
(g) Republic of Zimbabwe: proposal for debt rescheduling and arrears settlement.....	235
(h) Partnership agreements and memoranda of understanding.....	235
12. United Nations Industrial Development Organization .....	236
(a) Constitutional matters .....	236
(b) Agreements and other arrangements concluded in 2015 .....	236
13. Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.....	236
(a) Membership.....	236
(b) Legal status, privileges and immunities and international agreements.....	236
(c) Legislative Assistance Activities .....	237
14. International Atomic Energy Agency .....	237
(a) Membership.....	237
(b) Multilateral treaties under IAEA auspices.....	238
(c) Safeguards agreements.....	240
(d) Revised supplementary agreements (RSA) concerning the provi- sion of technical assistance by the IAEA .....	241
(e) Other treaties to which IAEA is a party.....	241
(f) IAEA legislative assistance activities .....	241
(g) Conventions.....	242
(h) Civil liability for nuclear damage .....	243
15. Organization for the Prohibition of Chemical Weapons .....	243
(a) Membership.....	243
(b) Legal status, privileges and immunities and international agreements.....	244
(c) Legislative assistance activities .....	244
16. World Trade Organization .....	245

	<i>Page</i>
(a) Membership . . . . .	245
(b) Dispute settlement . . . . .	247
(c) Acceptances of the protocols amending the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Government Procurement Agreement (GPA) . . . . .	249
(d) Protocol Amending the Marrakesh Agreement establishing the World Trade Organization . . . . .	249
(e) Tenth WTO Ministerial Conference, Nairobi, 2015 . . . . .	249
17. International Criminal Court . . . . .	250
(a) Rome Statute . . . . .	250
(b) Amendment to the Rome Statute . . . . .	250
(c) Ratification/acceptance of the 2010 amendments to the Rome Statute . . . . .	250
(d) Relationship Agreement between the ICC and the United Nations . . . . .	250
CHAPTER IV. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS. . . . .	253
A. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS . . . . .	253
B. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS . . . . .	253
1. World International Property Organization . . . . .	253
2. International Criminal Court . . . . .	253
CHAPTER V. DECISIONS OF THE ADMINISTRATIVE TRIBUNALS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS. . . . .	255
A. UNITED NATIONS DISPUTE TRIBUNAL . . . . .	255
1. <i>Judgment No. UNDT/2015/048 (11 June 2015): Maiga v. Secretary-General of the United Nations</i> Non-promotion—Retaliation against a whistle-blower—Interview panel materially tainted—Duties of counsel—Counsel as officer of the court—Counsel to contribute to the fair administration of justice and the promotion of the Rule of Law . . . . .	256
2. <i>Judgment No. UNDT/2015/066 (24 July 2015): Laca Diaz v. Secretary-General of the United Nations</i> Compensation for permanent loss of function as a result of service-incurred injury—Compensation to be based on pensionable remuneration scales in effect on the date of maximum medical improvement, rather than date of injury—Duty of counsel to file precise pleadings and annexes. . . . .	257

## 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

As of 31 December 2015, the number of Member States of the United Nations was 193.

#### 2. Peace and Security

##### (a) Peacekeeping missions and operations<sup>1</sup>

##### (i) *Peacekeeping missions and operations established in 2015*

No peacekeeping missions and operations were established in 2015.

##### (ii) *Changes in the mandate and/or extensions of time limits of ongoing peacekeeping operations or missions in 2015*

##### a. Cyprus

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established by Security Council resolution 186 (1964) of 4 March 1964.<sup>2</sup> The Security Council decided to extend the mandate of UNFICYP by resolutions 2197 (2015) of 29 January 2015 and 2234 (2015) of 29 July 2015, until 31 July 2015 and 31 January 2016, respectively.

##### b. Syrian Arab Republic and Israel

The United Nations Disengagement Observer Force (UNDOF) was established by Security Council resolution 350 (1974) of 31 March 1974.<sup>3</sup> The Security Council renewed

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<sup>1</sup> The missions and operations are listed in chronological order as per their date of establishment.

<sup>2</sup> For more information on UNFICYP see <https://unficyp.unmissions.org>. See also the reports of the Secretary-General on the United Nations operation in Cyprus for the period from 16 December 2014 to 20 June 2015 (S/2015/517), from 21 June to 18 December 2015 (S/2016/11) and from 19 December 2015 to 24 June 2016 (S/2016/598).

<sup>3</sup> For more information on UNDOF see <https://undof.unmissions.org>. See also the reports of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) for the period from 20 November 2014 to 3 March 2015 (S/2015/177), from 3 March to 28 May 2015 (S/2015/405), from

the mandate of UNDOF by resolutions 2229 (2015) of 29 June 2015 and 2257 (2015) of 22 December 2015 until 31 December 2015 and 30 June 2016, respectively.

### c. Lebanon

The United Nations Interim Force in Lebanon (UNIFIL) was established by Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978.<sup>4</sup> Following a request by the Lebanese Foreign Minister, presented in a letter dated 14 July 2015 addressed to the Secretary-General, the Secretary-General recommended the Security Council to consider the renewal of UNIFIL for a further period of one year.<sup>5</sup> The Security Council renewed the mandate of UNIFIL by resolution 2236 (2015) of 21 August 2015, until 31 August 2016.

### d. Western Sahara

The United Nations Mission for the Referendum in Western Sahara (MINURSO) was established by Security Council resolution 690 (1991) of 29 April 1991.<sup>6</sup> By resolution 2218 (2015) of 28 April 2015, the Security Council decided to extend the mandate of MINURSO until 30 April 2016.

### e. Democratic Republic of the Congo<sup>7</sup>

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).<sup>8</sup>

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29 May to 28 August 2015 (S/2015/699), from 29 August to 18 November 2015 (S/2015/930) and from 19 November 2015 to 29 February 2016 (S/2016/242).

<sup>4</sup> For more information on UNIFIL see <https://unifil.unmissions.org>. See also the twenty-first semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004) (S/2015/258), the twenty-second semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004) (S/2015/764), the reports of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2015/147, S/2015/475, S/2015/837 and S/2016/189), and the statement of the President of the Security Council dated 19 March 2015 (S/PRST/2015/7).

<sup>5</sup> Letter dated 5 August 2015 from the Secretary-General addressed to the President of the Security Council (S/2015/598).

<sup>6</sup> For more information MINURSO see <https://minurso.unmissions.org>. See also the reports of the Secretary-General on the situation concerning Western Sahara for the period from 11 April 2014 to 10 April 2015 (S/2015/246) and from 11 April 2015 to 10 April 2016 (S/2016/355).

<sup>7</sup> See subsection (f) (iii) below on sanctions concerning the Democratic Republic of the Congo.

<sup>8</sup> See Security Council resolution 1925 (2010) of 28 May 2010. For more information on MONUSCO see <https://monusco.unmissions.org>. See also the reports of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2015/172, S/2015/486, S/2015/741 and S/2015/1031), the reports of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (S/2015/173 and S/2015/735), and the statements of the President of the Security Council of 8 January 2015 (S/PRST/2015/1) and 9 November 2015 (S/PRST/2015/20).

Acting under Chapter VII of the United Nations Charter, the Security Council, by its resolution 2211 (2015) of 26 March 2015, extended the mandate of MONUSCO until 31 March 2016 including, on an exceptional basis and without creating a prejudice to the agreed principles of peacekeeping, its Intervention Brigade. The Security Council also decided that future reconfigurations of MONUSCO and its mandate should be determined on the basis of the evolution of the situation on the ground and the objectives of reduction of violence and stabilization through the establishment of state institutions.

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

#### f. Liberia<sup>9</sup>

The United Nations Mission in Liberia (UNMIL) was established by Security Council resolution 1509 (2003) of 19 September 2003.<sup>10</sup> Acting under Chapter VII of the Charter of the United Nations, the Security Council, by resolution 2215 (2015) of 2 April 2015, endorsed the Secretary-General's recommendation in his update of 16 March 2015 on the drawdown of UNMIL uniformed personnel, and consistent with resolution 2190 (2014), authorized the Secretary-General to implement the third phase of the phased draw-down. The Security Council also decided that UNMIL's mandate would no longer include providing electoral support as set out in paragraph 10(d)(i) of resolution 2190 (2014) of 15 December 2014.

By resolution 2239 (2015) of 17 September 2015, the Security Council decided to extend the mandate of UNMIL until 30 September 2016 and that its mandate would include (a) the protection of civilians; (b) reform of justice and security institutions; (c) human rights promotion and protection; and (d) protection of United Nations personnel. It further decided that UNMIL should put renewed focus on transitioning all security responsibility to the Liberian authorities. The Security Council also reduced UNMIL's authorized military and police strength, from 3,950 to 1,240 military personnel and from 1,515 to 606 police personnel, respectively. It affirmed its intention to consider a withdrawal of UNMIL and transition to a future United Nations presence, based on the Security Council's review by 15 December 2016.

<sup>9</sup> See subsections (f) (ii) below on sanctions concerning Liberia.

<sup>10</sup> For more information on UNMIL see <http://unmil.unmissions.org>. See also the twenty-ninth and thirtieth progress report of the Secretary-General on the United Nations Mission in Liberia (S/2015/275 and S/2015/620, respectively) and the letter dated 31 July 2015 from the Secretary-General addressed to the President of the Security Council, concerning a review of major relevant developments in Liberia (S/2015/590).

### g. Côte d'Ivoire<sup>11</sup>

The United Nations Operation in Côte d'Ivoire (UNOCI) was established by Security Council resolution 1528 (2004) of 27 February 2004.<sup>12</sup> By resolution 2226 (2015) of 25 July 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNOCI until 30 June 2016.

The Security Council requested UNOCI to focus and continue to streamline its activities, across its military, police and civilian components in order to achieve progress on the tasks outlined in paragraph 19 of resolution 2162 (2014) and fully reflect the downsizing of the military component and narrowing of the mandate decided in resolution 2112 (2013) and resolution 2162 (2014) on the structure of the mission.

In the same resolution, the Security Council welcomed the full operationalization of the quick reaction force established by resolution 2162 (2014) and requested the Secretary-General to continue to maintain the unit for the period of one year. The Security Council authorized the Secretary-General to deploy the unit to Liberia in the event of a serious deterioration of the security situation on the ground, with the consent of the troop-contributing countries and the Government of Liberia, and stressed that the unit should prioritize implementation of UNOCI's mandate.

### h. Haiti

The United Nations Stabilization Mission in Haiti (MINUSTAH) was established by Security Council resolution 1542 (2004) of 30 April 2004.<sup>13</sup> By resolution 2243 (2015) of 14 October 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of MINUSTAH as contained in relevant prior resolutions until 15 October 2016, affirming its intention to consider possible withdrawal of MINUSTAH and transition to a future United Nations presence by that date.

### i. Republic of the Sudan (Darfur)<sup>14</sup>

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) was established and authorized by Security Council resolution 1769 (2007) of 31 July 2007.<sup>15</sup>

By resolution 2228 (2015) of 29 June 2015, the Security Council decided to extend the mandate of UNAMID until 30 June 2016.

<sup>11</sup> See subsection (f) (iv) below on sanctions concerning Côte d'Ivoire.

<sup>12</sup> For more information on UNOCI see <https://onuci.unmissions.org>. See also the thirty-sixth and thirty-seventh report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2015/320 and S/2015/940, respectively).

<sup>13</sup> For more information on MINUSTAH, see <https://minustah.unmissions.org>. See also the reports of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2015/157 and S/2015/667).

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

<sup>15</sup> For more information on UNAMID, see <http://unamid.unmissions.org>. See also the reports of the Secretary-General on UNAMID (S/2015/141, S/2015/378, S/2015/729 and S/2015/1027) and the special report of the Secretary-General on UNAMID (S/2015/163).

**j. Republic of the Sudan and Republic of South Sudan (Abyei)<sup>16</sup>**

The United Nations Interim Security Force for Abyei (UNISFA) was established by Security Council resolution 1990 (2011) of 27 June 2011.<sup>17</sup> The Security Council decided to extend the mandate of UNISFA, as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011) and paragraph 1 of resolution 2075 (2012), by resolution 2205 (2015) of 26 February 2015, resolution 2230 (2015) of 14 July 2015 and resolution 2251 (2015) of 15 December 2015, until 15 July 2015, 15 December 2015 and 15 May 2016, respectively.

Acting under Chapter VII of the Charter of the United Nations, the Council, in resolutions 2205 (2015), 2230 (2015) and 2251 (2015), also decided to extend the mandate of UNISFA, as set out in paragraph 3 of resolution 1990 (2011), and determined that, for the purposes of paragraph 1 of resolution 2024 (2011), support to the operational activities of the Joint Border Verification and Monitoring Mission (JBVMM) should include support to the Ad Hoc Committees. By the same resolutions, it decided to maintain the troops authorized by resolution 2104 (2013) already deployed.

**k. Republic of South Sudan<sup>18</sup>**

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.<sup>19</sup> By resolution 2223 (2015) of 28 May 2015, resolution 2241 (2015) of 9 October 2015 and resolution 2252 (2015) of 15 December 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNMISS through 30 November 2015, 15 December 2015 and 31 July 2016, respectively.

By resolution 2223 (2015), the Security Council endorsed the 9 November 2014 Rededication and Implementation Modalities for the Cessation-of-Hostilities. It also authorized UNMISS to use all necessary means to perform the tasks set out in the resolution and set the troop levels of the military and police components. It further decided that the civilian component would continue to be reduced.

By resolution 2241 (2015), the Security Council endorsed the “Agreement on the Resolution of the Conflict in the Republic of South Sudan”, as contained in the annex to S/2015/654. Slightly amending its mandate, the Security Council authorized UNMISS to use all necessary means to perform the tasks set out in the resolution. It further decided to maintain the overall force levels of UNMISS.

<sup>16</sup> See subsection (f) (v) and (xiii) below on sanctions concerning the Republic of Sudan and the Republic of South Sudan, respectively.

<sup>17</sup> For more information on UNISFA see <https://unisfa.unmissions.org>. See also the reports of the Secretary-General on the situation in Abyei (S/2015/77, S/2015/302, S/2015/439, S/2015/700 and S/2015/870).

<sup>18</sup> See subsection (f) (xiii) below on sanctions concerning the Republic of South Sudan.

<sup>19</sup> For more information on UNMISS, see <http://unmiss.unmissions.org>. See also the reports of the Secretary-General on South Sudan (S/2015/118, S/2015/296, S/2015/655 and S/2015/902), the special report of the Secretary-General on the review of the mandate of UNMISS (S/2015/899), and the statements of the President of the Security Council dated 24 March 2015 (S/PRST/2015/9) and 28 August 2015 (S/PRST/2015/16).



By resolution 2252 (2015), the Security Council again amended UNMISS' mandate, authorizing it use all necessary means to perform the tasks set out in the resolution. It further decided to increase the force levels of UNMISS.

### I. Mali

The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) was established by Security Council resolution 2100 of 25 April 2013.<sup>20</sup> By resolution 2227 (2015) of 29 June 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of MINUSMA until 30 June 2016.

By the same resolution, the Security Council welcomed the signing of the Agreement on Peace and Reconciliation in Mali by the Government of Mali, the *Plateforme* coalition of armed groups and the *Coordination des Mouvements de l'Azawad* coalition of armed groups (S/2015/364). The Security Council re-authorized MINUSMA to take all necessary means to carry out its mandate, within its capabilities and its areas of deployment. It also amended the mandate of MINUSMA and decided that it should perform the tasks specified in the resolution.

### m. Central African Republic<sup>21</sup>

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) was established by Security Council resolution 2149 (2014) of 10 April 2014.<sup>22</sup> By resolution 2212 (2015) of 26 March 2015, the Security Council decided to authorize an increase of 750 military personnel, 280 police personnel and 20 corrections officers for MINUSCA.

The Security Council confirmed these numbers in resolution 2217 (2015) of 28 April 2015, by which, acting under Chapter VII of the Charter of the United Nations, it decided to extend the mandate of MINUSCA until 30 April 2016. It decided that MINUSCA had an authorized troop ceiling of 10,750 military personnel, including 480 Military Observers and Military Staff Officers and 2,080 police personnel, including 400 Individual Police Officers and 40 corrections officers.

<sup>20</sup> For more information on MINUSMA, see <https://minusma.unmissions.org>. See also the reports of the Secretary-General on the situation in Mali (S/2015/219, S/2015/426, S/2015/732 and S/2015/1030), the Lessons-learned exercise on the transitions from African Union peace operations to United Nations peacekeeping operations in Mali and in the Central African Republic (letter) (S/2015/3), the statement by the President of the Security Council dated 6 February 2015 (S/PRST/2015/5), and the concept note for the Security Council Working Group on Peacekeeping Operations thematic discussion on the theme "The United Nations Multidimensional Integrated Stabilization Mission in Mali: a 'peacekeeping operation' within a counterterrorism setting", 31 July 2015 (S/2015/1038).

<sup>21</sup> See subsection (e)(c) below concerning actions of Member States authorized by the Security Council, and subsection (f) (xi) below on sanctions concerning the Central African Republic.

<sup>22</sup> For more information on MINUSCA see <https://minusca.unmissions.org>. See also the reports of the Secretary-General on the situation in the Central African Republic (S/2015/227, S/2015/576 and S/2015/918), the Lessons-learned exercise on the transitions from African Union peace operations to United Nations peacekeeping operations in Mali and in the Central African Republic (letter) (S/2015/3), and the statement of the President of the Security Council dated 20 October 2015 (S/PRST/2015/17).

By the same resolution, the Security Council commended the transition of authority from the International Support Mission to the Central African Republic (MISCA) to MINUSCA on 15 September 2014. It also welcomed the launching by the European Union of a military advice mission based in Bangui (EUMAM-RCA). The Security Council authorized MINUSCA to take all necessary means to carry out its mandate, within its capabilities and areas of deployment, and decided that the mandate of MINUSCA should include the immediate priority tasks, essential tasks and additional tasks as listed in paragraph 32, 33 and 34 of the resolution, respectively.

(iii) *Other ongoing peacekeeping operations or missions*

**a. India and Pakistan**

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was established by resolutions 39 (1948) and 47 (1948) of 20 January and 21 April 1948 respectively, in order to supervise, in the State of Jammu and Kashmir, the ceasefire between India and Pakistan, as well as 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.<sup>23</sup> UNMOGIP continued to operate in 2015.

**b. Middle East**

The United Nations Truce Supervision Organization (UNTSO) was established by Security Council resolution 50 (1948) on 29 May 1948 in order to supervise the observation of the truce in Palestine.<sup>24</sup> UNTSO continued to operate in 2015.

**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 peaceful and normal life for all inhabitants of Kosovo and advance regional stability in the western Balkans.<sup>25</sup> UNMIK continued to operate in 2015.

(iv) *Peacekeeping missions or operations concluded in 2015*

No peacekeeping missions or operations were concluded in 2015.

**(b) Political and peacebuilding missions**

(i) *Political and peacebuilding missions established in 2015*

No new political and peacebuilding missions were established in 2015.

<sup>23</sup> For more information on UNMOGIP, see <https://unmogip.unmissions.org>.

<sup>24</sup> For more information on UNTSO, see <http://untso.unmissions.org>.

<sup>25</sup> For more information on UNMIK, see <https://unmik.unmissions.org>. See also the reports of the Secretary-General on UNMIK (S/2015/74, S/2015/303, S/2015/579 and S/2015/833).

(ii) *Changes in the mandate and/or extensions of the time limits of ongoing political and peacebuilding missions in 2015*

a. **Afghanistan**<sup>26</sup>

The United Nations Assistance Mission in Afghanistan (UNAMA) was established by Security Council resolution 1401 (2002) of 28 March 2002.<sup>27</sup> On 16 March 2015, the Security Council decided by resolution 2210 (2015) to extend the mandate of UNAMA until 17 March 2016.

In the same resolution, the Council recognized that the renewed mandate of UNAMA took full account of the completion of the transition process and the initiation of the Transformation Decade (2015–2024) on 1 January 2015. The Security Council further decided that UNAMA and the Special Representative of the Secretary-General, within their mandate and in a manner consistent with Afghan sovereignty, leadership and ownership, would continue to lead and coordinate the international civilian efforts with a particular focus on, *inter alia*: (a) promoting, as co-chair of the Joint Coordination and Monitoring Board, more coherent support by the international community to the Afghan Government's development and governance priorities; (b) supporting, at the request of the Afghan authorities, the organization of future Afghan elections; (c) supporting, through outreach and good offices, the Afghan process of peace and reconciliation; (d) supporting regional cooperation; and (e) promoting human rights protection, including through co-operation with the Afghanistan Independent Human Rights Commission.

b. **Iraq**

The United Nations Assistance Mission for Iraq (UNAMI) was established by Security Council resolution 1500 (2003) of 14 August 2003.<sup>28</sup> By resolution 2233 (2015) of 29 July 2015, the Security Council decided to extend the mandate of UNAMI until 31 July 2016. 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/2015/520), should continue their mandate as stipulated in resolution 2107 (2013) of 27 June 2013.

<sup>26</sup> See subsection (f) (ix) on sanctions concerning Afghanistan.

<sup>27</sup> For more information on 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/69/801–S/2015/151, A/69/929–S/2015/422, A/70/359–S/2015/684 and A/70/601–S/2015/942) and the report of the Secretary-General on children and armed conflict in Afghanistan (reporting period: 1 September 2010 to 31 December 2014) (S/2015/336).

<sup>28</sup> For more information on the activities of UNAMI, see <http://www.uniraq.org>. See also the sixth, seventh and eighth reports of the Secretary-General pursuant to paragraph 4 of resolution 2107 (2013) (S/2015/298, S/2015/518 and S/2015/826, respectively), the second, third and fourth report of the Secretary-General pursuant to paragraph 6 of Security Council resolution 2169 (2014) (S/2015/82, S/2015/305 and S/2015/530, respectively) and the first report of the Secretary-General submitted pursuant to paragraph 7 of resolution 2233 (2015) (S/2015/819).

### c. Guinea Bissau<sup>29</sup>

The United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGIBIS) was established by Security Council resolution 1876 (2009) of 26 June 2009.<sup>30</sup> By resolution 2203 (2015) of 18 February 2015, the Security Council decided to extend the mandate of UNIOGIBIS until 29 February 2016.

### d. Central African region

The United Nations Regional Office for Central Africa (UNOCA), located in Libreville, Gabon, was established in August 2010 on the basis of an exchange of letters between the Secretary-General and the Security Council.<sup>31</sup> UNOCA began its operations on 2 March 2011. By letter dated 16 July 2015 from the Secretary-General addressed to the President of the Security Council, the Secretary-General recommended to extend the mandate of UNOCA for an additional 36 months until 31 August 2018.<sup>32</sup> The Secretary-General also submitted a draft mandate for UNOCA during this period. By letter dated 21 July 2015 from the President of the Security Council to the Secretary-General, the Security Council took note of the proposal of the Secretary-General.<sup>33</sup>

### e. Libya<sup>34</sup>

The United Nations Support Mission in Libya (UNSMIL) was established by Security Council resolution 2009 (2011) of 16 September 2011.<sup>35</sup> By resolution 2208 (2015) of 5 March 2015, resolution 2213 (2015) of 27 March 2015 and resolution 2238 (2015) of 10 September 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNSMIL until 31 March 2015, 15 September 2015 and 15 March 2016, respectively.

By resolution 2213 (2015), the Security Council decided further that the mandate of UNSMIL as an integrated special political mission, in full accordance with the principles of national ownership, should focus, as an immediate priority, on support to the Libyan political process and security arrangements, through mediation and good offices, and further, within operational and security constraints, should undertake: (a) human rights monitoring and reporting; (b) support for securing uncontrolled arms and related materiel and countering its proliferation; (c) support to key Libyan institutions; (d) support, on request, for the provision of essential services, and delivery of humanitarian assistance

<sup>29</sup> See subsection (f) (x) below on sanctions concerning Guinea-Bissau.

<sup>30</sup> For more information on UNIOGBIS, see <http://uniogbis.unmissions.org>. See also the report of the Secretary-General on developments in Guinea-Bissau and the activities of UNIOGBIS (S/2015/37 and S/2015/626).

<sup>31</sup> For more information about UNOCA, see <https://unoca.unmissions.org>. See also the statement of the President of the Security Council dated 11 June 2015 (S/PRST/2015/12).

<sup>32</sup> S/2015/554.

<sup>33</sup> S/2015/555.

<sup>34</sup> See subsection (f) (viii) below on sanctions concerning Libya.

<sup>35</sup> For more information on UNSMIL, see <https://unsmil.unmissions.org>, the reports of the Secretary-General on UNSMIL (S/2015/144 and S/2015/624) and the Special report on the strategic assessment of the United Nations presence in Libya (S/2015/113).

and in accordance with humanitarian principles; and (e) support for the coordination of international assistance.

By resolution 2238 (2015), the Security Council reaffirmed this mandate, with the amendment that UNSMIL should focus on support to the Libyan political process towards the formation of a Government of National Accord and security arrangements, through the security track of the United Nations-facilitated Libyan Political Dialogue.

By resolution 2259 (2015), the Security Council welcomed the signature on 17 December 2015 of the Libyan Political Agreement of Skhirat, Morocco, to form a Government of National Accord and the formation of the Presidency Council. It also endorsed the Rome Communiqué of 13 December 2015 to support the Government of National Accord as the sole legitimate government of Libya and requested that UNSMIL support the implementation of these agreements. It further affirmed its readiness to review UNSMIL's mandate in light of developments in Libya.

#### f. Somalia<sup>36</sup>

The United Nations Assistance Mission in Somalia (UNSOM) was established by Security Council resolution 2102 (2013) of 2 May 2013 under the leadership of a Special Representative of the Secretary-General.<sup>37</sup> By resolution 2221 (2015) of 26 May 2015 and resolution 2232 (2015) of 28 July 2015, the Security Council decided to extend the mandate of UNSOM until 7 August 2015 and 30 March 2016, respectively.

### (iii) *Other ongoing political and peacebuilding missions in 2015*

#### a. Middle East

The Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), established by the Secretary-General on 1 October 1999,<sup>38</sup> continued to operate throughout 2015.<sup>39</sup>

#### b. Lebanon

The Office of the United Nations Special Coordinator for Lebanon (UNSCOL) was established in 2000 as the Personal Representative of the Secretary-General for Southern Lebanon.<sup>40</sup> The mandate was expanded to include coordination of United Nations political activities for the whole of Lebanon and the title changed to Personal Representative

<sup>36</sup> See subsection (f) (i) below on sanctions concerning Somalia.

<sup>37</sup> For more information on UNSOM, see <https://unsom.unmissions.org>. See also the reports of the Secretary-General on Somalia (S/2015/51, S/2015/331 and S/2015/702).

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

<sup>39</sup> For more information on UNSCO, see <https://unsco.unmissions.org>.

<sup>40</sup> S/2000/718.

for Lebanon in 2005,<sup>41</sup> and Lebanon and to Special Coordinator for Lebanon in 2007,<sup>42</sup> respectively. UNSCOL continued to operate throughout 2015.<sup>43</sup>

### c. West Africa

The United Nations Office for West Africa (UNOWA), originally established by the Secretary-General in 2002,<sup>44</sup> with subsequent extensions of its mandate in 2004,<sup>45</sup> 2007,<sup>46</sup> 2010,<sup>47</sup> and 2013,<sup>48</sup> continued to operate throughout 2015.<sup>49</sup>

### d. Central Asia

The United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) was established on 10 December 2007 by a letter dated 7 May 2007 from the Secretary-General to the President of the Security Council (S/2007/279). UNRCCA continued to function throughout 2015.<sup>50</sup>

### e. Somalia<sup>51</sup>

The United Nations Support Office for AMISOM (UNSOA) was established as a field support operation led by the United Nations Department of Field Support by Security Council resolution 1863 (2009) of 16 January 2009.<sup>52</sup> Its mandate was to deliver a logistics capacity support package to the African Union Mission in Somalia (AMISOM) critical in achieving its operational effectiveness and in preparation for a possible United Nations peacekeeping operation. By resolution 2245 (2015) of 9 November 2015, the Security Council decided to change the mission's name to the United Nations Support Office in Somalia (UNSOS).

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<sup>41</sup> Letter dated 17 November 2005 from the Secretary-General to the President of the Security Council (S/2005/726).

<sup>42</sup> Letter dated 8 February 2007 from the Secretary-General to the President of the Security Council (S/2007/85).

<sup>43</sup> For more information on the activities UNSCOL, see <http://unscol.unmissions.org>.

<sup>44</sup> Exchange of letters between the Secretary-General and the President of the Security Council dated 26 November 2001 (S/2001/1128) and 29 November 2001 (S/2001/1129).

<sup>45</sup> Exchange of letters between the Secretary-General and the President of the Security Council dated 4 October 2004 (S/2004/797) and 25 October 2004 (S/2004/858).

<sup>46</sup> Exchange of letters between the Secretary-General and the President of the Security Council dated 28 November 2007 (S/2007/753) and 21 December 2007 (S/2007/754).

<sup>47</sup> Exchange of letters between the Secretary-General and the President of the Security Council dated 14 December 2010 (S/2010/660) and 20 December 2010 (S/2010/661).

<sup>48</sup> Exchange of letters between the Secretary-General and the President of the Security Council dated 19 December 2013 (S/2013/753) and 23 December 2013 (S/2013/759).

<sup>49</sup> For more information on UNOWA, see <http://unowa.unmissions.org>. See also the reports of the Secretary-General on the activities of the UNOWA (S/2015/472 and S/2015/1012).

<sup>50</sup> For more information on UNRCCA, see <http://unrcca.unmissions.org>.

<sup>51</sup> See subsection (f) (i) below on sanctions concerning Somalia.

<sup>52</sup> For more information on UNSOA, see <http://unsos.unmissions.org>. See also the reports of the Secretary-General on Somalia (S/2015/51, S/2015/331 and S/2015/702).

By the same resolution, the Security Council specified that the mission would be responsible for support to AMISOM, UNSOM and the Somali federal security institutions, including the Somali National Army and the Somali Police Force, on joint operations with AMISOM. It agreed with the Secretary-General that UNSOS leadership should be Mogadishu-based and decided that the Head of UNSOS should report to the Security Council, through the SRSG, on the delivery of UNSOS' mandate. It further decided to keep UNSOS' mandate under review in line with that of AMISOM and to renew or revise it before 30 May 2016.

#### f. African Union

The United Nations Office to the African Union (UNOAU) was established by the General Assembly in resolution 64/288 of 24 June 2010, *inter alia* to enhance the partnership between the United Nations and the African Union. UNOAU continued to function throughout 2015.<sup>53</sup>

#### (iv) *Political and peacebuilding missions concluded in 2015*

##### Burundi

The United Nations Electoral Observation Mission in Burundi (MENUB) was established following a statement by the Minister of Foreign Affairs and International Cooperation of Burundi in the Security Council, on 28 January 2014, where he requested, *inter alia*, the establishment, immediately after the closing of United Nations Office in Burundi (BNUB),<sup>54</sup> of a team of electoral observers to be deployed before, during and after elections scheduled in Burundi in 2015.<sup>55</sup> Taking note of this request, the Security Council requested the Secretary-General to establish MENUB by resolution 2137 (2014) of 13 February 2014.<sup>56</sup> MENUB deployed on 1 January 2015. It concluded its mandate on 18 November 2015 and the operation drew to a close on 31 December 2015.<sup>57</sup>

<sup>53</sup> For more information on UNOAU, see <https://unoau.unmissions.org>.

<sup>54</sup> BNUB was established by Security Council resolution 1959 (2010) of 16 December 2010 and concluded its mandate on 31 December 2014. For more information about BNUB, see <https://bnub.unmissions.org>.

<sup>55</sup> S/PV.7104.

<sup>56</sup> For more information on MENUB see <https://menub.unmissions.org>. See also the exchange of letters between the Secretary-General and the President of the Security Council (S/2015/447 and S/2015/448) and the letters from the Secretary-General addressed to the President of the Security Council (S/2015/926 and S/2015/1032).

<sup>57</sup> For more information about the situation in Burundi, see the statements of the President of the Security Council dated 18 February 2015 (S/PRST/2015/6), 26 June 2015 (S/PRST/2015/13) and 28 October 2015 (S/PRST/2015/18). See also Security Council resolution 2248 (2015) of 12 November 2015, by which the Security Council welcomed the decision of the Secretary-General to appoint a Special Advisor on Conflict Prevention, including in Burundi, to work with the government of Burundi and other concerned stakeholders, as well as sub-regional, regional and other international partners, in support of an inclusive inter-Burundian dialogue and peaceful resolution of conflict and in support of national efforts to build and sustain peace.



### (c) Other bodies

#### (i) *Cameroon-Nigeria Mixed Commission*

The Cameroon-Nigeria Mixed Commission was established by the Secretary-General, pursuant to a Joint Communiqué of the Presidents of Nigeria and Cameroon adopted in Geneva on 15 November 2002, to facilitate the implementation of the 10 October 2002 ruling of the International Court of Justice on the Cameroon-Nigeria boundary dispute.<sup>58</sup> 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 2015.<sup>59</sup>

#### (ii) *Monitoring mechanism for Syria*

The United Nations monitoring mechanism for Syria was established by Security Council resolution 2165 of 14 July 2014 to monitor, under the authority of the United Nations Secretary-General and with the consent of the relevant neighbouring countries of Syria, the loading of all humanitarian relief consignments of the United Nations humanitarian agencies and their implementing partners at the relevant United Nations facilities.<sup>60</sup> By resolution 2258 (2015) of 22 December 2015, the Security Council decided to renew its decisions in paragraphs 2 and 3 of Security Council resolution 2165 (2014) for a further period of twelve months, until 10 January 2017.

#### (iii) *United Nations Mission for Ebola Emergency Response*

The United Nations Mission for Ebola Emergency Response (UNMEER) was established on 19 September 2014 following the adoption of Security Council resolution 2177 (2014) of 18 September 2014, and the adoption, without a vote, of General Assembly resolution 69/1 of 19 September 2014 as a temporary measure to meet immediate needs related to the unprecedented fight against Ebola. The Mission deployed financial, logistical and human resources to Guinea, Liberia and Sierra Leone.<sup>61</sup> It closed on 31 July 2015, having achieved its core objective scaling up the response on the ground.

<sup>58</sup> *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening), Judgment, I.C.J. Reports 2002, p. 303.*

<sup>59</sup> For more information on the Commission's work in 2015, see the exchange of letters between the Secretary-General and the President of the Security Council (S/2015/1025 and S/2015/1026).

<sup>60</sup> For more information on the Monitoring Mechanism, see the report of the Secretary-General on the revised estimates relating to the programme budget for the biennium 2016–2017 under sections 27, Humanitarian assistance, and 36, Staff assessment, United Nations Monitoring Mechanism (A/70/726).

<sup>61</sup> For more information about UNMEER, see <http://ebolaresponse.un.org/un-mission-ebola-emergency-response-unmeer>. See also the letters from the Secretary-General to the President of the General Assembly (A/69/759, A/69/812, A/69/871, A/69/908, A/69/939, A/69/992 and A/69/1014).



(iv) *United Nations Headquarters Board of Inquiry—Gaza strip and southern Israel*

The United Nations Headquarters Board of Inquiry—Gaza strip and southern Israel was established by the Secretary-General following incidents affecting or involving United Nations personnel, premises and operations that occurred between 8 July and 26 August 2014 in the Gaza strip and southern Israel. The Board was convened on 10 November 2014. It conducted a field visit from 26 November to 13 December 2014 and submitted its report on 5 February 2015. In view of the seriousness of the events and the public interest they had generated, the Secretary-General communicated a summary of the internal report to the Security Council on 27 April 2015.<sup>62</sup>

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

The Organization for the Prohibition of Chemical Weapons—United Nations Joint Investigative Mechanism (OPCW-JIM) was established following Security Council resolution 2235 (2015) of 7 August 2015, in which the Security Council requested Secretary-General, in coordination with the OPCW Director-General, to submit for authorisation to the Security Council recommendations, including elements of Terms of Reference, regarding the establishment and operation of an OPCW-United Nations Joint Investigative Mechanism. The Security Council authorized the proposals of the Secretary-General on 10 September 2015.<sup>63</sup> The Joint Investigate Mechanism, whose mandate commenced on 24 September 2015, was tasked with identifying, in collaboration with the OPCW's Fact-Finding Mission, persons or entities involved in incidents involving the use of chemicals as weapons in Syria.

Earlier, by resolution 2209 (2015) of 6 March 2016, the Security Council had condemned in the strongest terms any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, and had expressed support for the OPCW Executive Council decision of 4 February 2015 to continue the work of the OPCW Fact-Finding Mission, in particular to study all available information relating to allegations of use of chemical weapons in Syria. It also recalled the decisions made by the Security Council in resolution 2118 (2013) of 27 September 2013, and in that context decided in the event of future non-compliance with resolution 2118 (2013) to impose measures under Chapter VII of the United Nations Charter.

<sup>62</sup> S/2015/286, annex.

<sup>63</sup> See the exchange of letters between the Secretary-General and the President of the Security Council (S/2015/669, S/2015/696 and S/2015/697).

### (d) Missions of the Security Council

#### (i) *Haiti*

In a letter dated 19 January 2015, the President of the Security Council informed the Secretary-General of the Council's decision to send a mission to Haiti from 23 to 25 January 2015, outlining in an annex to the letter the mission's terms of reference.<sup>64</sup>

The mission to Haiti, *inter alia*, underscored the importance of inclusiveness and constructiveness to political stability and urged Haiti's political actors to work cooperatively to hold urgent elections at all levels of government. It also assessed the ongoing strengthening of the Haitian National Police, as well as the implementation of relevant Security Council resolutions. The mission further expressed its support for MINUSTAH and the Special Representative of the Secretary-General.<sup>65</sup>

#### (ii) *Africa*

In a letter dated 5 March 2015, the President of the Security Council informed the Secretary-General that the Council's decision to send a mission to the Central African Republic, Ethiopia (African Union) and Burundi from 9 to 13 March 2015, outlining in an annex to the letter the mission's terms of reference.<sup>66</sup>

The mission to the Central African Republic, *inter alia*, reiterated the support of the Security Council for the political process in the Central African Republic. It further discussed elections, disarmament and security, urgent temporary measures and the humanitarian situation with the relevant authorities of the Central African Republic. The mission also commended the efforts of the European Union military operation in the Central African Republic (EUFOR-RCA) and of MINUSCA.

The mission to the African Union, *inter alia*, exchanged views on issues of interest to both the United Nations Security Council and the African Union Peace and Security Council. It also explored ways of reinforcing and supporting the African Union conflict prevention tools and to enhance the cooperation between the United Nations and the African Union.

The mission to Burundi, *inter alia*, took note of the significant progress made by Burundi since the adoption of the Arusha Agreement in 2000 and stressed the crucial need for a free, transparent, credible, inclusive and peaceful electoral process. During meetings with various entities, it discussed the elections and political developments, security, development and human rights.<sup>67</sup>

<sup>64</sup> Letter dated 19 January 2015 from the President of the Security Council addressed to the Secretary-General (S/2015/40).

<sup>65</sup> For more information, see the oral report of the Security Council mission to Haiti of 29 January 2015 (S/PV.7372).

<sup>66</sup> Letter dated 5 March 2015 from the President of the Security Council addressed to the Secretary-General (S/2015/162).

<sup>67</sup> For more information, see the report of the Security Council mission to the Central African Republic, Ethiopia and Burundi, including the African Union (S/2015/503).

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

#### **a. Côte d'Ivoire**

French forces had initially been authorized, for a period of 12 months, by Security Council resolution 1528 (2004) of 27 February 2004 to use all necessary means in order to support UNOCI. By resolution 2226 (2015) of 25 June 2015, the Security Council decided to extend this authorization until 30 June 2016.

#### **b. Bosnia and Herzegovina**

The European Union Force Althea (EUFOR ALTHEA) was initially authorized by Security Council resolution 1575 (2004) of 22 November 2004.<sup>68</sup> By its resolution 2247 (2015) of 10 November 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, authorized the Member States acting through or in cooperation with the European Union to establish for a further period of twelve months a multinational stabilization force (EUFOR ALTHEA). It also decided to renew the authorization provided by paragraph 11 of resolution 2183 (2014) for Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters, as a legal successor to SFOR under unified command and control.

The Security Council further authorizes these Member States to take all necessary means to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement,<sup>69</sup> and to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic. Moreover, it authorized Member States to take all necessary means, at the request of either EUFOR ALTHEA or the NATO Headquarters, in defence of the EUFOR ALTHEA or NATO presence respectively, and to assist both organizations in carrying out their missions. It also recognized the right of both EUFOR ALTHEA and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack.

#### **c. Somalia<sup>70</sup>**

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.<sup>71</sup> By resolution 2232 (2015) of 28 July 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to authorize the Member States of the African Union to maintain the deployment of AMISOM, as set out in paragraph 1 of resolution 2093 (2013) until 30 May 2016, in

<sup>68</sup> For more information on the European Union military mission in Bosnia and Herzegovina (EUFOR), see: <http://www.euforbih.org/eufor/index.php>, and the forty-seventh to forty-ninth reports of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina (S/2015/300, S/2015/841 and S/2016/663, annexes, respectively).

<sup>69</sup> General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto, attachment to letter dated 29 November 1995 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (S/1995/999).

<sup>70</sup> With regard to acts of piracy off the coast of Somalia, see subsection (k) below.

<sup>71</sup> For more information AMISOM, see: <http://amisom-au.org>.

line with the Security Council's request to the African Union for a maximum level of 22,126 troops and as part of an overall exit strategy for AMISOM, after which a decrease in AMISOM's force strength will be considered. It further authorized AMISOM to take all necessary measures, in full compliance with its Member States' obligations under international humanitarian law and human rights law, and in full respect of the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out its mandate.

#### **d. Central African Republic**

French forces had initially been authorized by the Security Council in resolution 2127 (2013) of 5 December 2013 to take all necessary measures to support the African-led International Support Mission in the CAR (MISCA) and, by resolution 2149 (2014) of 10 April 2014, to use all necessary means to provide operational support to elements of MINUSCA, from the commencement of the activities of MINUSCA until the end of its mandate. By resolution 2217 (2015) of 28 April 2015, the Security Council reiterated this authorization.

#### **e. Mali**

French forces had initially been authorized by Security Council resolution 2164 (2014) of 25 June 2014 to use all necessary means to intervene in support of elements of MINUSMA when under imminent and serious threat upon request of the Secretary-General. By resolution 2227 (2015) of 29 June 2015, the Security Council decided to extend this authorization until the end of MINUSMA's mandate as authorized in the resolution.<sup>72</sup>

#### **f. Syrian Arab Republic**

By resolution 2165 (2014) of 14 July 2014, the Security Council, underscoring the obligations of Member States under Article 25 of the Charter of the United Nations, authorized United Nations humanitarian agencies and their implementing partners to use routes across conflict lines and the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha, in addition to those already in use, in order to ensure that humanitarian assistance reaches people in need throughout Syria through the most direct routes, with notification to the Syrian authorities. In resolution 2258 (2015) of 22 December 2015, the Security Council, underscoring the obligations of Member States under Article 25 of the Charter of the United Nations, decided to renew the authorization for a further period of twelve months, until 10 January 2017.<sup>73</sup>

<sup>72</sup> See Report on operational support provided by French forces to MINUSMA from 3 December 2014 to 23 February 2015, 24 February to 19 May 2015, 20 May to 31 August 2015, 1 September to 30 November 2015, and 1 December 2015 to 29 February 2016 (S/2015/187, S/2015/444, S/2015/755, S/2016/8 and S/2016/288, respectively).

<sup>73</sup> See also resolution 2254 (2015) of 18 December 2015, in which the Security Council, *inter alia*, endorsed the "Vienna Statements" in pursuit of the full implementation of the Geneva Communiqué of 30 June 2012, as the basis for a Syrian-led and Syrian-owned political transition in order to end the conflict in Syria. See further the reports of the Secretary-General on the implementation of Security Council resolutions 2139 (2014) and 2165 (2014) and 2191 (2014) (S/2015/48, S/2015/124, S/2015/206, S/2015/264, S/2015/368, S/2015/468, S/2015/561, S/2015/651, S/2015/698, S/2015/813, S/2015/862 and S/2015/962).

(f) Sanctions imposed under Chapter VII of the Charter of the United Nations<sup>74</sup>

(i) *Somalia and Eritrea*

The Security Council Committee established pursuant to resolution 751 (1992) of 24 April 1992 concerning Somalia was mandated to oversee the general and complete arms embargo imposed by Security Council resolution 733 (1992) and to undertake the tasks set out by the Security Council resolutions 751 (1992), 1356 (2001) and 1844 (2008). Following the adoption of resolution 1907 (2009), which imposed a sanctions regime on Eritrea and expanded its mandate, the Committee decided on 26 February 2010 to change its name to “Security Council Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea”.<sup>75</sup> The Security Council Committee submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>76</sup>

By resolution 2244 (2015) of 23 October 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, reaffirmed the existing arms embargo on Somalia and reiterated that it should not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia, to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of resolution 2111 (2013). It further decided that until 15 November 2016 and without prejudice to humanitarian assistance programmes conducted elsewhere, the measures imposed by paragraph 3 of resolution 1844 (2008) should not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia.

By the same resolution, the Security Council reaffirmed the existing arms embargo on Eritrea. It also decided to extend until 15 December 2016 the mandate of the Somalia and Eritrea Monitoring Group.<sup>77</sup>

(ii) *Liberia*

The Security Council Committee established pursuant to resolution 1521 (2003) of 22 December 2003, to oversee the relevant sanctions measures and to undertake the tasks set out by the relevant Security Council resolutions, continued its operations in 2015. The

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and the statements of the President of the Security Council dated 24 April 2015 (S/PRST/2015/10) and 17 August 2015 (S/PRST/2015/15).

<sup>74</sup> For more information on the sanction regimes established by the Security Council, see the Council’s website relating to subsidiary organs at <http://www.un.org/en/sc/subsidiary/>.

<sup>75</sup> 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).

<sup>76</sup> Report of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (S/2015/968).

<sup>77</sup> See the Somalia report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2182 (2014) (S/2015/801) and the Eritrea report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2182 (2014) (S/2015/802).

Security Council Committee submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>78</sup>

By resolution 2237 (2015) of 2 September 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to renew the measures on arms as set out in earlier relevant resolutions for a period of 9 months. It also decided to terminate the travel and financial measures set forth in paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004).

By the same resolution, the Security Council, decided to extend the mandate of the Panel of Experts appointed pursuant to paragraph 9 of resolution 1903 (2009) for a period of 10 month and specified Panel's tasks.<sup>79</sup>

### (iii) *Democratic Republic of the Congo*

The Security Council Committee established pursuant to resolution 1533 (2004) of 12 March 2004 to oversee the relevant sanctions measures and to undertake the tasks set out by the Security Council in paragraph 15 of resolution 1807 (2008), paragraph 6 of resolution 1857 (2008) and paragraph 4 of resolution 1896 (2009), continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>80</sup>

By resolution 2198 (2015) of 29 January 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided, *inter alia*, to renew until 1 July 2016 the measures on arms imposed by paragraph 1 of resolution 1807 (2008). The Security Council also decided to renew, for the same period, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008).

In the same resolution, the Security Council decided to extend until 1 August 2016 the mandate of the Group of Experts established pursuant to resolution 1533 (2004).

### (iv) *Côte d'Ivoire*

The Security Council Committee established pursuant to resolution 1572 (2004) of 15 November 2004, to oversee the relevant sanctions measures and to undertake the tasks set out by the Security Council in paragraph 14 of the same resolution, as modified by resolutions 1584 (2005), 1643 (2005) and 1946 (2010), continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>81</sup>

<sup>78</sup> Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia (S/2015/945).

<sup>79</sup> See also the final report of the Panel of Experts on Liberia submitted pursuant to paragraph 5 (b) of Security Council resolution 2188 (2014) (S/2015/558).

<sup>80</sup> Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo (S/2015/993).

<sup>81</sup> Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire (S/2015/952).

By resolution 2219 (2015) of 28 April 2015, 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 2016, 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 lethal material, whether or not originating in their territories.

In the same resolution, the Security Council decided to renew until 30 April 2016 the financial and travel measures imposed by paragraphs 9 to 12 of resolution 1572 (2004) and paragraph 12 of resolution 1975 (2011) and stressed its intention to review the continued listing of individuals subject to such measures provided they engage in actions that further the objective of national reconciliation.

By the same resolution, the Security Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 May 2016 and requested the Secretary-General to take the necessary measures to support its action.<sup>82</sup>

#### (v) *Republic of the Sudan*

The Security Council Committee established pursuant to resolution 1591 (2005) of 29 March 2005, to oversee the relevant sanctions measures concerning the Sudan and to undertake the tasks set out by the Security Council in sub-paragraph 3 (a) of the same resolution, continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>83</sup>

By resolution 2200 (2015) of 12 February 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005), until 12 March 2016, and expressed its intent to review the mandate and take appropriate action regarding further extension no later than 12 February 2016.<sup>84</sup> It also reaffirmed the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, and further encouraged the Committee to continue its dialogue with UNAMID.

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

The Security Council Committee established pursuant to resolution 1718 (2006) on 14 October 2006, to oversee the relevant sanctions measures concerning the Democratic People's Republic of Korea and to undertake the tasks set out in paragraph 12 of that same resolution and in resolutions 1874 (2009), 2087 (2013) and 2094 (2013), continued

<sup>82</sup> See the final report of the Group of Experts on Côte d'Ivoire pursuant to paragraph 27 of Security Council resolution 2153 (2014) (S/2015/252).

<sup>83</sup> Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (S/2015/991).

<sup>84</sup> See the final report of the Panel of Experts submitted in accordance with paragraph 2 of resolution 2138 (2014) (S/2015/31).



its operations in 2015 and submitted, on 31 December 2015, a report on its work to the Security Council.<sup>85</sup>

By resolution 2207 (2015) of 4 March 2015, the Security Council, acting under Article 41 of Chapter VII of the Charter of the United Nations, decided to extend until 5 April 2016 the mandate of the Panel of Experts, as specified in paragraph 26 of resolution 1874 (2009) and modified in paragraph 29 of resolution 2094 (2013), and expressed its intent to review the mandate and take appropriate action regarding further extension no later than 7 March 2016.<sup>86</sup>

(vii) *Islamic Republic of Iran*

The Security Council Committee established pursuant to resolution 1737 (2006) of 23 December 2006, to undertake the tasks set out in paragraph 18 of that same resolution, as modified by resolutions 1747 (2007), 1803 (2008) and 1929 (2010), concerning the effective implementation of measures relating to, *inter alia*, proliferation-sensitive nuclear and ballistic missile programmes, arms, finance and travel, continued its operations in 2015 and submitted, on 31 December 2015, a report on its work to the Security Council.<sup>87</sup>

By resolution 2224 (2015) of 9 June 2015, the Security Council, acting under Article 41 of Chapter VII of the Charter of the United Nations, decided to extend until 9 July 2016 the mandate of the Panel of Experts monitoring sanctions against Iran, as specified in paragraph 29 of resolution 1929 (2010), and expressed its intent to review the mandate and take appropriate action regarding further extension no later than 9 June 2016.<sup>88</sup>

In resolution 2231 (2015) of 20 July 2015, the Security Council endorsed the Joint Comprehensive Plan of Action (JCPOA) concluded on 14 July 2015 between China, France, Germany, the United States, the United Kingdom, the European Union and Iran and attached as Annex A to the resolution. It requested the International Atomic Energy Agency (IAEA) to verify and report on Iran's compliance with the JCPOA and decided, acting under Article 41 of the Charter of the United Nations, that, upon receipt by the Security Council of that report (a) the provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) should be terminated; and (b) all States should comply with the relevant paragraphs in Annex B to the resolution.<sup>89</sup> It further decided, acting under Article 41 of the Charter of the United Nations, that on the date ten years after the JCPOA Adoption Day, as defined in the JCPOA, all the provisions of the resolution should be terminated, and none of the previous resolutions described in the resolution should be applied, the Security Council would have concluded its consideration of the Iranian nuclear issue, and the item "Non-proliferation" would be

<sup>85</sup> Report of the Security Council Committee established pursuant to resolution 1718 (2006) (S/2015/987).

<sup>86</sup> See the report of the Panel of Experts submitted pursuant to resolution 1874 (2009) (S/2015/131).

<sup>87</sup> Report of the Security Council Committee established pursuant to resolution 1737 (2006) (S/2015/947).

<sup>88</sup> See the Final report of the Panel of Experts established pursuant to resolution 1929 (2010) (S/2015/401).

<sup>89</sup> See the Report by the Director General of the IAEA on verification and monitoring in the Islamic Republic of Iran in the light of United Nations Security Council resolution 2231 (2015) (S/2015/706).



removed from the list of matters of which the Council is seized. It also decided that the terminations described in Annex B and paragraph 8 of the resolution should not occur if the provisions of the relevant resolutions mentioned above had been applied pursuant to paragraph 12 of the resolution.

In the same resolution, the Security Council decided, acting under Article 41 of the Charter of the United Nations, that, within 30 days of receiving a notification by a JCPOA participant State of an issue that the JCPOA participant State believed constituted significant non-performance of commitments under the JCPOA, it should vote on a draft resolution to continue in effect the terminations specified in the resolution. It further decided that if, within 10 days of the notification referred to above, no Member of the Security Council had submitted such a draft resolution for a vote, then the President of the Security Council should submit such a draft resolution and put it to a vote within 30 days of the notification referred to above. Moreover, the Security Council decided, still acting under Article 41 of the Charter of the United Nations, that, if the Security Council did not adopt a resolution under paragraph 11 to continue in effect the terminations in paragraph 7 (*a*), then effective midnight Greenwich Mean Time after the thirtieth day after the notification to the Security Council described in the resolution, all of the provisions of the relevant resolutions that had been terminated pursuant to paragraph 7 (*a*) should apply in the same manner as they applied before the adoption of the resolution, and the measures contained in paragraphs 7, 8 and 16 to 20 of the said resolution shall be terminated, unless the Security Council decided otherwise.

Moreover, the Security Council decided, acting under Article 41 of the Charter of the United Nations, to review recommendations of the Joint Commission regarding proposals by States to participate in or permit nuclear-related activities set forth in paragraph 2 of Annex B, and that such recommendations should be deemed to be approved unless the Security Council adopted a resolution to reject a Joint Commission recommendation within five working days of receiving it. The Security Council also decided, acting under Article 41 of the Charter of the United Nations, to exempt, with particular conditions, the sanctions specified in the relevant resolutions to the supply, sale or transfer of items, materials, equipment, goods and technology, and the provision of any related technical assistance, training, financial assistance, investment, brokering or other services, by JCPOA participant States or Member States acting in coordination with them, that was directly related to: (*a*) the modification of two cascades at the Fordow facility for stable isotope production; (*b*) the export of Iran's enriched uranium in excess of 300 kilograms in return for natural uranium; and (*c*) the modernization of the Arak reactor based on the agreed conceptual design and, subsequently, on the agreed final design of such reactor.

Furthermore, the Security Council decided to make the necessary practical arrangements to undertake directly tasks related to the implementation of this resolution, including those tasks specified in Annex B and the release of guidance. Moreover, it decided that all provisions contained in the JCPOA were only for the purposes of its implementation between the E3/EU+3 and Iran and should not be considered as setting precedents for any other State or for principles of international law and the rights and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant instruments, as well as for internationally recognized principles and practices.

(viii) *Libya*

The Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya to oversee the relevant sanctions measures continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>90</sup>

In resolution 2208 (2015) of 5 March 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend until 31 March 2015 the authorizations provided by and the measures imposed by resolution 2146 (2014), relating to prevention of illicit oil exports.

In resolution 2213 (2015) of 27 March 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, reaffirmed that the travel ban and asset freeze measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011), as modified by paragraphs 14, 15 and 16 of resolution 2009 (2011). It decided to further extend until 31 March 2016 the authorizations provided by and the measures imposed by resolution 2146 (2014), relating to prevention of illicit oil exports. Moreover, it reaffirmed its decision to authorize all Member States to, and that all Member States should, upon discovery of items prohibited by in previous resolutions, seize and dispose of such items and further reaffirmed its decision that all Member States should cooperate in such efforts. By the same resolution, the Security Council decided to extend until 30 April 2016 the mandate of the Panel of Experts, established by paragraph 24 of resolution 1973 (2011) and modified by resolutions 2040 (2012), 2146 (2014) and 2174 (2014), and specified the tasks of the Panel.<sup>91</sup>

By resolution 2214 (2015) of 27 March 2015, the Security Council called upon the Committee established pursuant to paragraph 24 of resolution 1970 (2011) to consider expeditiously requests under paragraph 8 of resolution 2174 (2014) for the transfer or supply of arms and related materiel, including related ammunition and spare parts, to the Libyan Government for the use by its official armed forces to combat ISIL and related groups.

(ix) *Afghanistan*

The Security Council Committee established pursuant to resolution 1988 (2011) on 17 June 2011, to oversee the relevant sanctions measures and to undertake the tasks set out by the Security Council in paragraph 30 of the same resolution, continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>92</sup>

By resolution 2255 (2015) of 22 December 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided, *inter alia*, that States should continue to take the measures set out in the resolution with respect to individuals and entities designated prior to the date of adoption of resolution 1988 (2011) as the Taliban.

In the same resolution, the Security Council also decided, in order to assist the Committee in fulfilling its mandate, that the 1267/1988 Monitoring Team, established

<sup>90</sup> Report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya (S/2015/994).

<sup>91</sup> Final report of the Panel of Experts established pursuant to resolution 1973 (2011) (S/2015/128).

<sup>92</sup> Report of the Security Council Committee established pursuant to resolution 1988 (2011) (S/2015/977).

pursuant to paragraph 7 of resolution 1526 (2004), should also support the Committee for a period of twenty-four months from the date of expiration of the current mandate in December 2017, with the mandate set forth in the annex to the resolution.<sup>93</sup>

(x) *Guinea-Bissau*

The Security Council Committee established pursuant to resolution 2048 (2012) on 18 May 2012, to monitor the implementation of the measures imposed by resolution 2048 (2012), designate the individuals subject to the measures and consider requests for exemptions, continued its operations in 2015 and submitted, on 16 December 2015, a report on its work in 2015 to the Security Council.<sup>94</sup>

(xi) *Central African Republic*

The Security Council Committee established pursuant to resolution 2127 (2013) of 5 December 2013 to undertake the tasks set out by the Security Council in paragraph 57 of the same resolution continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>95</sup>

By resolution 2196 (2015) of 22 January 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that, through 29 January 2016, all Member States should continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic of arms and related materiel of all types, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, excluding, *inter alia*, supplies intended for MINUSCA, the African Union-Regional Task Force (AU-RTF), the European Union Missions and French Forces deployed in the Central African Republic, and those supplies intended solely for humanitarian or protective use, as approved in advance by the Committee. It also decided to authorize all Member States to seize, register and dispose any of these items upon discovery, and that Member States should cooperate in this matter.

In the same resolution, the Security Council decided that, through 29 January 2016, all Member States should continue to take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee.<sup>96</sup>

<sup>93</sup> For more information, see Report of the Analytical Support and Sanctions Monitoring Team on specific cases of cooperation between organized crime syndicates and individuals, groups, undertakings and entities eligible for listing under paragraph 1 of Security Council resolution 2160 (2014) (S/2015/79) and the Sixth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2160 (2014) concerning the Taliban and other associated individuals and entities constituting a threat to the peace, stability and security of Afghanistan (S/2015/648).

<sup>94</sup> Report of the Security Council Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau (S/2015/973). See also the Report of the Secretary-General on the progress made with regard to the stabilization of and restoration of constitutional order in Guinea-Bissau (S/2015/619).

<sup>95</sup> Report of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic (S/2015/979).

<sup>96</sup> See also the statement of the President of the Security Council dated 20 October 2015 (S/PRST/2015/17).

The Security Council further decided that all Member States should, through 29 January 2016, continue to freeze without delay all funds, other financial assets and economic resources which are on their territories, which were owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decided further that all Member States should ensure that any funds, financial assets or economic resources were prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee.<sup>97</sup> It decided to allow certain exceptions to this regime, as listed in the resolution.

The Security Council also decided to extend the mandate of the Panel of Experts until 29 February 2016, and specified that its mandate should include the tasks as listed in the resolution.

### (xii) *Yemen*

The Security Council Committee established pursuant to resolution 2140 (2014) of 26 February 2014, to monitor the implementation of the measures imposed by the resolution, continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>98</sup>

By resolution 2201 (2015) of 15 February 2015, the Security Council, *inter alia*, strongly deplored actions taken by the Houthis to dissolve parliament and take over Yemen's government institutions, including acts of violence. It urged all parties, in particular the Houthis, to accelerate inclusive United Nations-brokered negotiations, to continue the political transition in order to reach a consensus solution in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism, the outcomes of the comprehensive National Dialogue conference, and the Peace and National Partnership Agreement and its security annex, and to implement it. It also declared its readiness to take further steps in case of non-implementation by any Yemeni party of the resolution.

By resolution 2204 (2015) of 24 February 2015, the Security Council, *inter alia*, decided to renew until 26 February 2016 the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014). It also decided to extend until 25 March 2016 the mandate of the Panel of Experts as set out in paragraph 21 of resolution 2140 (2014) and expressed its intention to review the mandate and take appropriate action regarding the further extension no later than 25 February 2016.<sup>99</sup>

By resolution 2216 (2015) of 14 April 2015, the Security Council, *inter alia*, listed a number of individuals to be subject to the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014). It also decided to establish an arms embargo as specified in the

<sup>97</sup> See also the statement of the President of the Security Council dated 20 October 2015 (S/PRST/2015/17).

<sup>98</sup> Report of the Security Council Committee established pursuant to resolution 2140 (2014) (S/2015/965). For more information about the situation in Yemen, see the statement of the President of the Security Council dated 22 March 2015 (S/PRST/2015/8).

<sup>99</sup> See Final report of the Panel of Experts in accordance with paragraph 21 (c) of resolution 2140 (2014) (S/2015/125).

resolution and authorized all Member States to seize and dispose illicit items upon discovery. Furthermore, it broadened the mandates of the Committee and the Panel of Experts. It also reaffirmed its readiness to take further measures in case of non-implementation by any Yemeni party of that resolution and resolution 2201 (2015).

(xiii) *South Sudan*

In resolution 2206 (2015) of 3 March 2015, the Security Council decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council in relation to the sanctions established by the resolution.<sup>100</sup> The Security Council requested the Secretary-General to create for an initial period, thirteen months from the adoption of that resolution, in consultation with the Committee, a group of up to five experts, under the direction of the Committee, and to make the necessary financial and security arrangements to support the work of the Panel.<sup>101</sup> It also decided on the tasks of the Panel.

In the same resolution, the Security Council also decided that, for an initial period of one year from the date of adoption of the resolution and with certain conditions, (a) all Member States should take the necessary measures to prevent the entry into or transit through their territories of any individuals who might be designated by the Committee, provided that nothing in the resolution obliged a State to refuse its own nationals entry into its territory; and (b) all Member States should freeze without delay all funds, other financial assets and economic resources which were on their territories, which were owned or controlled, directly or indirectly, by any individuals or entities that might be designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decided further that all Member States should for that initial period ensure that neither those nor any other funds, financial assets or economic resources were made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory.

(g) **Terrorism**

(i) *General Assembly*

On 14 December 2015, the General Assembly adopted resolution 70/120 entitled "Measures to eliminate international terrorism" without a vote, upon the recommendation of the Sixth Committee.

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<sup>100</sup> See Report of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan (S/2015/997) and the statement of the President of the Security Council dated 24 March 2015 (S/2015/9).

<sup>101</sup> See Interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) (S/2015/656).

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

The 1267 Committee was first established by Security Council resolution 1267 (1999) of 15 October 1999 and 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. The Committee continued its operations in 2015 and submitted, on 31 December 2015, a report on its work in 2015 to the Security Council.<sup>102</sup>

By resolution 2199 (2015) of 12 February 2015, the Security Council, acting under Chapter VII of the Charter of the United Nations, condemned any engagement in direct or indirect trade, in particular of oil and oil products, and modular refineries and related material, with ISIL, ANF and any other individuals, groups, undertakings and entities designated as associated with Al-Qaida by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011). It also decided that Member States shall inform the 1267/1989 Committee within 30 days of the interdiction in their territory of any oil, oil products, modular refineries, and related material being transferred to or from ISIL or ANF. Moreover, it reaffirmed the requirements set out in resolution 2161 (2014) with regard to the oil trade and refined oil products, assets freezes, the trade in Iraqi and Syrian cultural property, payment of ransoms, and the arms trade.

By resolution 2249 (2015), the Security Council unequivocally condemned in the strongest terms the horrifying terrorist attacks perpetrated by ISIL also known as Da'esh which took place in various places between 26 June and 13 November 2015. It also expressed its intention to swiftly update the 1267 Committee sanctions list in order to better reflect the threat posed by ISIL also known as Da'esh.<sup>103</sup>

By resolution 2253 (2015) of 17 December 2015, the Security Council decided, *inter alia*, that, from the date of adoption of that resolution, the 1267/1989 Al-Qaida Sanctions Committee should henceforth be known as the "1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee" and the Al-Qaida Sanctions List should henceforth be known as the "ISIL (Da'esh) and Al-Qaida Sanctions List". It also decided that States should take the measures by previous resolutions with respect to ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities, relating to asset freezes, travel bans and arms embargoes. The Security Council furthermore specified listing criteria, implementation measures and decided that Member States should undertake appropriate measures to prevent the relevant organizations from purchasing, transferring and storing explosives and related materials

<sup>102</sup> Report of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and 2253 (2015) concerning Al-Qaida and associated individuals and entities (S/2015/976).

<sup>103</sup> See also the statement by the President of the Security Council of 16 December 2015 (S/PRST/2015/25).

By the same resolution, the Security Council decided to extend the mandate of the Office of the Ombudsperson, established by resolution 1904 (2009),<sup>104</sup> and the mandate of the Analytical Support and Sanctions Monitoring Team and its members, established pursuant to paragraph 7 of resolution 1526 (2004),<sup>105</sup> for a period of 24 months from the date of the expiration of their mandates at the time. The Security Council also reaffirmed the role of the Focal Point mechanism established in resolution 1730 (2006). The Security Council gave various directions to the Committee and the Monitoring Team. Moreover, it decided to review the measures described in paragraph 2 of the resolution with a view to their possible further strengthening in eighteen months or sooner if necessary.

#### **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.<sup>106</sup> By resolution 1535 (2004) of 26 March 2004, the Security Council established the Counter-Terrorism Committee Executive Directorate (CTED) to assist the work of the CTC and coordinate the process of monitoring the implementation of resolution 1373 (2001).

The Security Council, by resolution 2253 (2015) of 17 December 2015, *inter alia* reaffirmed its resolution 1373 (2001), in particular its decisions that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists. It also reiterated and clarified some of the obligations imposed by resolution 1373 (2001).

#### **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. The Committee continued its operations in 2015

<sup>104</sup> See the Reports of the Office of the Ombudsman pursuant to Security Council resolution 2161 (2014) (S/2015/80 and S/2015/533).

<sup>105</sup> See the Seventeenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2161 (2014) concerning Al-Qaida and associated individuals and entities (S/2015/441), the Analysis and recommendations with regard to the global threat from foreign terrorist fighters (S/2015/358), and the Chair's summary of the assessment by the Analytical Support and Sanctions Monitoring Team of the impact of the measures imposed in Security Council resolution 2199 (2015), pursuant to paragraph 30 of the resolution (S/2015/739).

<sup>106</sup> See also Security Council resolution 1624 (2005) of 14 September 2005 and the statement of the President of the Security Council dated 29 May 2015 (S/PRST/2015/11).



and submitted, on 30 December 2015, a review of the implementation of resolution 1540 (2004) in 2015 to the Security Council.<sup>107</sup>

#### d. Other activities

In a statement of the President of the Security Council of 19 January 2015,<sup>108</sup> the Security Council, *inter alia*, condemned in the strongest terms a recent escalation in attacks perpetrated by Boko Haram. It demanded that Boko Haram immediately and unequivocally cease all hostilities and all abuses of human rights and violations of international humanitarian law and disarm and demobilise. It also took note of the decisions of member States of the Lake Chad Basin Commission (LCBC) and Benin to operationalize a Multinational Joint Task Force (MNJTF) to conduct military operations against Boko Haram. Furthermore, the Security Council welcomed the vote by the National Assembly of Chad on 16 January 2015, which authorized Chadian armed troops and security forces to assist Cameroonian and Nigerian soldiers in the fight against Boko Haram terrorists.

In a statement of the President of the Security Council of 28 July 2015,<sup>109</sup> the Security Council, *inter alia*, reaffirmed its condemnation of the actions by Boko Haram and took note of the responses of the affected States. It commended the LBCB States and Benin for their continued efforts to fully operationalize the MNJTF and called upon the international community and donors to support the MNJTF.

In a statement of the President of the Security Council of 8 December 2015,<sup>110</sup> the Security Council took note of the report of the Secretary-General on the progress toward the implementation of the United Nations Integrated Strategy for the Sahel (UNISS).<sup>111</sup> It also, *inter alia*, urged Member States of the Sahel, West Africa and the Maghreb, to coordinate their efforts to prevent the serious threat posed to international and regional security by terrorist groups crossing borders and seeking safe havens in the Sahel region.

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

#### (i) Children and armed conflict

The Security Council Working Group on Children and Armed Conflict was established by Security Council resolution 1612 (2005) to review reports of the monitoring and reporting mechanism concerning on children armed conflict listed in the annexes to the Secretary-General's report on children and armed conflict.<sup>112</sup> The Working Group continued its operations in 2015 and submitted, on 31 December 2015, a report of its activities in 2015 to the Security Council.<sup>113</sup>

<sup>107</sup> Review of the implementation of resolution 1540 (2004) for 2014 (S/2015/1052).

<sup>108</sup> S/PRST/2015/4.

<sup>109</sup> S/PRST/2015/14.

<sup>110</sup> S/PRST/2015/24.

<sup>111</sup> S/2015/866.

<sup>112</sup> A/59/659–S/2005/72.

<sup>113</sup> Annual report on the activities of the Security Council Working Group on Children and Armed Conflict, established pursuant to resolution 1612 (2005) (S/2015/1024). See also the report of



By resolution 2225 (2015) of 18 June 2015, the Security Council reiterated its readiness to adopt targeted and graduated measures against persistent perpetrators of violations and abuses committed against children and to consider including provisions pertaining to parties to armed conflict that engage in activities in violation of applicable international law relating to the rights and protection of children in armed conflicts, when establishing, modifying or renewing the mandate of relevant sanctions regimes. The Council also decided to continue the inclusion of specific provisions for the protection of children in the mandates of all relevant United Nations peacekeeping operations and political missions.

(ii) *Women and peace and security*<sup>114</sup>

By resolution 2242 (2015) of 13 October 2015, the Security Council, welcoming the report of the Secretary-General submitting the results of the Global Study on the implementation of resolution 1325 (2000),<sup>115</sup> urged Member States to assess strategies and resourcing in the implementation of the women, peace and security agenda, reiterated its call for Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, and resolution of conflict, and encouraged those supporting peace processes to facilitate women's meaningful inclusion in negotiating parties' delegations to peace talks. It also recognized the ongoing need for greater integration of resolution 1325 (2000) in its own work in alignment with resolution 2122 (2013), and therefore expressed its intention convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security; decided to integrate women, peace and security concerns across all country-specific situations on the Security Council's agenda, taking into account the specific context of each country; and expressed its intention to invite civil society, including women's organizations, to brief the Council in country-specific considerations and relevant thematic areas.<sup>116</sup>

(iii) *Protection of civilians in armed conflict*

By a statement on 25 November 2015 made by its President, the Security Council reaffirmed its commitment regarding the protection of civilians in armed conflict, as well

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the Secretary-General on children and armed conflict (A/69/926-S/2015/409), the Conclusions on children and armed conflict in South Sudan of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2015/1), the Report of the Secretary-General on children and armed conflict in Afghanistan (S/2015/336), the Report of the Special Representative of the Secretary-General for children and armed conflict (A/70/162); the Report of the Secretary-General on children and armed conflict in Iraq (S/2015/852), the Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/HRC/31/19) and the letter dated 17 June 2015 from the President of the Security Council addressed to the Secretary-General (S/2015/451).

<sup>114</sup> For more information on the legal activities of the United Nations as it relates to women, see section 6 sub-section (e) of the present chapter.

<sup>115</sup> S/2015/716. For the Global Study on the implementation of Security Council resolution 1325 (2000) see [http://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](http://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf).

<sup>116</sup> See also the Report of the Secretary-General on Women and Peace and Security (S/2015/716).

as all of its resolutions on women and peace and security, children and armed conflict and peacekeeping, and all relevant statements of its President.<sup>117</sup>

In resolution 2222 (2015) of 27 May 2015, the Security Council, *inter alia*, condemned all violations and abuses committed against journalists, media professionals and associated personnel in situations of armed conflict, and affirmed that the work of a free, independent and impartial media constituted one of the essential foundations of a democratic society, and thereby could contribute to the protection of civilians. It further affirmed that United Nations peacekeeping and special political missions should include in their mandated reporting information on specific acts of violence against journalists, media professionals and associated personnel in situation of armed conflict. It also reaffirmed that it would continue to address the issue of protection of journalists in armed conflict and requested the Secretary-General to include consistently as a sub-item in his reports on the protection of civilians in armed conflict the issue of the safety and security of journalists, media professionals and associated personnel, and to ensure that information on attacks and violence against these persons and preventative actions taken to prevent such incidents is included as a specific aspect in relevant country specific reports.

#### (iv) *Small arms and light weapons*

In resolution 2220 (2015) of 22 May 2015, the Security Council, welcoming the Secretary-General's report to the Council of 27 April 2015 entitled "Small arms and light weapons",<sup>118</sup> reiterated that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and have devastating impact on the protection of civilians, reiterated its demand that all parties to armed conflict comply strictly with the obligations applicable to them under international humanitarian law, international human rights law and international refugee law, and stressed the need for parties to take all required measures to avoid civilian casualties, respect and protect the civilian population. Among other issues, it urged States to consider ratifying or acceding to the Arms Trade Treaty and the United Nations Convention against Transnational Organized Crime and its Protocols, including the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunitions.

#### (v) *Youth*

In resolution 225 (2015) of 9 December 2015, the Security Council, affirming the important role youth can play in the prevention and resolution of conflicts and as a key aspect of the sustainability, inclusiveness and success of peacekeeping and peacebuilding efforts, *inter alia* urged Member States to consider ways to increase inclusive representation of youth in decision-making at all levels in local, national, regional and international institutions and mechanisms for the prevention and resolution of conflict; called upon all parties to armed conflict to comply strictly with the obligations applicable to them under international law relevant to the protection of civilians, including those who are youth;

<sup>117</sup> S/PRST/2015/23. See also the Report of the Secretary-General on the protection of civilians in armed conflict (S/2015/453).

<sup>118</sup> S/2015/289.

urged Members States to facilitate an inclusive and enabling environment in which youth actors, including youth from different backgrounds, are recognized and provided with adequate support to implement violence prevention activities and support social cohesion.

By the same resolution, the Security Council urged Members States to facilitate an inclusive and enabling environment in which youth actors, including youth from different backgrounds, are recognized and provided with adequate support to implement violence prevention activities and support social cohesion; and encouraged all those involved in the planning for disarmament, demobilization and reintegration to consider the needs of youth affected by armed conflict. It also invited relevant entities of the United Nations to improve the coordination and interaction regarding the need of youth during armed conflicts and post-conflict situations and requested the Secretary-General to carry out a progress study on the youth's positive contribution to peace processes and conflict resolution.

### (i) Comprehensive assessment of United Nations peace operations

In a statement by the President of the Security Council of 25 November 2015,<sup>119</sup> the Security Council took note of the recommendations in the Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people of 17 June 2015<sup>120</sup> and the report of the Secretary-General entitled "The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations" of 2 September 2015.<sup>121</sup> The Security Council, *inter alia*, underscored the critical importance of improving the accountability, transparency and performance of United Nations peace operations.

In a statement by the President of the Security Council of 31 December 2015,<sup>122</sup> the Security Council took note of the views expressed at the ninth meeting of its Working Group on the theme "Towards a Strategic Dialogue between the Security Council, troop- and police-contributing countries and the Secretariat" held on 11 December 2015.

### (j) Review of the Peacebuilding Architecture

In a statement by the President of the Security Council of 14 January 2015,<sup>123</sup> the Security Council, *inter alia*, took note with appreciation of the Secretary-General's report on Peacebuilding in the aftermath of conflict<sup>124</sup> and the country-specific evidence of impact and lessons learned it contained. It underlined the need for the review of the Peacebuilding Architecture and recalled the important role of the Peacebuilding Commission.<sup>125</sup>

<sup>119</sup> S/PRST/2015/22.

<sup>120</sup> A/70/95-S/2015/446.

<sup>121</sup> A/70/357-S/2015/682.

<sup>122</sup> S/PRST/2015/26.

<sup>123</sup> S/PRST/2015/2.

<sup>124</sup> S/2014/694.

<sup>125</sup> For more information about the Peacebuilding Commission, see <https://www.un.org/peacebuilding/> and the Chair's summary of its Annual Session 2015, held under the title "Predictable financing for peacebuilding: Breaking the silos" on 23 June 2015 in New York ([https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/150709\\_pbc\\_annual\\_session\\_chairs\\_summary-final.pdf](https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/150709_pbc_annual_session_chairs_summary-final.pdf)).

By identical letters dated 29 June 2015, the Chair of the Advisory Group of Experts on the Review of the Peacebuilding Architecture transmitted the report of the Advisory Group, entitled “Challenge of sustaining peace”, to the General Assembly and the Security Council.<sup>126</sup>

### **(k) Piracy**

In resolution 2246 (2015) of 10 November 2015, the Security Council, welcoming the report of the Secretary-General submitted pursuant to Security Council resolution 2184 (2014) on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,<sup>127</sup> and acting under Chapter VII of the Charter of the United Nations, decided that, for a further period of twelve months from the date of the resolution, to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008), granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification had been provided by Somali authorities to the Secretary-General. The Security Council further decided that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 (2013) did not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and subregional organizations undertaking such measures.

### **(l) Migrant smuggling and human trafficking**

By resolution 2240 (2015) of 9 October 2015, the Security Council condemned all acts of migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya. It decided, with a view to saving the threatened lives of migrants or of victims of human trafficking on board any unflagged vessels, to authorize for a period of one year from the date of the adoption of the resolution, Member States, acting nationally or through regional organizations that are engaged in the fight against migrant smuggling and human trafficking, to inspect on the high seas off the coast of Libya vessels that they have reasonable grounds to suspect are being used for migrant smuggling or human trafficking from Libya, provided that such Member States and regional organizations make good faith efforts to obtain the consent of the vessel’s flag State prior to using the authority outlined in this paragraph. It also authorized Member States to seize such vessels that are confirmed as being used for migrant smuggling or human trafficking from Libya.

By the same resolution, the Security Council decided to authorize Member States acting nationally or through regional organizations to use all measures commensurate to the specific circumstances in confronting migrant smugglers or human traffickers in carrying out activities under the resolution and in full compliance with international human rights law, as applicable, and underscored that the authorizations in the resolution did not apply with respect to vessels entitled to sovereign immunity under international law. It also

<sup>126</sup> A/69/968-S/2015/490.

<sup>127</sup> S/2015/776.

expressed its intention to review the situation and consider, as appropriate, renewing the authority provided in this resolution for additional periods.

### 3. Disarmament and related matters<sup>128</sup>

#### (a) Disarmament machinery

##### (i) *Disarmament Commission*

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

The Commission held its organizational session for 2015 in New York on 19 January 2015.<sup>129</sup> The Commission then met in New York from 6 to 24 April 2015, where it held a general exchange of views on all agenda items.<sup>130</sup> Working Group I held nine meetings, from 9 to 22 April 2015, to discuss the agenda item entitled “Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons”. Working Group II held eight meetings, from 13 to 22 April, to discuss the agenda item entitled “Practical confidence-building measures in the field of conventional weapons”.

The Commission had before it the annual report of the Conference on Disarmament for 2014,<sup>131</sup> together with all the official records of the sixty-ninth session of the General Assembly relating to disarmament matters, as well as conference room papers submitted by the Chairs of Working Group I and II relating to the substantive questions on its agenda.<sup>132</sup>

On 24 April 2015, the Commission adopted, by consensus, the reports of the Commission and its subsidiary bodies, and agreed to submit them to the General Assembly at its seventieth session. There were no recommendations put forward by the Commission.<sup>133</sup>

##### (ii) *Conference on Disarmament*

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

The Conference was in session from 19 January to 27 March, 25 May to 10 July and 3 August to 18 September 2015, during which it held 40 formal plenary meetings and 33 informal plenary meetings.<sup>134</sup> On 20 January 2015, the Conference adopted its agenda

<sup>128</sup> For more information about disarmament and related matters, see *The United Nations Disarmament Yearbook*, vol. 40, 2015 (United Nations publication, Sales No. E.16.IX.5), which is also available at <http://www.un.org/disarmament>.

<sup>129</sup> A/CN.10/PV.343.

<sup>130</sup> A/CN.10/PV.348–350.

<sup>131</sup> *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 42 (A/69/42)*.

<sup>132</sup> *Ibid.*, *Seventieth Session, Supplement No. 42 (A/70/42)*, chapter III. B.

<sup>133</sup> *Ibid.*, chapter IV.

<sup>134</sup> CD/2046, para. 2–3.

for the 2015 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”.<sup>135</sup> Throughout the 2015 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 2015 session.<sup>136</sup> On 18 September 2015, the Conference adopted its annual report and transmitted it to the General Assembly for its consideration.<sup>137</sup>

### (iii) *General Assembly*

In 2015, the General Assembly adopted, on the recommendation of the First Committee, eight resolutions and one decision concerning institutional activities relating to disarmament machinery.

On 7 December 2015, the General Assembly adopted resolution 70/61 entitled “United Nations regional centres for peace and disarmament”, without a vote; resolution 70/63 entitled “United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean”, without a vote; resolution 70/64 entitled “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa”, without a vote; resolution 70/65 entitled “United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific” without a vote; resolution 70/66 entitled “United Nations Regional Centre for Peace and Disarmament in Africa”; resolution 70/67 entitled “Report of the Conference on Disarmament”, without a vote; resolution 70/68 entitled “Report of the Disarmament Commission”, without a vote; and resolution 70/69 entitled “Thirty-fifth anniversary of the United Nations Institute for Disarmament Research”, without a vote.

On 7 December 2015, the General Assembly adopted decision 70/515 entitled “Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations”. On 23 December 2015, the General Assembly also adopted, by a recorded vote of 149 to none, with 5 abstentions, decision 70/551 entitled “Open-ended Working Group on the fourth special session of the General Assembly devoted to disarmament”.

### (b) **Nuclear disarmament and non-proliferation issues**

In 2015, several preparatory meetings and conferences were held on nuclear disarmament and non-proliferation matters.

<sup>135</sup> CD/2046, para. 13.

<sup>136</sup> *Ibid.*, para. 17.

<sup>137</sup> *Official Records of the General Assembly, Seventieth Session, Supplement No. 27 (A/70/27)*.

The 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 1968 (NPT),<sup>138</sup> was held from 27 April to 22 May 2015 in New York.<sup>139</sup> Representatives from 161 State parties, one observer State, the United Nations, the International Atomic Energy Agency (IAEA), 11 observer agencies and 107 non-governmental organizations participated in the Review Conference.<sup>140</sup> At its eighth meeting, on 30 April 2015, the Conference decided to establish, for the duration of the 2015 Review Conference, subsidiary bodies under Main Committee I, Main Committee II and Main Committee III. Subsidiary body I would examine nuclear disarmament and security assurances; Subsidiary body II would examine regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution; and Subsidiary body III would examine peaceful uses of nuclear energy and other provisions of the Treaty and improving the effectiveness of the strengthened review process.<sup>141</sup> Despite intensive consultations, the Conference was not able to reach agreement on the substantive part of the draft Final Document. At its 15th and final plenary meeting, on 22 May 2015, the Conference adopted the procedural part of the draft Final Document on the organization and work of the Conference.<sup>142</sup>

On 24 April, the Third Conference of States Parties and Signatories that establish Nuclear-Weapon-Free Zones and Mongolia was held in New York. However, no formal discussions were commenced due to the divergence of opinion on procedural matters.

In addition, the International Atomic Energy Agency (IAEA) held its fifty-ninth General Conference of Member States from 14 to 18 September 2015 in Vienna.<sup>143</sup> The Conference adopted 17 resolutions and 12 decisions<sup>144</sup> relating to the work of IAEA in key areas, including on 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.

On 29 September 2015, the ninth biennial Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, 1996 (CTBT),<sup>145</sup> was held in New York.<sup>146</sup> 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 affirmed that a universal and effectively verifiable Treaty constituted a fundamental instrument in the field of nuclear disarmament and non-proliferation and also affirmed the vital importance and urgency of the entry into force of the CTBT.<sup>147</sup>

<sup>138</sup> United Nations, *Treaty Series*, vol. 729, p. 161.

<sup>139</sup> For more information see <https://www.un.org/en/conf/npt/2015/>.

<sup>140</sup> *Final Documents of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2015/50 (Part I)*, para. 17.

<sup>141</sup> *Ibid.*, para. 15.

<sup>142</sup> *Ibid.*, para. 29.

<sup>143</sup> For more information see <https://www.iaea.org/about/policy/gc/gc59>.

<sup>144</sup> GC(59)/RES/DEC(2015).

<sup>145</sup> A/50/1027, annex.

<sup>146</sup> For more information, see <https://www.ctbto.org/the-treaty/article-xiv-conferences/afc2015/>.

<sup>147</sup> See [https://www.ctbto.org/fileadmin/user\\_upload/Art\\_14\\_2015/FINAL\\_DECLARATION.pdf](https://www.ctbto.org/fileadmin/user_upload/Art_14_2015/FINAL_DECLARATION.pdf).



(i) *General Assembly*

On 17 November 2015, the General Assembly adopted, without reference to a Main Committee, resolution 70/10 entitled “Report of the International Atomic Energy Agency”, by a recorded vote of 99 to none, with 10 abstentions.

On 7 December 2015, the General Assembly adopted, upon the recommendation of the First Committee, 23 resolutions concerning nuclear weapons and non-proliferation issues: resolution 70/23 entitled “African Nuclear-Weapon-Free Zone Treaty”, without a vote; resolution 70/24 entitled “Establishment of a nuclear-weapon-free zone in the region of the Middle East”, without a vote; resolution 70/25 entitled “Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, by a recorded vote of 127 to none, with 55 abstentions; resolution 70/28 entitled “2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee”, by a recorded vote of 176 to none, with 3 abstentions; resolution 70/33 entitled “Taking forward multilateral nuclear disarmament negotiations”, by a recorded vote of 138 to 12, with 34 abstentions; resolution 70/34 entitled “Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament”, by a recorded vote of 140 to 26, with 17 abstentions; resolution 70/37 entitled “Reducing nuclear danger”, by a recorded vote of 127 to 48, with 10 abstentions; resolution 70/38 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”, by a recorded vote of 121 to 48, with 12 abstentions (a separate vote was requested on preambular paragraph 6); resolution 70/39 entitled “Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices”, by a recorded vote of 179 to 1, with 5 abstentions; resolution 70/40 entitled “United action with renewed determination towards the total elimination of nuclear weapons”, by a recorded vote of 166 to 3, with 16 abstentions (separate votes were requested on the operative paragraph 5, 15 and 19); resolution 70/45 entitled “Nuclear-weapon-free southern hemisphere and adjacent areas”, by a recorded vote of 178 to 4, with 1 abstentions; resolution 70/47 entitled “Humanitarian consequences of nuclear weapons”, by a recorded vote of 144 to 18, with 22 abstentions; resolution 70/48 entitled “Humanitarian pledge for the prohibition and elimination of nuclear weapons”, by a recorded vote of 139 to 29, with 17 abstentions; resolution 70/50 entitled “Ethical imperatives for a nuclear-weapon-free world”, by a recorded vote of 132 to 36, with 16 abstentions; resolution 70/51 entitled “Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments”, by a recorded vote of 142 to 7, with 36 abstention (a separate vote was requested on the operative paragraph 13); resolution 70/52 entitled “Nuclear disarmament”, by a recorded vote of 127 to 43, with 15 abstentions (a separate vote was requested on operative paragraph 16); resolution 70/56 entitled “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”, by a recorded vote of 137 to 24, with 25 abstentions; resolution 70/57 entitled “Universal Declaration on the Achievement of a Nuclear-Weapon-Free World”, by a recorded vote of 133 to 23, with 28 abstentions; and resolution 70/59 entitled “Prohibition of the dumping of radioactive wastes”, without a vote; resolution 70/60 entitled “Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)”, without a vote; resolution 70/62 entitled “Convention on the Prohibition of the Use of Nuclear Weapons”, by a recorded vote of 130 to 48, with 8 abstentions; resolution 70/70 entitled “The risk of nuclear proliferation in



the Middle East”, by a recorded vote of 157 to 5, with 20 abstentions (separate votes were requested on preambular paragraphs 5 and 6); resolution 70/73 entitled “Comprehensive Nuclear-Test-Ban Treaty”, by a recorded vote of 181 to 1, with 3 abstentions (a separate vote was requested on preambular paragraph 6).

## (ii) *Security Council*

In 2015, the Security Council adopted three resolutions relating to nuclear disarmament and non-proliferation issues. Resolutions 2207 (2015) of 4 March 2015 and 2224 (2015) of 9 June 2015 related to the mandates of the Panels of Experts established to monitor sanctions measures imposed on the Democratic People’s Republic of Korea and the Islamic Republic of Iran, respectively. By resolution 2231 (2015) of 2015, the Security Council endorsed the Joint Comprehensive Plan of Action concerning the Iranian nuclear issue, and provided for the termination of the applicable sanctions regime.<sup>148</sup>

## (c) **Biological and chemical weapons issues**

### (i) *Biological Weapons Convention*

Pursuant to the final document of the Seventh Review Conference of the States Parties<sup>149</sup> to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972 (Biological Weapons Convention),<sup>150</sup> the Meeting of Experts and the Meeting of States Parties were held in Geneva from 10 to 14 August 2015 and from 14 to 18 December 2015, respectively.<sup>151</sup>

The Meeting of Experts held six sessions devoted to each of the standing agenda items,<sup>152</sup> and two sessions devoted to the biennial item of “How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties”. At its closing meeting on 14 August 2015, the Meeting of Experts adopted its report by consensus.<sup>153</sup>

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 strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties”, the annual item on progress with

<sup>148</sup> For more information, see above chapter III.A.2f(vi) and (vii).

<sup>149</sup> BWC/CONF.VII/7.

<sup>150</sup> United Nations, *Treaty Series*, vol. 1015, p. 164.

<sup>151</sup> BWC/MSP/2015/MX/3 and Corr.1, and BWC/MSP/2015/6, respectively.

<sup>152</sup> 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 strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties” would be considered in 2014 and 2015.

<sup>153</sup> BWC/MSP/2015/MX/3.

universalization of the Convention, the annual report of the Implementation Support Unit, and arrangements for the Eighth review Conference and its Preparatory Committee in 2016. At its closing meeting on 18 December 2015, the Meeting of States Parties adopted its report by consensus.<sup>154</sup>

The year of 2015 also marked the fortieth anniversary of the Biological Weapons Convention. The occasion was marked by the issuance of several high-level statements and a commemorative event, held on 30 March 2015 in Geneva.

### (ii) *Chemical Weapons Convention*

The twentieth session of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1992 (Chemical Weapons Convention)<sup>155</sup> was held in The Hague, from 30 November to 4 December 2015. The issues considered included, *inter alia*, the status of implementation of the Chemical Weapons Convention, fostering of international cooperation for peaceful purposes in the field of chemical activities, and ensuring the universality of the Convention. On 4 December, the Conference considered and adopted the report of its twentieth session.<sup>156</sup>

Membership of the Organization for the Prohibition of Chemical Weapons (OPCW) membership grew to 192 States parties in 2015, with Angola and Myanmar depositing their instruments of ratification.

### (iii) *General Assembly*

On 7 December 2015, the General Assembly, on the recommendation of the First Committee, adopted two resolutions relating to biological and chemical weapons: resolution 70/41 entitled “Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction”, and resolution 70/74 entitled “Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction”.<sup>157</sup>

### (iv) *Security Council*

On 7 August 2015, the Security Council adopted resolution 2235 (2015), establishing the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (OPCW-JIM).<sup>158</sup>

<sup>154</sup> BWC/MSP/2015/6.

<sup>155</sup> United Nations, *Treaty Series*, vol. 1974, p. 45.

<sup>156</sup> C-20/5.

<sup>157</sup> For the content of the resolutions, see *United Nations Juridical Yearbook* 2013 (Sales No. E.17.V.3), chapter III.A.3.c.(i).

<sup>158</sup> See chapter III.A.2.c.(v).

### (d) Conventional weapons issues

#### (i) *International trade in conventional arms*

In accordance with article 17 (1) of the Arms Trade Treaty (ATT)<sup>159</sup>, two formal preparatory meetings for the first Conference of States Parties to the ATT were held, on 23 and 24 February in Port of Spain, Trinidad and Tobago, and from 6 to 8 July in Geneva, Switzerland. Additionally, informal consultations were conducted in Vienna on 20 and 21 April. During those meetings, decisions were made relevant to the infrastructure of the ATT implementation, including decisions related to the Treaty Secretariat, the organization of meetings of State parties, the establishment of subsidiary bodies and the financing for these bodies and their activities.

The first Conference of States Parties to the ATT was held from 24 to 27 August in Cancún, Mexico. On 27 August 2015, the Conference adopted its final report.<sup>160</sup> The Conference adopted Rules of Procedure, Financial Regulations, and decisions regarding the establishment of a Management Committee and a secretariat. It also decided to hold the second Conference in 2016 in Geneva, with an extraordinary session in early 2016 to address outstanding issues of the first Conference.

On 7 December 2015, the General Assembly, on the recommendation of the First Committee, adopted resolution 70/29, entitled “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them”, and resolution 70/49, entitled “The illicit trade in small arms and light weapons in all its aspects”, both without a vote.

#### (ii) *General Assembly*

On 7 December 2015, the General Assembly, on recommendation of the First Committee, adopted eight other resolutions dealing with conventional arms issues: resolution 70/29 entitled “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them”; resolution 70/35 entitled “Problems arising from the accumulation of conventional ammunition stockpiles in surplus”; resolution 70/46 entitled “Countering the threat posed by improvised explosive devices”; resolution 70/49 entitled “The illicit trade in small arms and light weapons in all its aspects”; resolution 70/54 entitled “Implementation of the Convention on Cluster Munitions”; resolution 70/55 entitled “Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction”; resolution 70/58 entitled “The Arms Trade Treaty”; and resolution 70/71 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”.

<sup>159</sup> United Nations, *Treaty Series*, registration No. 52373.

<sup>160</sup> ATT/CSPI/2015/6.

(iii) *Security Council*

On 22 May 2015, the Security Council adopted resolution 2220 (2015), by which the Council reaffirmed its growing concern over the proliferation of small arms and light weapons and its possible negative effects on peacebuilding measures in affected countries.<sup>161</sup>

(iv) *Other international conferences and meetings*

The 2015 Meeting of Experts relating to the Protocol on Explosive Remnants of War (Protocol V) was held on 7 and 8 April 2015 in Geneva. The main focus of the Meeting of Experts was on the following issues: assessment of implementation progress made by State parties; generic preventive measures; national reporting; Article 4; clearance and victim assistance.<sup>162</sup> The Ninth Conference of the High Contracting Parties to Protocol V was held in Geneva on 9 and 10 November 2015, to consider, *inter alia*, the work of the Meeting of Experts. At its fourth plenary meeting, the Ninth Conference adopted its final document.<sup>163</sup>

The second Open-ended Meeting of Governmental Experts on small arms was convened in New York from 1 to 5 June 2015, with a technical mandate and an aim to allow free discussion on the full and effective implementation of the Programme of Action. The Open-ended Meeting underscored the importance of keeping the International Tracing Instrument as a living and relevant instrument to address the new developments in technologies of small arms and light weapons.<sup>164</sup> At its 10th meeting, the Open-ended Meeting adopted its report.<sup>165</sup>

The First Review Conference to the Convention on Cluster Munitions took place in Dubrovnik, Croatia, from 7 to 11 September 2015, following preparatory meetings in Geneva on 5 February and 24 June.<sup>166</sup> The Conference adopted, *inter alia*, the Dubrovnik Declaration and the Dubrovnik Action Plan.<sup>167</sup>

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)<sup>168</sup> annexed to the Convention on Conventional Weapons, the Seventeenth Annual Conference of the High Contracting Parties to Amended Protocol II was held on 11 November 2015 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 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.<sup>169</sup>

<sup>161</sup> See also chapter III.A.II.h.(iv).

<sup>162</sup> United Nations, *Treaty Series*, vol. 2399, p. 100.

<sup>163</sup> CCW/P.V/CONF/2015/11.

<sup>164</sup> For more information, see <https://www.un.org/disarmament/convarms/salw/mge2>.

<sup>165</sup> A/CONF.192/MGE/2015/1.

<sup>166</sup> See CCM/CONF/2015/PM.1/2 and CCM/CONF/2015/PM.2/2.

<sup>167</sup> CCM/CONF/2015/7, annex I and III.

<sup>168</sup> United Nations, *Treaty Series*, vol. 2048, p. 93.

<sup>169</sup> CCW/AP.II/CONF.17/6.

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, 1980<sup>170</sup> (Convention on Conventional Weapons) was held in Geneva on 12 and 13 November 2015. The Meeting considered, *inter alia*, the report of the 2015 Informal Meeting of Experts on Lethal Autonomous weapons Systems<sup>171</sup>, the report on promoting universality of the convention and its protocols,<sup>172</sup> the report of the CCW Sponsorship Programme,<sup>173</sup> the report of the Implementation Support Unit,<sup>174</sup> and the report of the estimated costs of the 2016 Meeting of the High Contracting Parties.<sup>175</sup> On 13 November, the Meeting adopted its final report.<sup>176</sup>

The Fourteenth 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)<sup>177</sup> was held in Geneva from 30 November to 4 December 2015. The Meeting considered reports on the work of the Convention's four committees, established by the Third Review Conference.<sup>178</sup> It welcomed the announcement by Finland on its completion of destruction of its stockpiles, noted with appreciation Mozambique's completion of destruction of all anti-personnel mines under its jurisdiction or control, and granted Cyprus, Ethiopia, Mauritania, Niger, and Senegal an extension to their article 5 deadlines. At its final plenary session, on 4 December 2015, the Meeting adopted its report.<sup>179</sup>

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

### (i) *Africa*

In 2015, the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) continued to assist, upon request, Member States and intergovernmental and civil society organizations in Africa to promote disarmament, peace and security.<sup>180</sup>

The Centre focused its work on providing assistance to States to combat illicit small arms and light weapons and to reform their security sectors. The Centre assisted Member States in their implementation of sub-regional instruments to control small arms and light weapons and provided training to civilian authorities, including national commissions on small arms and light weapons, defence and security forces and United Nations

<sup>170</sup> United Nations, *Treaty Series*, vol. 1342, p. 137.

<sup>171</sup> CCW/MSP/2015/3.

<sup>172</sup> CCW/MSP/2015/4.

<sup>173</sup> CCW/MSP/2015/5.

<sup>174</sup> CCW/MSP/2015/6.

<sup>175</sup> CCW/MSP/2015/7.

<sup>176</sup> CCW/MSP/2015/9.

<sup>177</sup> United Nations, *Treaty Series*, vol. 2056, p. 211.

<sup>178</sup> APLC/CONF/2014/4, para. 25 and annex III.

<sup>179</sup> APLC/MSP.14/2015/33.

<sup>180</sup> For more information, see the reports of the Secretary-General on the United Nations Regional Centre for Peace and Disarmament in Africa (A/70/116 (for the period from July 2014 to June 2015) and A/71/128 (for the period July 2015 to June 2016)).

peacekeeping mission personnel in the area of combating illicit small arms and light weapons. The Centre also partnered with national and international non-governmental organizations and civil society organizations to promote the Arms Trade Treaty.

The Centre further provided technical assistance to Member States in their implementation of instruments relating to weapons of mass destruction, especially the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and of Security Council resolution 1540 (2004). The Centre facilitated the provision of assistance to several African States in preparing their first national reports on the implementation of the resolution and on the next steps to be taken by those States under the resolution.

Moreover, the Centre continued to provide substantive and technical support on disarmament issues to the States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa at their ministerial and governmental expert meetings.

### (ii) *Asia and the Pacific*

The United Nations Regional Centre for Peace, Disarmament and Development in Asia and the Pacific (UNRCPD) continued its activities in 2015, focussing its programmatic activities on promoting the implementation of global disarmament and non-proliferation instruments, including by providing assistance to Member States in the region, upon their request, in national capacity-building; enhancing dialogue and confidence-building in the areas of disarmament, non-proliferation and regional security; and taking outreach and advocacy initiatives. The Regional Centre assisted countries including Bangladesh, Indonesia, Maldives, Nepal and the Philippines through workshops and education projects. It also organized two conferences on disarmament and non-proliferation issues, namely the twenty-fifth United Nations Conference on Disarmament Issues entitled “Towards a World Free of Nuclear Weapons” (26 to 28 August 2015, Hiroshima, Japan) and the fourteenth United Nations–Republic of Korea Joint Conference on Disarmament and Non-proliferation Issues entitled “Unfinished Business of Building a More Secure World” (7 and 8 December 2015, Seoul, Republic of Korea).<sup>181</sup>

### (iii) *Latin America and the Caribbean*

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) focused its assistance to Member States in the region on issues related to small arms and light weapons, other conventional arms and weapons of mass destruction.<sup>182</sup> The Centre implemented more technical, legal and policy assistance activities for the implementation of disarmament and non-proliferation instru-

<sup>181</sup> For more information, see the reports of the Secretary-General on the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (A/70/114 (for the period from 1 July 2014 to 30 June 2015) and A/71/125 (for the period 1 July 2015 to 30 June 2016)).

<sup>182</sup> For more information, see the reports of the Secretary-General on the United Nations Regional Centre for Peace and Disarmament in Latin America and the Caribbean (A/70/138 (for the period from July 2014 to June 2015) and A/71/127 (for the period July 2015 to June 2016)).

ments, including the Arms Trade Treaty, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Security Council resolution 1540 (2004) on preventing the proliferation of weapons of mass destruction and their means of delivery and General Assembly resolution 65/69 on women, disarmament, non-proliferation and arms control. The Centre provided training, upon request, for security sector personnel of Member States in the region on small arms and light weapons control, including on marking, record-keeping, tracing and stockpile management, as well as conventional arms control. The Centre trained national authorities from several Member States in the region using its Arms Trade Treaty implementation course. The Centre provided capacity-building assistance to several States in the Caribbean region in their implementation of resolution 1540 (2004). The Centre also assisted States in the Caribbean region in their development of voluntary national action plans for the implementation of resolution 1540 (2004).

#### (iv) *General Assembly*

On 7 December 2015, the General Assembly adopted, upon the recommendation of the First Committee, nine resolutions dealing with regional disarmament: resolution 70/22 entitled “Implementation of the Declaration of the Indian Ocean as a Zone of Peace”, by a recorded vote of 128 to 3, with 45 abstentions; resolution 70/42 entitled “Confidence-building measures in the regional and subregional context”, without a vote; resolution 70/43 entitled “Regional disarmament”, without a vote; resolution 70/44 entitled “Conventional arms control at the regional and subregional levels”, by a recorded vote of 182 to 1, with 2 abstentions; resolution 70/63, entitled “United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean”, without a vote; resolution 70/64, entitled “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa”, without a vote; resolution 70/65, entitled “United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific”, without a vote; resolution 70/66, entitled “United Nations Regional Centre for Peace and Disarmament in Africa”, without a vote; and resolution 70/72 entitled “Strengthening of security and cooperation in the Mediterranean region”, without a vote.

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

The 2015 Inter-Agency Meeting on Outer Space Activities (UN-Space) held its thirty-fifth session at the premises of the United Nations Campus in Bonn, Germany, on 27 and 28 May 2015.<sup>183</sup>

On 22 October 2015, the First and Fourth Committees of the General Assembly, pursuant to General Assembly resolution 69/38 of 2 December 2014, held its first joint and *ad hoc* meeting on possible challenges to space security and long-term sustainability. States had a general exchange of views on a range of issues, aiming to advance the implementation of transparency and confidence-building measures.

<sup>183</sup> Report of the Inter-Agency Meeting on Outer Space Activities (UN-Space) on its thirty-fifth and thirty-sixth sessions (Bonn, Germany, 27–28 May 2015 and New York, 3 March 2016), A/AC.105/1114.



### *General Assembly*

On 7 December 2015, the General Assembly, on the recommendation of the First Committee, adopted three resolutions on the matters of outer space regarding disarmament: resolution 70/26 entitled “Prevention of an arms race in outer space”, by a recorded vote of 179 to none, with 2 abstentions; resolution 70/27 entitled “No first placement of weapons in outer space”, by a recorded vote of 129 to 4, with 46 abstentions; and resolution 70/53 entitled “Transparency and confidence-building measures in outer space activities”, without a vote.

On 9 December 2015, the General Assembly, on the recommendation of the Fourth Committee, adopted resolution 70/82 entitled “International cooperation in the peaceful uses of outer space”, without a vote.

### **(g) Other disarmament measures and international security**

#### *General Assembly*

On 7 December 2015, the General Assembly, on the recommendation of the First Committee, adopted four resolutions and one decision concerning other disarmament measures and international security: resolution 70/21 entitled “Objective information on Military matters, including transparency of military expenditures”, without a vote; resolution 70/30 entitled “Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control”, without a vote; resolution 70/31 entitled “Promotion of multilateralism in the area of disarmament and non-proliferation”, by a recorded vote of 129 to 4 votes, with 50 abstentions; resolution 70/32 entitled “Relationship between disarmament and development”, without a vote; and decision 70/514 entitled “Role of science and technology in the context of international security and disarmament”.

On 23 December 2015, the General Assembly, on the recommendation of the First Committee, adopted resolution 70/237 entitled “Developments in the field of information and telecommunications in the context of international security”, without a vote.

## **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-fourth session at the United Nations Office in Vienna from 13 March to 24 April 2015.<sup>184</sup>

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

<sup>184</sup> For the Report of the Legal Subcommittee, see A/AC.105/1090.

activities relating to space law. The Subcommittee also agreed that the representative of the International Institute for the Unification of Private Law (UNIDROIT) should be invited to update the Subcommittee, at its fifty-fifth session, on developments relating to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

With regard to the agenda item entitled “Status and application of the five United Nations treaties on outer space”, the Subcommittee, *inter alia*, reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.<sup>185</sup> The Subcommittee also welcomed reports from Member States regarding their progress towards becoming parties to the five United Nations treaties. The Subcommittee agreed that the Working Group should be reconvened at its fifty-fifth session, in 2016, to review the need to extend the mandate of the Working Group beyond that session.

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, which was endorsed by the Subcommittee.<sup>186</sup> The Subcommittee agreed to reconvene the Working Group on Matters Relating to the Definition and Delimitation of Outer Space at its fifty-fifth session.

Concerning the agenda item entitled “National legislation relevant to the peaceful exploration and use of outer space”, the Subcommittee, *inter alia*, noted with satisfaction that some States members of the Committee had already begun to implement the recommendations of General Assembly resolution 68/74.

Under the agenda item “Capacity-building in space law”, the Subcommittee, *inter alia*, agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology, especially in developing countries, and to increasing knowledge of the legal framework within which space activities were carried out. It welcomed the establishment of the Regional Centre for Space Science and Technology Education, affiliated to the United Nations, at Beihang University in Beijing, as it would supplement space law teaching and training opportunities in the Asia-Pacific region.

Regarding the agenda item “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space”, the Subcommittee, *inter alia*, noted with satisfaction the extension of the multi-year work plan of the Working Group on the Use of Nuclear Power Sources in Outer Space to 2017.<sup>187</sup>

Under the agenda item “General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical”, the Subcommittee, *inter alia*, noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation Guidelines of the Committee and/or the Inter-Agency Space Debris

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<sup>185</sup> 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.105/1090, annex I.

<sup>186</sup> See Report of the Chair of the Working Group on the Definition and Delimitation of Outer Space, A/AC.105/1090, annex II.

<sup>187</sup> A/AC.105/1065, annex II, para. 9.

Coordination Committee Space Debris Mitigation Guidelines and that other States had developed their own space debris mitigation standards based on those guidelines.

Concerning the agenda item “General exchange of information on non-legally binding United Nations instruments on outer space”, the Subcommittee welcomed the exchange of information under this agenda item and noted that existing non-legally binding United Nations instruments related to space activities had played an important role by complementing and supporting the United Nations treaties on outer space, and that they continued to be an effective means to address emerging challenges posed by the increase and diversification of activities in outer space, and to serve as a basis for ensuring the safe and sustainable use of outer space.

Regarding the agenda item “Review of international mechanisms for cooperation in the peaceful exploration and use of outer space”, the Subcommittee reconvened its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space and endorsed the report of the Chair of the Working Group.<sup>188</sup>

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

The Committee on the Peaceful Uses of Outer Space held its fifty-eighth session in Vienna from 10 to 19 June 2015. The Committee took note of the Legal Subcommittee’s report and endorsed the recommendations contained therein.<sup>189</sup>

### (b) General Assembly

In 2015, the General Assembly adopted three resolutions relating to the legal aspects of the peaceful uses of outer space. In its resolution 70/82 of 9 December 2015, entitled “International cooperation in the peaceful uses of outer space”, the General Assembly, *inter alia*, requested the Committee on the Peaceful Uses of Outer Space to continue to consider, as a matter of priority, ways and means of maintaining outer space for peaceful purposes and to report thereon to the General Assembly at its seventy-first session, and agreed that during its consideration of the matter the Committee could continue to consider ways to promote regional and interregional cooperation and the role that space technology could play in the implementation of recommendations of the United Nations

<sup>188</sup> See Report of the Chair of the Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, A/AC.105/1090, annex III.

<sup>189</sup> For the report of the Committee on the Peaceful use of Outer Space, see *Official records of the General Assembly, Seventieth Session, Supplement No. 20 (A/70/20)*.

Conference on Sustainable Development. It also endorsed the United Nations Programme on Space Applications for 2016, as proposed to the Committee by the Expert on Space Applications and endorsed by the Committee.

The General Assembly also adopted resolution 70/53 of 7 December 2015 entitled “Transparency and confidence-building measures in outer space activities”, as well as resolution 70/230 of 23 December 2015 entitled “Matters relating to activities under the United Nations Programme on Space Applications in 2016”. By the latter resolution, it agreed to reinstate the United Nations/Costa Rica Workshop on Human Space Technology; the United Nations/South Africa Symposium on Basic Space Technology; the United Nations/Kenya Workshop on Space Technology and Applications for Wildlife Management and Protecting Biodiversity; and the United Nations/Islamic Republic of Iran Workshop on the Use of Space Technology for Dust Storm and Drought Monitoring in the Middle East Region.

## 5. Human rights<sup>190</sup>

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

#### (i) *Human Rights Council*

The Human Rights Council, established in 2006,<sup>191</sup> meets as a quasi-standing body in three annual regular sessions and additional special sessions as needed. Reporting to the General Assembly, its agenda and programme of work provide the opportunity to discuss all thematic human rights issues and human rights situations that require the attention of the Assembly.

The Council’s mandate includes the review on a periodic basis of the fulfilment of the human rights obligations of all Member States, including the members of the Council, over a cycle of four years through the universal periodic review.<sup>192</sup> The Council also assumed the thirty-eight country and thematic special procedures existing under its predecessor, the

<sup>190</sup> 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>.

<sup>191</sup> 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.

<sup>192</sup> The first universal periodic review 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 Universal Periodic Review at the website of the Human Rights Council at <https://www.ohchr.org>.

Commission on Human Rights, while reviewing the mandate and criteria for the establishment of these special procedures.<sup>193</sup> Moreover, based on the previous “1503 procedure”, the confidential complaint procedure of the Council allows individuals and organizations to continue to bring complaints revealing a consistent pattern of gross and reliably attested violations of human rights to the attention of the Council.<sup>194</sup>

In 2015, the Human Rights Council held its twenty-eighth, twenty-ninth, and thirtieth regular sessions,<sup>195</sup> its twenty-third special session on “The terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram”<sup>196</sup> and its twenty-fourth special session on “Preventing further deterioration of the human rights situation in Burundi”.<sup>197</sup>

### (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.<sup>198</sup> 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 fourteenth session from 23 to 27 February 2015 and its fifteenth session from 10 to 14 August 2015 in Geneva.<sup>199</sup>

### (iii) *Human Rights Committee*

The Human Rights Committee was established under the International Covenant on Civil and Political Rights of 1966<sup>200</sup> to monitor the implementation of the Covenant and its Optional Protocols<sup>201</sup> in the territory of States parties. The Committee held its

<sup>193</sup> Human Rights Council decision 1/102 of 30 June 2006.

<sup>194</sup> More detailed information on the mandate, work and methods of the Human Rights Council is available at the website of the Human Rights Council at <https://www.ohchr.org>.

<sup>195</sup> For the reports of the twenty-eighth and twenty-ninth sessions, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 53* (A/70/53). For the report of the thirtieth session, see *ibid.*, *Supplement No. 53A* (A/70/53/Add.1).

<sup>196</sup> For the report of the twenty-third special session, see *ibid.*, *Seventieth Session, Supplement No. 53* (A/70/53).

<sup>197</sup> For the report of the twenty-fourth special session, see *ibid.*, *Seventy-first Session, Supplement No. 53* (A/71/53).

<sup>198</sup> The Human Rights Council Advisory Committee replaced the Sub-Commission for the Promotion and Protection of Human Rights as the main subsidiary body of the Human Rights Council.

<sup>199</sup> For the reports of the Advisory Committee on its fourteenth and fifteenth sessions, see A/HRC/AC/14/2 and A/HRC/AC/15/2, respectively.

<sup>200</sup> United Nations, *Treaty Series*, vol. 999, p. 171.

<sup>201</sup> 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.

113th session from 16 March to 2 April 2015, its 114th session from 29 June to 24 July 2015, and its 115th session from 19 October to 6 November 2015 in Geneva.<sup>202</sup>

At its 115th session, the Committee started to review its draft general comment on article 6 (right to life). At its 116th session, the Committee continued its review of the draft.

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

The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council<sup>203</sup> to monitor the implementation of the International Covenant on Economic, Social and Cultural Rights of 1966<sup>204</sup> by its State parties. The Committee has additional competence under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which entered into force on 5 May 2013, to receive and consider communications from individuals claiming that their rights under the Covenant have been violated.<sup>205</sup> The Committee may also, under certain circumstances, undertake inquiries on grave or systematic violations of any of the economic, social and cultural rights set forth in the Covenant, and consider inter-state complaints. The Committee held its fifty-fourth, fifty-fifth, and fifty-sixth sessions in Geneva from 23 February to 6 March, 1 to 19 June, and from 21 September to 9 October 2015, respectively.<sup>206</sup>

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

The Committee on the Elimination of Racial Discrimination was established under the International Convention on the Elimination of All Forms of Racial Discrimination of 1966<sup>207</sup> to monitor the implementation of this Convention by its States parties. The Committee held its eighty-sixth, eighty-seventh, and eighty-eighth sessions in Geneva from 27 April to 15 May, 3 to 28 August, and 23 November to 11 December 2015, respectively.<sup>208</sup>

#### (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

<sup>202</sup> For the report of the 113th session, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 40 (A/70/40)*. For the report of the 114th and 115th sessions, see *ibid.*, *Seventy-first Session, Supplement No. 40 (A/71/40)*.

<sup>203</sup> Economic and Social Council resolution 1985/17 of 28 May 1985.

<sup>204</sup> United Nations, *Treaty Series*, vol. 993, p. 3.

<sup>205</sup> *Ibid.*, registration No. 14531 (no volume number had been determined for this Convention at the time of this publication).

<sup>206</sup> For the reports of the fifty-fourth, fifty-fifth, and fifty-sixth sessions, see *Official Records of the Economic and Social Council, 2015, Supplement No. 2 (E/2016/22)*.

<sup>207</sup> United Nations, *Treaty Series*, vol. 660, p. 195.

<sup>208</sup> For the report of the eighty-sixth session, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 18 (A/70/18)*. For the report of the eighty-seventh and eighty-eighth sessions, see *ibid.*, *Seventy-first Session, Supplement No. 18 (A/71/18)*.

Women of 1979<sup>209</sup> to monitor the implementation of this Convention by its States parties. The Committee held its sixtieth, sixty-first, and sixty-second sessions in Geneva from 16 February to 6 March, 6 to 24 July, and 26 October to 20 November 2015, respectively.<sup>210</sup>

On 24 July 2015, the Committee adopted, by consensus, general recommendation No. 33 on women's access to justice.<sup>211</sup>

#### (vii) *Committee against Torture*

The Committee against Torture was established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984<sup>212</sup> to monitor the implementation of the Convention by its States parties. In 2015, the Committee held its fifty-fourth, fifty-fifth, and fifty-sixth sessions in Geneva from 20 April to 15 May, from 27 July to 14 August, and from 9 November to 9 December 2015, respectively.<sup>213</sup>

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,<sup>214</sup> held its twenty-fifth, twenty-sixth, and twenty-seventh sessions from 16 to 20 February, 15 to 19 June, and 16 to 20 November 2015, respectively.<sup>215</sup>

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

The Committee on the Rights of the Child was established under the Convention on the Rights of the Child of 1989<sup>216</sup> to monitor the implementation of this Convention by its States parties. The Committee held its sixty-eighth, sixty-ninth, and seventieth sessions in Geneva from 12 to 30 January, 18 May to 5 June, and 14 September to 2 October 2015, respectively.<sup>217</sup>

#### (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

<sup>209</sup> United Nations, *Treaty Series*, vol. 1249, p. 13.

<sup>210</sup> For the report of the sixtieth session, see *Official Records of the General Assembly, seventieth Session, Supplement No. 38 (A/70/38)*. For the report of the sixty-first and sixty-second sessions, see *ibid.*, *Seventy-first Session, Supplement No. 38 (A/71/38)*.

<sup>211</sup> CEDAW/C/GC/33.

<sup>212</sup> United Nations, *Treaty Series*, vol. 1465, p. 85.

<sup>213</sup> For the report of the fifty-fourth session, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 44 (A/70/44)*. For the report of the fifty-fifth and fifty-sixth sessions, see *ibid.*, *Seventy-first Session, Supplement No. 44 (A/71/44)*.

<sup>214</sup> United Nations, *Treaty Series*, vol. 2375, p. 237.

<sup>215</sup> For details of the twenty-fifth, twenty-sixth, and twenty-seventh sessions, see the ninth annual report of the Subcommittee (CAT/C/57/4).

<sup>216</sup> United Nations, *Treaty Series*, vol. 1577, p. 3.

<sup>217</sup> For the report of the sixty-eighth, sixty-ninth, and seventieth sessions, see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 41 (A/71/41)*.



of the Rights of All Migrant Workers and Members of Their Families of 1990<sup>218</sup> to monitor the implementation of this Convention by its States parties in their territories. In 2015, the Committee held its twenty-second and twenty-third sessions in Geneva from 13 to 24 April and 31 August to 9 September, respectively.<sup>219</sup>

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

The Committee on the Rights of Persons with Disabilities is the body of independent experts established under the Convention on the Rights of Persons with Disabilities of 2006<sup>220</sup> and its 2006 Optional Protocol<sup>221</sup> to monitor the implementation of the Convention and the Optional Protocol by States parties. In 2015, the Committee held its thirteenth and fourteenth sessions in Geneva from 25 March to 17 April and 17 August to 4 September, respectively.<sup>222</sup>

(xi) *Committee on Enforced Disappearances*

The Committee on Enforced Disappearances was established under the International Convention for the Protection of All Persons from Enforced Disappearance of 2006<sup>223</sup> to monitor the implementation of the Convention by its State parties. In 2015, the Committee held its eighth and ninth sessions in Geneva from 2 to 13 February and from 7 to 18 September, respectively.<sup>224</sup>

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

(i) *Human Rights Council*

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere, submitted two reports to the Human Rights Council during 2015. The first report, submitted pursuant to Human Rights Council resolution 25/32, focused on racial and ethnic profiling in law enforcement.<sup>225</sup> The second report, submitted pursuant to General Assembly resolution 69/160, paragraph 43, the Special Rapporteur concerned combating glorification of Nazism, neo-Nazism and

<sup>218</sup> United Nations, *Treaty Series*, vol. 2220, p. 3.

<sup>219</sup> For the report of the twenty-second session, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 48 (A/70/48)*. For the report of the twenty-third session, see *ibid.*, *Seventy-first Session, Supplement No. 48 (A/71/48)*.

<sup>220</sup> United Nations, *Treaty Series*, vol. 2515, p. 3.

<sup>221</sup> *Ibid.*, vol. 2518, p. 283.

<sup>222</sup> For the reports of the thirteenth and fourteenth sessions, see *Official Records of the General Assembly, Seventy-second Session, Supplement No. 55 (A/72/55)*.

<sup>223</sup> General Assembly resolution 61/177 of 20 December 2006, annex.

<sup>224</sup> For the report of the eighth session, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 56 (A/70/56)*. For the report of the ninth session, see *ibid.*, *Seventy-first Session, Supplement No. 56 (A/71/56)*.

<sup>225</sup> A/HRC/29/46.

other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.<sup>226</sup>

On 27 March 2015, the Council adopted resolution 28/29, 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. On the same day, resolution 29/5 entitled “Elimination of discrimination against persons affected by leprosy and their family members” was also adopted, without a vote.

On 2 October 2015, the Council adopted resolution 30/16 entitled “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance” by a recorded vote of 32 to 12, with 3 abstentions. On the same day, the Council also adopted resolution 30/17 entitled “Forum on people of African descent in the diaspora”, by a recorded vote of 32 to 12, with 3 abstentions.

## (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, the Special Rapporteur addressed the implementation of General Assembly resolution 68/150 of 18 December 2013 on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, based on views collected from Governments and non-governmental organizations.<sup>227</sup> In his second report to the General Assembly, submitted pursuant to General Assembly resolution 68/151 of 18 December 2013 the Special Rapporteur focused on the recommendation made to Member States to collect disaggregated data with a view to effectively combating such discrimination.<sup>228</sup>

The Secretary-General submitted three reports to the General Assembly. The first report entitled “Programme of activities for the implementation of the International Decade for People of African Descent” summarized initiatives undertaken by all major stakeholders and provided recommendations concerning the implementation of the Decade.<sup>229</sup> The second report, 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 pursuant to General Assembly resolution 69/162 of 18 December 2014 and in follow-up to General Assembly resolution 68/151 of 18 December 2013, summarized information received from various actors and concluded with recommendations.<sup>230</sup> The Secretary-General also transmitted the annual report of the Working Group of Experts on People of African Descent.<sup>231</sup>

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/139 entitled “Combating glorification of Nazism and other

<sup>226</sup> A/HRC/29/47.

<sup>227</sup> A/70/321.

<sup>228</sup> A/70/335.

<sup>229</sup> A/70/339.

<sup>230</sup> A/70/367.

<sup>231</sup> A/70/309.

practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, by a recorded vote of 133 to 4, with 49 abstentions; and resolution 70/140 entitled “A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, by a recorded vote of 133 to 11, with 44 abstentions.

### (c) Right to development and poverty reduction

#### (i) *Human Rights Council*

The Special Rapporteur on extreme poverty and human rights, Mr. Philip Alston, submitted his report to the Human Rights Council.<sup>232</sup> The report provided an overview of global economic and social inequalities, analysed responses of the international community, and proposed an agenda for the future tackling of these inequalities.

The Chairperson-Rapporteur of the Social Forum, Mr. Faisal bin Abdulla al-Henzab, submitted the report of the 2015 Social Forum, which focussed on access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including best practices in that regard.<sup>233</sup>

The United Nations High Commissioner for Human Rights also submitted a report to the Council on technical assistance to support inclusive and participatory development and poverty reduction at the national level.<sup>234</sup> The Secretary-General and the United Nations High Commissioner for Human Rights submitted a consolidated report to the Council on the right to development, summarising the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations human rights mechanisms with regard to the promotion and realization of the right to development covering the period from May 2014 to April 2015.<sup>235</sup>

On 2 July 2015, the Council adopted resolution 29/19 entitled “The Social Forum”, without a vote. On 2 October 2015, the Council adopted resolution 30/28 entitled “The right to development”, by a recorded vote of 33 to 10, with 4 abstentions.

#### (ii) *General Assembly*

In accordance with General Assembly resolution 69/234 of 19 December 2014, the Secretary-General submitted a report, entitled “Implementation of the Second United Nations Decade for the Eradication of Poverty (2008–2017)”, to the General Assembly.<sup>236</sup> The report discussed the progress and challenges faced by countries and offered recommendations in that regard.

<sup>232</sup> A/HRC/29/31.

<sup>233</sup> A/HRC/29/44.

<sup>234</sup> A/HRC/28/42.

<sup>235</sup> A/HRC/30/22.

<sup>236</sup> A/70/281.

On 22 December 2015, the General Assembly adopted, on the recommendation of the Second Committee, resolution 70/218 entitled “Second United Nations Decade for the Eradication of Poverty (2008–2017)”, without a vote.

**(d) Right of peoples to self-determination**

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

**a. Human Rights Council**

On 27 March 2015, the Human Rights Council adopted resolution 28/25 entitled “Right of the Palestinian people to self-determination”, by a recorded vote of 45 to 1, with 1 abstention.

**b. General Assembly**

The Secretary-General submitted a report entitled “Rights of Peoples to self-determination”, pursuant to General Assembly resolution 69/164 of 18 December 2014, to the General Assembly.<sup>237</sup>

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/141 entitled “The right of the Palestinian people to self-determination”, by a recorded vote of 177 to 7, with 4 abstentions; and resolution 70/143 entitled “Universal realization of the right of peoples to self-determination”, without a vote.

**(ii) *Mercenaries***

**a. Human Right Council**

The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination submitted its report to the Human Rights Council, presenting the findings of its ongoing global study of national laws and regulations relating to private military and/or security companies (PMSCs).<sup>238</sup>

On 26 March 2015, the Council adopted resolution 28/7 entitled “Renewal of the mandate of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies”, by a recorded vote of 32 to 13, with 2 abstentions. On 1 October 2015, the Council adopted resolution 30/6 entitled “The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”, by a recorded vote of 32 to 14, with 1 abstention.

**b. General Assembly**

In accordance with Commission on Human Rights resolution 2005/2 of 7 April 2005, the Secretary-General transmitted the report of the Working Group on the use of

<sup>237</sup> A/70/314.

<sup>238</sup> A/HRC/30/34.

mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly.<sup>239</sup>

On 17 December 2015, the General Assembly adopted, on recommendation of the Third Committee, resolution 70/142 entitled “The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”, by a recorded vote of 130 to 52, with 6 abstentions.

### (e) Economic, social and cultural rights

On 26 March 2015, the Human Rights Council adopted resolution 28/12, entitled “Question of the realization in all countries of economic, social and cultural rights”, without a vote.

#### (i) *Right to food*

##### a. Human Rights Council

The Special Rapporteur on the right to food, Ms. Hilal Elver, submitted a report to the Human Rights Council in accordance with its resolution 22/9 on the access to justice and the right to food, which explored the structural, cultural, legal, economic and ecological barriers that women face in their fulfilment of the right to food.<sup>240</sup>

On 26 March 2015, the Human Rights Council adopted resolution 28/10 entitled “The right to food”, without a vote. On 1 October 2015, the Council adopted resolution 30/13 entitled “Promotion and protection of the human rights of peasants and other people working in rural areas”, by a recorded vote of 31 to 1, with 15 abstentions.

##### b. General Assembly

The Secretary-General transmitted to the General Assembly the interim report of the Special Rapporteur on the right to food.<sup>241</sup> The report outlined the adverse impact of climate change on the right to food.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/154 entitled “The right to food”, without a vote.

#### (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.<sup>242</sup> The report focussed on protecting the right to education against commercialization.

<sup>239</sup> A/70/330.

<sup>240</sup> A/HRC/31/51.

<sup>241</sup> A/70/287.

<sup>242</sup> A/HRC/29/30, Add.1–2.

The United Nations High Commissioner for Human Rights also submitted a summary report on the panel discussion on realizing the equal enjoyment of the right to education by every girl.<sup>243</sup>

On 2 July 2015, the Human Rights Council adopted resolution 29/7 entitled “The right to education”, without a vote.

#### **b. General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the right to education,<sup>244</sup> which focused on public-private partnerships in education and offered recommendations on the regulatory framework and implementation strategies.

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

##### **a. Human Rights Council**

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Leilani Farha, submitted her report to the Human Rights Council.<sup>245</sup> The report focused on causes and responses to homelessness, proposing a global campaign to eliminate homelessness by 2030.

On 3 July 2015, the Human Rights Council adopted resolution 29/22 entitled “Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development”, by a recorded vote of 29 to 14, with 4 abstentions.

#### **b. General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.<sup>246</sup> The report outlined how the right to adequate housing had to guide the development and implementation of a “new urban agenda” that was to be adopted in October 2016.

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

##### **a. Human Rights Council**

In accordance with Human Rights Council resolution 24/18 of 27 September 2013, the Special Rapporteur on the human right to safe drinking water and sanitation, Mr. Léo Heller, submitted his report to the Human Rights Council.<sup>247</sup> The report focused on the importance

<sup>243</sup> A/HRC/30/23.

<sup>244</sup> A/70/342.

<sup>245</sup> A/HRC/31/54.

<sup>246</sup> A/70/270.

<sup>247</sup> A/HRC/30/39.

of setting concrete standards to determine affordability and the importance of regulating and monitoring affordability before providing conclusions and recommendations.

#### **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 to the General Assembly, in accordance with Human Rights Council resolutions 16/2 of 24 March 2011 and 21/2 of 27 September 2012.<sup>248</sup> The report provided an overview of the human rights framework for water, sanitation and hygiene, describing the relevant human rights standards and principles that served to assess different levels and types of service and an assessment of different types of service through the lens of the human rights framework.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/169 entitled “The human rights to safe drinking water and sanitation”, without a vote.

#### *(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. Dainius Pūras, submitted his report to the Human Rights Council.<sup>249</sup> In his report, the Special Rapporteur focused on the right to health framework, the development of the contours and content of the right to health. It also reflected on how the Special Rapporteur saw the way forward, based on the current context, challenges and opportunities for the full realisation of the right to health.

The United Nations High Commissioner for Human Rights submitted a report to the Council, which presented a study on the impact of the world drug problem on the enjoyment of human rights and relevant recommendations.<sup>250</sup>

On 27 March 2015, the Council adopted resolution 28/28 entitled “Contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem of 2016”, without a vote. On 2 October 2015, the President of the Human Rights Council delivered a statement entitled “Promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health against pandemics”.<sup>251</sup>

##### **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.<sup>252</sup> In the report, the Special Rapporteur argued that early

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<sup>248</sup> A/70/203.

<sup>249</sup> A/HRC/29/33.

<sup>250</sup> A/HRC/30/65.

<sup>251</sup> A/HRC/PRST/30/2.

<sup>252</sup> A/70/213.



childhood must receive significantly more attention and a more adequate response from all relevant actors, including in the post-2015 agenda.

(vi) *Cultural rights*

a. **Human Rights Council**

The Special Rapporteur in the field of cultural rights, Ms. Farida Shaheed, submitted her report to the Human Rights Council.<sup>253</sup> In the report, the Special Rapporteur examined copyright law and policy from the perspective of the right to science and culture, emphasizing both the need for protection of authorship and expanding opportunities for participation in cultural life.

On 26 March 2015, the Human Rights Council adopted resolution 28/9 entitled “Mandate of the Special Rapporteur in the field of cultural rights” to extend the mandate for a period of three years, without a vote.

On 2 October 2015, Ms. Karima Bennouna was appointed to fill the post following the completion of the second term of Ms. Farida Shaheed.<sup>254</sup>

b. **General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur in the field of cultural rights submitted a report to the General Assembly.<sup>255</sup> The report addressed the implications of patent policy for the human right to science and culture and reaffirmed the distinction to be made between intellectual property rights and human rights, emphasizing that the right to the protection of the moral and material interests of authors did not necessarily coincide with the prevailing approach to intellectual property law.

(f) **Civil and political rights**

(i) *Torture*

a. **Human Rights Council**

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Méndez, submitted his report to the Human Rights Council.<sup>256</sup> The report focused on children deprived of their liberty from the perspective of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

b. **General Assembly**

The Secretary-General submitted a report to the General Assembly, which described the outcome of the forty-first session of the Board of Trustees of the United Nations

<sup>253</sup> A/HRC/28/57.

<sup>254</sup> A/HRC/31/59, para 1.

<sup>255</sup> A/70/279 and Corr.1.

<sup>256</sup> A/HRC/28/68 and Add.1 and Add.4.

Voluntary Fund for Victims of Torture, in particular the expert workshop of practitioners on redress and rehabilitation of victims of torture in emergency contexts and long-term needs of victims.<sup>257</sup> The Secretary-General also transmitted to the General Assembly the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.<sup>258</sup> The report addresses the extraterritorial application of the prohibition of torture and other ill-treatment and attendant obligations under international law. In addition, the Committee against Torture submitted the report of its fifty-third and fifty-fourth session to the General Assembly.<sup>259</sup>

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/146 entitled “Torture and other cruel, inhuman or degrading treatment or punishment”, without a vote.

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

a. **Human Rights Council**

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Christof Heyns, submitted his report to the Human Rights Council.<sup>260</sup> The report discussed the implications of information and communications technologies (ICTs) for the protection of the right to life.

The Working Group on Arbitrary Detention submitted two reports to the Human Rights Council. The first report analysed issues relating to detention in the context of drug control and to peaceful protests and arbitrary detention, and emphasized the need of remedies for arbitrary detention as an imperative norm of international human rights law.<sup>261</sup> The second report presented to the Council draft basic principles and guidelines on remedies and procedures on the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before a court.<sup>262</sup>

The United Nations High Commissioner for Human Rights submitted a report to the Council, which analysed the human rights implications of overincarceration and overcrowding, drawing on the experience of United Nations and regional human rights mechanisms and in the light of the views provided by States, including on their practice regarding alternatives to detention, and other relevant stakeholders.<sup>263</sup> The Office of the High Commissioner also submitted a report summarizing the panel discussions on the protection of the human rights of persons deprived of their liberty.<sup>264</sup>

<sup>257</sup> A/70/223.

<sup>258</sup> A/70/303.

<sup>259</sup> A/70/44.

<sup>260</sup> A/HRC/29/37 and Add. 1–7.

<sup>261</sup> A/HRC/30/36 and Add. 1–3.

<sup>262</sup> A/HRC/30/37.

<sup>263</sup> A/HRC/30/19.

<sup>264</sup> A/HRC/28/29.

### b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions.<sup>265</sup> In the report, the Special Rapporteur provided an overview of his activities and considers two different topics relating to the protection of the right to life: (a) the role of forensic investigations; and (b) the application of the death penalty to foreign nationals.

#### (iii) *Enforced disappearances and missing persons*

##### a. Human Rights Council

The Working Group on Enforced or Involuntary Disappearances submitted its annual report to the Human Rights Council, detailing the activities of and communications and cases examined by the Working Group on Enforced or Involuntary Disappearances covering the period 17 May 2014 to 15 May 2015.<sup>266</sup>

##### b. General Assembly

The Secretary General submitted to the General Assembly a report entitled “International Convention for the Protection of All Persons from Enforced Disappearance”.<sup>267</sup> The report included information on the activities carried out in relation to the implementation of the resolution by the Secretary-General, the United Nations High Commissioner for Human Rights and her Office, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and intergovernmental and non-governmental organizations.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/160 entitled “International Convention for the Protection of All Persons from Enforced Disappearance”, without a vote.

#### (iv) *Integration of human rights of women and a gender perspective*<sup>268</sup>

##### a. Human Rights Council

The Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, submitted a report to the Human Rights Council.<sup>269</sup> The report provided an overview of the legally binding provisions, implementing mechanisms and relevant jurisprudence regarding violence against women in three regional human rights systems, namely the African, European and Inter-American systems.

<sup>265</sup> A/70/304.

<sup>266</sup> A/HRC/30/38.

<sup>267</sup> A/70/261.

<sup>268</sup> For more information on the rights of women, see section 6 of this chapter.

<sup>269</sup> A/HRC/29/27 and Add.1–3 and 5.

The Working Group on the issue of discrimination against women in law and in practice also submitted a report to the Human Rights Council.<sup>270</sup> The report focused on eliminating discrimination against women in cultural and family life, with a focus on the family as a cultural space.

The United Nations High Commissioner for Human Rights also submitted two reports to the Council. The first report was a compilation of good practices and major challenges in preventing and eliminating female genital mutilation.<sup>271</sup> The second report, entitled “Discrimination and violence against individuals based on their sexual orientation and gender identity” provided an update to an earlier report on the matter.<sup>272</sup> The Office of the High Commissioner also submitted a report to the Council as a summary on the annual-full day of discussion on the human rights of women.<sup>273</sup>

On 2 July 2015, the Council adopted resolution 29/4 entitled “Elimination of discrimination against women”, without a vote. On the same day, it also adopted resolution 29/14 entitled “Accelerating efforts to eliminate all forms of violence against women: eliminating domestic violence”, without a vote.

## b. General Assembly

The Secretary-General submitted five reports to the General Assembly, entitled “Action against gender-related killing of women and girls”,<sup>274</sup> “Status of the Convention on the Elimination of All Forms of Discrimination against Women”,<sup>275</sup> “Measures taken and progress achieved in follow-up to and implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly”,<sup>276</sup> “Improvement of the situation of women in rural areas”,<sup>277</sup> and “Women in Development”.<sup>278</sup> The Secretary-General also transmitted to the General Assembly the report of the Special Rapporteur on violence against women, its causes and consequences,<sup>279</sup> which provided an overview of the legally binding provisions, implementing mechanisms and relevant jurisprudence regarding violence against women in three regional human rights systems.

On 17 December 2015, the General Assembly adopted five resolutions, on the recommendation of the Third Committee, in this regard: resolution 70/130 entitled “Violence against women migrant workers”, without a vote; resolution 70/131 entitled “Convention on the Elimination of All Forms of Discrimination against Women”, without a vote; resolution 70/132 entitled “Improvement of the situation of women in rural areas”, without a vote; resolution 70/133 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

<sup>270</sup> A/HRC/29/40.

<sup>271</sup> A/HRC/29/20.

<sup>272</sup> A/HRC/29/23; updating A/RCH/19/41.

<sup>273</sup> A/HRC/30/70.

<sup>274</sup> A/70/93.

<sup>275</sup> A/70/124.

<sup>276</sup> A/70/180.

<sup>277</sup> A/70/204.

<sup>278</sup> A/70/256.

<sup>279</sup> A/70/209.

twenty-third special session of the General Assembly”, without a vote; and resolution 70/176 entitled “Action against gender-related killing of women and girls”, without a vote.

(v) *Trafficking*

a. **Human Rights Council**

The Special Rapporteur on trafficking in persons, especially women and children, Ms. Maria Grazia Giammarinaro, submitted her annual report to the Human Rights Council.<sup>280</sup> In the report, the Special Rapporteur outlined her vision of the mandate and the working methods she intended to use, drawing on the work and experience of her predecessors.

b. **General Assembly**

The Secretary-General submitted to the General Assembly two reports. Pursuant to General Assembly resolution 68/192 of 18 December 2013, the Secretary-General submitted a report entitled “Improving the coordination of efforts against trafficking in persons”,<sup>281</sup> which summarized the activities undertaken by the United Nations Office on Drugs and Crime (UNODC), as well as the efforts of Member States and the entities of the United Nations system towards implementing resolution 68/192. The Secretary-General also transmitted to the General-Assembly the report of the Special Rapporteur on trafficking in persons, especially women and children.<sup>282</sup> The report addressed a series of legal and operational questions about what due diligence on trafficking in persons required of States with respect to non-State actors.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/179 entitled “Improving the coordination of efforts against trafficking in persons”, without a vote.

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

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 provided a typological description of various forms of violence carried out in the name of religion and explored root causes and relevant factors that underlie such violence.<sup>283</sup> The United Nations High Commissioner for Human Rights also submitted a report on combating intolerance, negative stereotyping, stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.<sup>284</sup>

<sup>280</sup> A/HRC/29/38 and Add.2.

<sup>281</sup> A/70/94.

<sup>282</sup> A/70/260.

<sup>283</sup> A/HRC/28/66.

<sup>284</sup> A/HRC/28/47.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye, submitted his annual report to the Council, which addressed the use of encryption and anonymity in digital communications.<sup>285</sup>

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai, submitted his report to the Council regarding the rights to freedom of peaceful assembly and of association in the context of natural resource exploitation projects, based on expert consultations and the responses received to a questionnaire sent out by the Special Rapporteur.<sup>286</sup>

On 27 March 2015, the Council adopted resolution 28/18 entitled “Freedom of religion or belief”, without a vote; and resolution 28/29 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.

### **b. General Assembly**

The Secretary-General transmitted to the General Assembly the interim report of the Special Rapporteur on freedom of religion or belief, in accordance with General Assembly resolution 69/175 of 18 December 2014.<sup>287</sup> In his report, the Special Rapporteur focuses on the rights of the child and his or her parents in the area of freedom of religion or belief. The Secretary-General also submitted a report entitled “Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief” to the Assembly, including information on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.<sup>288</sup>

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.<sup>289</sup> The report addressed the protection of sources of information and whistle-blowers. He also transmitted the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which presented a comparative study of enabling environments for businesses and associations.<sup>290</sup>

On 17 December 2015, the General Assembly adopted two resolutions addressing the issue of freedom of religion or belief, both adopted on the recommendation of the Third Committee, without a vote: resolution 70/157 entitled “Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief” and resolution 70/158 entitled “Freedom of religion or belief”.

<sup>285</sup> A/HRC/29/32.

<sup>286</sup> A/HRC/29/25 and Add.1–5.

<sup>287</sup> A/70/286.

<sup>288</sup> A/70/415.

<sup>289</sup> A/70/361.

<sup>290</sup> A/70/266.

(vii) *Right to life*

**Human Rights Council**

The Secretary-General submitted a report to the Human Rights Council regarding capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty.<sup>291</sup>

On 2 July 2015, the Council adopted resolution 29/10 entitled “Human rights and the regulation of civilian acquisition, possession and use of firearms”, by a recorded vote of 41 to none, with 6 abstentions. On 1 October 2015, the Human Rights Council adopted resolution 30/5 entitled “The question of death penalty”, by a recorded vote of 26 to 13, with 8 abstentions.

(viii) *Right to privacy*

**Human Rights Council**

On 26 March 2015, the Human Rights Council adopted resolution 28/16 entitled “The right to privacy in the digital age”, without a vote. This resolution established the mandate of the Special Rapporteur on the right to privacy. On 1 August 2015, Mr. Joseph Cannataci assumed his post as the first Special Rapporteur on the right to privacy.

(ix) *Right to truth*

**a. Human Rights Council**

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Pablo de Greiff, submitted his annual report to the Human Rights Council.<sup>292</sup> In his report, the Special Rapporteur presented activities undertaken from July 2014 to June 2015, and addressed the topic of establishing a policy on guarantees of non-recurrence in the aftermath of mass violations.

**b. General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.<sup>293</sup> This report focused on the preventive potential of measures associated with reform of the security sector, including the vetting of security institutions.

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<sup>291</sup> A/HRC/30/18.

<sup>292</sup> A/HRC/30/42.

<sup>293</sup> A/70/438.



## (g) Rights of the child

### a. Human Rights Council

The Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Leila Zerrougui, submitted her annual report to the Human Rights Council.<sup>294</sup> In the report, the Special Rapporteur outlined the activities undertaken in discharging her mandate and the progress achieved in addressing grave violations against children, including through engagement with parties to conflicts to end and prevent violations. The Special Representative of the Secretary-General on Violence against Children, Ms. Marta Santos Pais, submitted her annual report to the Human Rights Council.<sup>295</sup> The report built on the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child and the shaping of the post-2015 development agenda, and highlighted the potential and risks associated with children's use of new information and communication technologies.

The Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Maud de Boer-Buquicchio, submitted her report to the Human Rights Council, which outlined the past activities and future plans of the Special Rapporteur and also provided a thematic update on the issue of information and communication technologies and the sale and sexual exploitation of children.<sup>296</sup>

The United Nations High Commissioner for Human Rights submitted three reports to the Council. The first report set out the obligations of States to invest adequately in the rights of children, in accordance with the Convention on the Rights of the Child.<sup>297</sup> The second report summarized the panel discussion on accelerating global efforts to end violence against children.<sup>298</sup> The third report provided a summary of the full-day meeting on the rights of the child on the theme "Towards better investment in the rights of the child".<sup>299</sup>

On 26 March 2015, the Human Rights Council adopted resolution 28/13 entitled "Birth registration and the right of everyone to recognition everywhere as a person before the law", without a vote. On 27 March 2015, the Council adopted resolution 28/19 entitled "Rights of the child: towards better investment in the rights of the child", without a vote. On 2 July 2015, it also adopted resolution 29/8 entitled "Strengthening efforts to prevent and eliminate child, early and forced marriage", without a vote, and resolution 29/12 entitled "Unaccompanied migrant children and adolescents and human rights", without a vote.

### b. General Assembly

The Secretary-General submitted four reports to the Assembly, entitled "Follow-up to the outcome of the special session of the General Assembly on children",<sup>300</sup> "The girl

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<sup>294</sup> A/HRC/31/19.

<sup>295</sup> A/HRC/28/55.

<sup>296</sup> A/HRC/28/56.

<sup>297</sup> A/HRC/28/33.

<sup>298</sup> A/HRC/28/34.

<sup>299</sup> A/HRC/30/62.

<sup>300</sup> A/70/265.

child”,<sup>301</sup> “Status of the Convention on the Rights of the Child”,<sup>302</sup> and “Children and armed conflict”,<sup>303</sup> respectively. He also transmitted the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, which described the activities undertaken in relation to the discharge of her mandate since her previous report to the Assembly.<sup>304</sup>

The Special Representative of the Secretary-General for Children and Armed Conflict submitted her annual report to the General Assembly, pursuant to General Assembly resolution 69/157 of 18 December 2014.<sup>305</sup> The report covered the activities undertaken by the Special Representative in the period from August 2014 to July 2015.

The Special Representative of the Secretary-General on Violence against Children also submitted her annual report to the General Assembly, pursuant to General Assembly resolution 69/157 of 18 December 2014.<sup>306</sup> The report provided an overview of major developments promoted by the Special Representative of the Secretary-General on Violence against Children to sustain and scale up efforts to safeguard children’s freedom from violence.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/137 entitled “Rights of the child”, by a recorded vote of 141 to 1, with 42 abstentions; and resolution 70/138, entitled “The girl child”, without a vote.

### **c. Security Council**

On 18 June 2015, the Security Council adopted resolution 2205 (2015) on children and armed conflict.

## **(h) Migrants**

### **a. Human Rights Council**

The Special Rapporteur on the human rights of migrants, Mr. François Crépeau, submitted his report to the Human Rights Council.<sup>307</sup> The report outlined the activities of the Special Rapporteur on the human rights of migrants from 1 April 2013 to 31 March 2014. The thematic section was dedicated to European Union border management and the human rights of migrants.

On 2 July 2015, the Human Rights Council adopted resolution 29/2 entitled “Protection of the human rights of migrants: migrants in transit”, without a vote.

### **b. General Assembly**

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

<sup>301</sup> A/70/267.

<sup>302</sup> A/70/315.

<sup>303</sup> A/70/836–S/2016/360 and Add.1.

<sup>304</sup> A/70/222.

<sup>305</sup> A/70/162.

<sup>306</sup> A/70/289.

<sup>307</sup> A/HRC/29/36 and Add.1–6.

migrants”<sup>308</sup> The Secretary-General also transmitted the report of the Special Rapporteur on human rights of migrants submitted his annual report to the General Assembly.<sup>309</sup> The report outlined the main activities undertaken by the Special Rapporteur on the human rights of migrants and discussed the impact of recruitment practices on the human rights of migrants, particularly low-wage workers, during labour migration.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/147 entitled “Protection of migrants”, without a vote.

### **(i) Internally displaced persons**

#### **a. Human Rights Council**

The Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani, submitted his annual report to the Human Rights Council.<sup>310</sup> The report provided a thematic analysis of the human rights of internally displaced persons in the context of the post-2015 development agenda.

#### **b. General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the human rights of internally displaced persons submitted his annual report to the General Assembly.<sup>311</sup> The report considered positive practices in governance structures and institutional arrangements for preventing and managing responses to the different stages of internal displacement that could be replicated in different situations while to could be adapted to national and local contexts.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/134 entitled “Assistance to refugees, returnees and displaced persons in Africa”, without a vote; and resolution 70/165 entitled “Protection of and assistance to internally displaced persons,” without a vote.

### **(j) Minorities**

#### **a. Human Rights Council**

In 2015, the Special Rapporteur on minority issues, Ms. Rita Izsák, submitted two reports to the Human Rights Council, regarding hate speech and incitement to hatred against minorities in the media and the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism.<sup>312</sup> The United Nations High Commissioner for Human Rights submitted a report to the Council on rights of persons belonging to national or ethnic, religious and linguistic minorities.<sup>313</sup>

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<sup>308</sup> A/70/259.

<sup>309</sup> A/70/310.

<sup>310</sup> A/HRC/29/34, Add. 1–3.

<sup>311</sup> A/70/334.

<sup>312</sup> A/HRC/28/64 and A/HRC/29/24, respectively.

<sup>313</sup> A/HRC/28/27.

### **b. General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on minority issues, entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”.<sup>314</sup> The Secretary-General also submitted a report entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”, which outlined activities conducted with a view to increasing the visibility of the Declaration and promoting its implementation to advance the rights of persons belonging to national or ethnic, religious and linguistic minorities.<sup>315</sup>

On 17 December 2015, the Assembly adopted resolution 70/166 entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”, on the recommendation of the Third Committee, without a vote.

### **(k) Indigenous issues**

#### **a. Human Rights Council**

The Special Rapporteur on the rights of indigenous peoples, Ms. Victoria Tauli Corpuz, submitted her report to the Human Rights Council.<sup>316</sup> In the report, the Special Rapporteur presented a study on the situation of indigenous women globally and the common themes and patterns experienced by indigenous women across all regions. The United Nations High Commissioner for Human Rights also submitted a report to the Council on the rights of indigenous peoples.<sup>317</sup>

The Expert Mechanism on the Rights of Indigenous Peoples submitted a report to the Human Rights Council, covering the activities of the Expert Mechanism during its eighth session in Geneva from 20 to 24 July 2015.<sup>318</sup> The Expert Mechanism also submitted a study on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage<sup>319</sup> and a summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples<sup>320</sup> to the Human Rights Council.

On 1 October 2015, the Human Rights Council adopted resolutions 30/4 entitled “Human rights and indigenous peoples”, without a vote; and resolution 30/11 entitled “Review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples”, without a vote.

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<sup>314</sup> A/70/212.

<sup>315</sup> A/70/255.

<sup>316</sup> A/HRC/30/41 and Add.1.

<sup>317</sup> A/HRC/30/25.

<sup>318</sup> A/HRC/30/52.

<sup>319</sup> A/HRC/30/53.

<sup>320</sup> A/HRC/30/54.

## b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the rights of indigenous peoples.<sup>321</sup> In the report, the Special Rapporteur provided an analysis of international investment agreements and investment clauses of free trade regimes and their impacts on the rights of indigenous peoples. The Secretary-General also submitted a report entitled “Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples” to the General Assembly.<sup>322</sup>

On 23 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/232 entitled “Rights of indigenous peoples”, without a vote.

## (I) Terrorism and human rights<sup>323</sup>

### a. Human Rights Council

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Ben Emmerson, submitted his report to the Human Rights Council.<sup>324</sup> In the report, the Special Rapporteur listed the key activities he undertook from 17 December to 31 December 2014, focused on the human rights challenges posed by the fight against the Islamic State in Iraq and the Levant and made recommendations. The United Nations High Commissioner for Human Rights submitted two reports to the Human Rights Council. The first report focused on the protection of human rights and fundamental freedoms while countering terrorism.<sup>325</sup> The second report provided a summary of the panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms, held on 30 June 2015, during the twenty-ninth session of the Council.<sup>326</sup>

On 26 March 2015, the Human Rights Council adopted resolution 28/3 entitled “Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law”, by a recorded vote of 29 to 6, with 12 abstentions; and resolution 28/17 entitled “Effects of terrorism on the enjoyment of human rights”, by a recorded vote of 25 to 16, with 6 abstentions. On 2 July 2015, the Council adopted resolution 29/9 entitled “Protection of human rights and fundamental freedoms while countering terrorism”, without a vote.

On 2 October 2015, the Council adopted resolution 30/15 entitled “Human rights and preventing and countering violent extremism”, by a recorded vote of 30 to 3, with 7 abstentions.

<sup>321</sup> A/70/301.

<sup>322</sup> A/70/84–E/2015/76.

<sup>323</sup> For further information on terrorism, see sections 2(g) and 16(f) of this chapter.

<sup>324</sup> A/HRC/29/51.

<sup>325</sup> A/28/28.

<sup>326</sup> A/HRC/30/64.

### **b. General Assembly**

The Secretary-General submitted a report to the Assembly entitled “Protecting human rights and fundamental freedoms while countering terrorism”.<sup>327</sup> He also transmitted to the Assembly the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.<sup>328</sup> In his report, the Special Rapporteur addresses the negative impact of counter-terrorism legislation and other measures on civil society.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/148 entitled “Protection of human rights and fundamental freedoms while countering terrorism”, without a vote.

### **(m) Persons with disabilities**

#### **a. Human Rights Council**

The Special Rapporteur on the rights of persons with disabilities, Ms. Catalina Devandas-Aguilar, submitted her annual report to the Human Rights Council, which described her vision of the mandate, her working methods and a work plan for the first three years of the mandate.<sup>329</sup> The Office of the United Nations High Commissioner for Human Rights submitted a report to the Council, which contained a thematic study on the right of persons with disabilities to live independently and be included in the community.<sup>330</sup>

On 26 March 2015, the Human Rights Council adopted resolution 28/4 entitled “The right of persons with disabilities to live independently and be included in the community on an equal basis with others”, without a vote. On the same day, the Council also adopted resolution 28/6 entitled “Independent Expert on the enjoyment of human rights by persons with albinism”, without a vote. This resolution established the mandate of an Independent Expert on the enjoyment of human rights by persons with albinism for a period of three years. On 1 August 2015, Ms. Ikponwosa Ero took office as the first Independent Expert.

### **b. General Assembly**

The Secretary-General transmitted the report of the Special Rapporteur on the rights of persons with disabilities, which sought to provide guidance to States and other actors on the requirements to establish disability-inclusive social protection systems that promote active citizenship, social inclusion and community participation of persons with disabilities, in conformity with the Convention on the Rights of Persons with Disabilities, while acknowledging the existing difficulties in implementation.<sup>331</sup>

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/145 entitled “Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto”, without a vote; and resolution 70/170

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<sup>327</sup> A/70/271.

<sup>328</sup> A/70/371.

<sup>329</sup> A/HRC/28/58.

<sup>330</sup> A/HRC/28/37.

<sup>331</sup> A/70/297.

entitled “Towards the full realization of an inclusive and accessible United Nations for persons with disabilities”, without a vote. On 23 December 2015, the Assembly adopted resolution 70/229 entitled “Persons with albinism”, also on recommendation of the Third Committee, without a vote.

## **(n) Contemporary forms of slavery**

### **a. Human Rights Council**

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Urmila Bhoola, presented her report to the Human Rights Council, which provided a thematic study on enforcing the accountability of States and businesses for preventing, mitigating and redressing contemporary forms of slavery in supply chains.<sup>332</sup>

### **b. General Assembly**

In 2015, the Secretary-General submitted a report to the General Assembly and presented the recommendations for grants to beneficiary organizations that were adopted by the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery at its nineteenth session.<sup>333</sup>

## **(o) Environment and human rights<sup>334</sup>**

### **Human Rights Council**

The Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste, Mr. Başkut Tuncak, submitted his report to the Human Rights Council.<sup>335</sup> In the report, the Special Rapporteur clarified the scope and content of the right to information throughout the life cycle of hazardous substances and wastes and identified several challenges and potential solutions.

The Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Mr. John Knox, submitted his report to the Human Rights Council.<sup>336</sup> The report described good practices of Governments, international organizations, civil society organizations, corporations and others in the use of human rights obligations relating to the environment.

Mr. John Knox also submitted a report as the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.<sup>337</sup> This report described the increasing attention paid to the relationship between climate change and human rights in recent years, reviewed the effects of climate

<sup>332</sup> A/HRC/30/35 and Add.1–2.

<sup>333</sup> A/70/299.

<sup>334</sup> For more information on the environment, see section 8 of this chapter.

<sup>335</sup> A/HRC/30/40.

<sup>336</sup> A/HRC/28/61 and Add.1–2.

<sup>337</sup> A/HRC/31/52.



change on the full enjoyment of human rights and outlined the application of human rights obligations to climate-related actions.

The Office of the United Nations High Commissioner for Human Rights submitted a report on the outcome of the full-day discussion on specific themes relating to human rights and climate change.<sup>338</sup>

On 26 March 2015, the Human Rights Council adopted resolution 28/11 entitled “Human rights and the environment”, without a vote. By the resolution, the Council decided to extend the mandate of the Independent Expert as a special rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years. On 2 July 2015, the Council also adopted resolution 29/15 entitled “Human rights and climate change”, without a vote.

## **(p) Business and human rights**

### **a. Human Rights Council**

The Working Group on the issue of human rights and transnational corporations and other business enterprises submitted its report to the Human Rights Council.<sup>339</sup> The report focused on how the Guiding Principles on Business and Human Rights could be further embedded throughout United Nations programmes and processes in order to improve policy coherence for inclusive and sustainable development. The United Nations High Commissioner for Human Rights submitted two reports to the Council. The first report focused on the feasibility of a global fund to enhance the capacity of stakeholders to implement the Guiding Principles on Business and Human Rights.<sup>340</sup> The second report addressed legal options and practical measures to improve access to remedy for victims of business-related human right abuses.<sup>341</sup>

### **b. General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, which discussed the issue of measuring the implementation of the Guiding Principles on Business and Human Rights of the United Nations<sup>342</sup>.

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<sup>338</sup> A/HRC/29/19.

<sup>339</sup> A/HRC/29/28 and Add.1–4.

<sup>340</sup> A/HRC/29/18.

<sup>341</sup> A/HRC/29/39.

<sup>342</sup> A/70/216.

## (q) Promotion and protection of human rights

### (i) *International promotion and protection*

#### a. Human Rights Council

The Independent Expert on human rights and international solidarity, Ms. Virginia Dandan, submitted her report to the Human Rights Council.<sup>343</sup> The main feature of the report consisted of a conceptualization in human rights terms of international solidarity in the context of a proposed draft declaration. The United Nations High Commissioner for Human Rights submitted two reports to the Council. The first report related to the workshop on regional arrangements for the promotion and protection of human rights.<sup>344</sup> The second report presented a study seeking to provide further content to the concept of prevention of human rights violations, to identify practical means through which to prevent violations, and to highlight the role of international and regional stakeholders.<sup>345</sup>

The Independent Expert on the promotion of a democratic and equitable international order, Mr. Alfred de Zayas, submitted his report to the Council, which focused on the adverse impacts of free trade and investment agreements on a democratic and equitable international order.<sup>346</sup>

The Office of the High Commissioner also submitted a summary report on the outcome of the Human Rights Council panel discussion on the role of prevention in the promotion and protection of human rights.<sup>347</sup>

On 26 March 2015, the Human Rights Council adopted resolution 28/2 entitled “Enhancement of international cooperation in the field of human rights”, without a vote. On 2 July 2015, the Council adopted resolution 29/3 entitled “Human rights and international solidarity”, by a recorded vote of 33 to 14, with no abstentions. On 1 October 2015, the Council adopted resolution 30/12 entitled “Promotion of the right to peace”, by a recorded vote of 33 to 12, with 2 abstentions. On 2 October 2015, the Council adopted resolution 30/21 entitled “Enhancement of technical cooperation and capacity-building in the field of human rights”, without a vote; resolution 30/25 entitled “Promoting international cooperation to support national human rights follow-up systems and processes”, without a vote; and resolution 30/29 entitled “Promotion of a democratic and equitable international order”, by a recorded vote of 31 to 14, with 2 abstentions.

#### b. General Assembly

The Secretary-General transmitted to the General Assembly the report of the Independent Expert on human rights and international solidarity.<sup>348</sup> The report examined preventive solidarity and international cooperation, the constituent components of international solidarity, within the context of the proposed draft declaration on the right of peoples

<sup>343</sup> A/HRC/29/35.

<sup>344</sup> A/HRC/28/31.

<sup>345</sup> A/HRC/30/20.

<sup>346</sup> A/HRC/30/44 and Corr.1.

<sup>347</sup> A/HRC/28/30.

<sup>348</sup> A/70/316.

and individuals to international solidarity. He also transmitted the report of the Independent Expert on the promotion of a democratic and equitable international order, which focused on the impact of investor-State dispute settlement on a democratic and equitable international order and built on his 2015 annual report to the Human Rights Council.<sup>349</sup>

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/149 entitled “Promotion of a democratic and equitable international order”, by a recorded vote of 130 to 53, with 5 abstentions; resolution 70/150 entitled “Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity”, without a vote; and resolution 70/153 entitled “Enhancement of international cooperation in the field of human rights”, without a vote.

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

**a. Human Rights Council**

The United Nations High Commissioner for Human Rights submitted to the Council a summary report on the panel discussion on the issue of national policies and human rights, with a particular focus on identifying challenges, further developments and good practices in mainstreaming human rights in national policies and programmes.<sup>350</sup>

On 2 October 2015, the Council adopted resolution 30/24 entitled “National policies and human rights”, without a vote.

**b. General Assembly**

The Secretary-General submitted three reports to the General Assembly, regarding national institutions for the promotion and protection of human rights.<sup>351</sup>

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/163 entitled “National institutions for the promotion and protection of human rights”, without a vote.

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

**a. Human Rights Council**

The Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, submitted his annual report to the Human Rights Council.<sup>352</sup> In his report, the Special Rapporteur submitted his strategic work plan and explained how he intended to carry out his mandate.

On 1 October 2015, the Council adopted resolution 30/3 entitled “Regional arrangements for the promotion and protection of human rights”, without a vote.

<sup>349</sup> A/70/285 and Corr.1.

<sup>350</sup> A/HRC/30/28.

<sup>351</sup> A/70/347.

<sup>352</sup> A/HRC/28/63 and Add.1.

### **b. General Assembly**

The Secretary-General transmitted to the General Assembly a report of the Special Rapporteur.<sup>353</sup> The report presented the principal observations and findings derived from the seven regional consultations the Special Rapporteur organized with human rights defenders between October 2014 and June 2015 and put forward conclusions and recommendations.

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/161 entitled “Human rights defenders in the context 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”, by a recorded vote of 127 to 14, with 41 abstentions.

#### *(iv) Unilateral coercive measures*

##### **a. Human Rights Council**

The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Mr. Idriss Jazairy, submitted his report to the Human Rights Council, which described the activities undertaken since taking office in 1 May 2015 and his views on the foundations and context of the mandate.<sup>354</sup> The Human Rights Council Advisory Committee also submitted a report to the Council containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability.<sup>355</sup>

On 1 October 2015, the Human Rights Council adopted resolution 30/2 entitled “Human rights and unilateral coercive measures”, by a recorded vote of 33 to 14, with no abstentions.

### **b. General Assembly**

The Secretary-General transmitted to the General Assembly the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, in which the Special Rapporteur set out a preliminary review of the human rights adversely affected by unilateral coercive measures and puts forward tentative recommendations as to how to minimize the adverse impact of these measures.<sup>356</sup>

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/151 entitled “Human rights and unilateral coercive measures”, by a recorded vote of 135 to 54, with no abstentions.

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<sup>353</sup> A/70/217.

<sup>354</sup> A/HRC/30/45.

<sup>355</sup> A/HRC/28/74.

<sup>356</sup> A/70/345.

(r) **Miscellaneous**(i) *Human rights and good governance*

The Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela Knaul, submitted her annual report to the Human Rights Council, which examined the protection of children's rights in the justice system and analysed the essential role that had to be played by judges, prosecutors and lawyers in upholding children's human rights and applying international human rights norms, standards and principles at the domestic level.<sup>357</sup>

On 26 March 2015, the Council adopted resolution 28/14 entitled "Human rights, democracy and the rule of law", by a recorded vote of 35 to none, with 12 abstentions, by which it decided to establish a forum for human rights, democracy and the rule of law to provide a platform for promoting dialogue and cooperation on issues pertaining to the relationship between these areas. On 2 July 2015, the Council adopted resolution 29/6 entitled "Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers" without a vote. On 1 October 2015, the council adopted resolution 30/7 entitled "Human rights in the administration of justice, including juvenile justice", without a vote and resolution 30/9 entitled "Equal participation in political and public affairs", without a vote.

(ii) *Effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights*a. **Human Rights Council**

The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mr. Juan Pablo Bohoslavsky, submitted two reports to the Human Rights Council. The first report focused on the question of lending to States involved in gross violations of human rights.<sup>358</sup> The second report was an interim study focused on illicit financial flows, human rights and the post 2015 development agenda.<sup>359</sup>

On 26 March 2015, the Human Rights Council adopted resolution 28/5 entitled "The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation", by a recorded vote of 33 to 2, with 12 abstentions. On the same day, it also adopted resolution 28/8 entitled "The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights", by a recorded vote of 31 to 14, with 1 abstention. On 2 July 2015, the Council adopted resolution 29/11 entitled "The negative impact of corruption on the enjoyment of human rights", without a vote.

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<sup>357</sup> A/HRC/29/26 and Corr.1.

<sup>358</sup> A/HRC/28/59 and Add.1.

<sup>359</sup> A/HRC/28/60 and Corr.1.

## b. General Assembly

The Secretary-General transmitted to the General Assembly the 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.<sup>360</sup> The report provided an overview of the activities undertaken by the Independent Expert from August 2014 to July 2015.

### (ii) *Enjoyment of all human rights by older persons*

The Independent Expert on the enjoyment of all human rights by older persons, Ms. Rosa Kornfeld-Matte, submitted her report to the Council, which provided an overview of the existing international and regional human rights standards of the right to autonomy and care and analysed in depth these two key concepts, as well as their scope.<sup>361</sup>

## 6. Women<sup>362</sup>

### (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.<sup>363</sup>

The Executive Board of UN-Women held three meeting sessions in New York in 2015,<sup>364</sup> during which it adopted six decisions: decision 2015/1 entitled “Report of the Global Evaluation Advisory Committee on the external assessments of the evaluation function of the United Nations Entity for Gender Equality and the Empowerment of Women”; decision 2015/2 entitled “Progress report of the Under-Secretary-General/Executive Director of UN-Women on the strategic plan, 2014–2017”; decision 2015/3 entitled “Report on the evaluation function of the United Nations Entity for Gender Equality and the Empowerment of Women, 2014”; decision 2015/4 entitled “Report on internal

<sup>360</sup> A/70/275.

<sup>361</sup> A/HRC/30/43.

<sup>362</sup> This section covers the Security Council, the General Assembly, the Economic and Social Council, and the Commission on the Status of Women and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). For more detailed information and documents regarding this topic generally, see the website of UN-Women at <http://www.unwomen.org>. For information regarding women and human rights, see Chapter III section A.5(a)(vi) and section A.5(f)(iv).

<sup>363</sup> It consolidated the mandates and functions of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women.

<sup>364</sup> See the reports of the Executive Board of UN-Women: report of the first regular session, held on 9 February 2015 (UNW/2015/3); report of the annual session, held from 30 June to 2 July 2015 (UNW/2015/7); and the report of the second regular session, held from 15 to 16 September 2015 (UNW/2015/12). For a compilation of decisions adopted by the Executive Board, see UNW/2015/11.

audit and investigation activities for the period from 1 January to 31 December 2014”; decision 2015/5 entitled “Structured dialogue on financing”; and decision 2015/6 entitled “Integrated budget for the biennium 2016–2017”.

### **(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-ninth session in New York from 9 March to 20 March 2015.<sup>365</sup> In accordance with the multi-year programme of work adopted by the Economic and Social Council,<sup>366</sup> the priority theme of the Commission was “Challenges and achievements in the implementation of the Millennium Development Goals for women and girls”, and progress was evaluated in the implementation of the agreed conclusions from its fifty-fifth session on “Access and participation of women and girls in education, training, science and technology, including for the promotion of women’s equal access to full employment and decent work”. It further considered an emerging issue, “Women’s access to productive resources”.

During its fifty-ninth session, the Commission adopted resolution 59/1, entitled “Political declaration on the occasion of the twentieth anniversary of the Fourth World Conference on Women”, by which it adopted the political declaration annexed to the resolution and which was to be brought to the attention of the Economic and Social Council.

### **(c) Economic and Social Council**

On 8 June 2015, the Economic and Social Council adopted resolution 2015/6 entitled “Future organization and methods of work of the Commission on the Status of Women”, without a vote. On 10 June 2015, the Council adopted resolution 2015/12 entitled “Mainstreaming a gender perspective into all policies and programmes in the United Nations system”, without a vote. On the same day, it also adopted resolution 2015/13 entitled “Situation of and assistance to Palestinian women”, by a recorded vote of 16 to 2, with 20 abstentions. The Council also adopted, decision 2015/218 entitled “Report of the Commission on the Status of Women on its fifty-ninth session and provisional agenda and documentation for the sixtieth session of the Commission” and decision 2015/241 entitled “Results of the fifty-seventh, fifty-eighth and fifty-ninth sessions of the Committee on the Elimination of Discrimination against Women”.

<sup>365</sup> Commission on the Status of Women, Report on the fifty-ninth session (21 March 2014 and 9–20 March 2015), *Official Records of the Economic and Social Council, 2015 Supplement No. 7* (E/2015/27).

<sup>366</sup> Economic and Social Council resolution 2009/15 of 28 July 2009.



### (d) General Assembly

On 17 December 2015, the General Assembly adopted five resolutions, on the recommendation of the Third Committee, with regard to the situation of women:<sup>367</sup> resolution 70/130 entitled “Violence against women migrant workers”, without a vote; resolution 70/131 entitled “Convention on the Elimination of All Forms of Discrimination against Women”, without a vote; resolution 70/132 entitled “Improvement of the situation of women in rural areas”, without a vote; resolution 70/133 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”, without a vote; and resolution 70/176 entitled “Action against gender-related killing of women and girls”, without a vote.

On 22 December 2015, the General Assembly, on recommendation of the Second Committee, adopted resolution 70/212 entitled “International Day of Women and Girls in Science”, without a vote; and resolution 70/219 entitled “Women in Development”, without a vote.

### (e) Security Council

On 13 October 2015, the Security Council adopted resolution 2242 (2015) on women and peace and security.<sup>368</sup>

## 7. Humanitarian matters

### (a) Third United Nations World Conference on Disaster Risk Reduction

The Third United Nations World Conference on Disaster Risk Reduction was held from 14 to 18 March 2015 in Sendai, Japan.<sup>369</sup> On 18 March 2015, the Conference adopted the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030,<sup>370</sup> which addressed, *inter alia*, the need for improved understanding of disaster risk in all its dimensions of exposure, vulnerability and hazard characteristics; the strengthening of disaster risk governance, including national platforms; accountability for disaster risk management; preparedness to “Build Back Better”; recognition of stakeholders and their roles; mobilization of risk-sensitive investment to avoid the creation of new risk; resilience of health infrastructure, cultural heritage and work-places; strengthening of international cooperation and global partnership, and risk-informed donor policies and programmes, including financial support and loans from international financial institutions.

<sup>367</sup> See also Chapter III section A.5 (f) (iv) b.

<sup>368</sup> See also Chapter III section A.2 (h) (ii).

<sup>369</sup> For the proceedings of the Conference, see [https://www.preventionweb.net/files/45069\\_proceedingsthirdunitednationsworldc.pdf](https://www.preventionweb.net/files/45069_proceedingsthirdunitednationsworldc.pdf).

<sup>370</sup> General Assembly resolution 69/283 of 3 June 2015, annex I and II.

### (b) Economic and Social Council

On 19 June 2015, the Economic and Social Council adopted resolution 2015/14 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”, by which it, *inter alia*, welcomed the adoption of the Sendai Framework for Disaster Risk Reduction 2015–2030.

### (c) General Assembly

On 3 June 2015, the General Assembly adopted, without reference to a Main Committee, resolution 69/283 entitled “Sendai Framework for Disaster Risk Reduction 2015–2030”, without a vote, by which it endorsed the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, held in Sendai, Japan, from 14 to 18 March 2015. The Declaration and Framework were annexed to the resolution. On the same day, the General Assembly adopted resolution 69/284 entitled “Establishment of an open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction”, also without reference to a Main Committee and without vote.

On 10 December 2015, the General Assembly adopted, without reference to a Main Committee and without a vote, resolution 70/104 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”;<sup>371</sup> resolution 70/105 entitled “Participation of volunteers, “White Helmets”, in the activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development”; resolution 70/106 entitled “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”;<sup>372</sup> and resolution 70/107 entitled “International cooperation on humanitarian assistance in the field of natural disasters, from relief to development”.<sup>373</sup>

On 22 December 2015, the General Assembly adopted, on the recommendation of the Second Committee, resolution 70/204 entitled “International Strategy for Disaster Reduction”, without a vote.

## 8. Environment

### (a) United Nations Climate Change Conference in Paris

The United Nations Climate Change Conference was held in Paris, France, from 30 November to 13 December 2015. The twenty-first session of the Conference of States Parties to the United Nations Framework Convention on Climate Change, 1992,<sup>374</sup> and the

<sup>371</sup> See also the report of the Secretary-General on safety and security of humanitarian personnel and protection of United Nations personnel (A/70/383).

<sup>372</sup> See also the report of the Secretary-General on strengthening of the coordination of emergency humanitarian assistance of the United Nations (A/70/77–E/2015/64).

<sup>373</sup> See also the report of the Secretary-General on international cooperation on humanitarian assistance in the field of natural disasters, from relief to development (A/70/324).

<sup>374</sup> United Nations, *Treaty Series*, vol. 1771, p. 107.

eleventh session of the Conference of the Parties serving as the meeting of Parties to the Kyoto Protocol, 1997,<sup>375</sup> were held during the Conference.

The Conference of States Parties to the United Nations Framework Convention on Climate Change adopted 23 decisions and 1 resolution.<sup>376</sup> In particular, on 12 December 2015, the Conference adopted the Paris Agreement, 2015,<sup>377</sup> through its decision 1/CP.21 entitled “Adoption of the Paris Agreement”<sup>378</sup>. The Agreement, *inter alia*, called for holding the increase in the global average temperature to well below 2°C above pre-industrial levels; it expressed State Parties’ aim to reach global peaking of greenhouse gas emissions as soon as possible; it acknowledged the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change; it required State Parties to submit updated plans detailing national strategies to reduce greenhouse gas by 2020 and every five years thereafter; it required a global stocktake as an overall assessment on the implementation of the national plans, starting in 2023 and every five years thereafter; it requested the Ad Hoc Working Group on Paris Agreement to establish a legal instrument as guidance for accounting greenhouse gas emissions; it established the Capacity-Building Initiative for Transparency to support developing countries in meeting Article 13 requirements on enhancing transparency; and it called to establish a new collective quantified goal of at least 100 billion a year in climate-related financing by 2020.

The Conference of the Parties serving as the meeting of Parties to the Kyoto Protocol adopted 12 decisions and one resolution.<sup>379</sup>

### (b) Economic and Social Council

The Annual Ministerial Review (AMR) was convened on 9 and 10 July 2015 in New York, in the context of the Council’s High-level Segment week.<sup>380</sup> It focussed on the theme “Managing the transition from the Millennium Development Goals to the sustainable development goals: what it will take”. Moreover, the High-level Political Forum on sustainable development was held from 26 June to 8 July 2015.<sup>381</sup> The theme of its third session was “Strengthening integration, implementation and review: the high-level political forum

<sup>375</sup> United Nations, *Treaty Series*, vol. 2303, p. 107.

<sup>376</sup> For the list of decisions and resolutions, see the report of the Conference (FCCC/CP/2015/10 and Add.1–3).

<sup>377</sup> United Nations, *Treaty Series*, registration No. 54113.

<sup>378</sup> FCCC/CP/2015/10/Add.1.

<sup>379</sup> For the list of decisions and resolutions, see the report of the Conference (FCCC/KP/CMP/2015/8 and Add.1–2).

<sup>380</sup> For more information about the 2015 Annual Ministerial Review, see [https://www.un.org/ecosoc/en/AMR\\_2015](https://www.un.org/ecosoc/en/AMR_2015).

<sup>381</sup> The Forum was established as a functional body of both the Economic and Social Council and the General Assembly by the Outcome Document of the United Nations Conference on Sustainable Development (Rio+20) (see General Assembly resolution 66/288 of 27 July 2012, annex, para. 84) and General Assembly resolution 67/290 of 9 July 2013. It replaced the Commission on Sustainable Development, which had met annually since 1993. More information concerning the work of the Forum in 2015 is available at <https://sustainabledevelopment.un.org/hlpf/2015>.

on sustainable development after 2015". The Forum adopted a Ministerial Declaration on the 2015 theme of the AMR.<sup>382</sup>

During the above two meetings, representatives took stock of the significance and impact of the Millennium Development Goals and planned for how best to implement, communicate and review the ambitious and transformative post-2015 development agenda.

On 22 July 2015, the Council adopted resolution 2015/33 entitled "International arrangement on forests beyond 2015", without vote, and resolution 2015/34 entitled "Human settlements", without vote.

### (c) General Assembly

During its sixty-ninth session, the Assembly adopted, on 26 February 2015, without reference to a Main Committee, resolution 69/266 entitled "A global geodetic reference frame for sustainable development", without vote.

On 15 May 2015, it adopted, without reference to a Main Committee, resolution 69/280 entitled "Strengthening emergency relief, rehabilitation and reconstruction in response to the devastating effects of the earthquake in Nepal", without vote.

On 19 June 2015, the Assembly adopted, without reference to a Main Committee, resolution 69/292 entitled "Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction", without vote.<sup>383</sup>

On 30 July 2015, the Assembly adopted, without reference to a Main Committee, resolution 69/314 entitled "Tackling illicit trafficking in wildlife", without vote.

During its seventieth session, the General Assembly adopted, on 25 September 2015, without reference to a Main Committee, resolution 70/1 entitled "Transforming our world: the 2030 Agenda for Sustainable Development", without vote, by which the Assembly adopted, *inter alia*, the Sustainable Development Goals and targets.

On 7 December 2015, the General Assembly adopted, on the recommendation of the First Committee, resolution 70/30 entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control", without vote.

On 22 December 2015, the Assembly adopted, on the recommendation of the Second Committee, resolution 70/194 entitled "Oil slick on Lebanese shores", by a recorded vote of 171 to 6, with 3 abstentions; resolution 70/195 entitled "Combating sand and dust storms", without vote; resolution 70/196 entitled "Sustainable tourism and sustainable development in Central America", without a vote; resolution 70/197 entitled "Towards comprehensive cooperation among all modes of transport for promoting sustainable multimodal transit corridors", without vote; resolution 70/198 entitled "Agricultural technology for sustainable development", by a recorded vote of 146 to none, with 36 abstentions; resolution 70/199 entitled "United Nations forest instrument", without vote; resolution 70/200 entitled "Global Code of Ethics for Tourism", without a vote; resolution 70/201 entitled "Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the

<sup>382</sup> E/2015/L.19–E/HLPF/2015/L.2.

<sup>383</sup> See Chapter III.A.9.b(i).

outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development”, without vote; resolution 70/203 entitled “World Tsunami Awareness Day”, without a vote; resolution 70/205 entitled “Protection of global climate for present and future generations of humankind”, without vote; 70/206 entitled “Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa”, without a vote; resolution 70/207 entitled “Implementation of the Convention on Biological Diversity and its contribution to sustainable development”, without vote; and resolution 70/209 entitled “United Nations Decade of Education for Sustainable Development (2005–2014)”, without a vote.

## 9. Law of the Sea

### (a) Report of the Secretary-General

Pursuant to paragraph 309 of General Assembly resolution 69/245 of 29 December 2014, the Secretary-General submitted a comprehensive report on oceans and the law of the sea to the General Assembly at its seventieth session under the agenda item entitled “Oceans and the law of the sea.”<sup>384</sup> The report consisted of two parts.

The first part of the report<sup>385</sup> was prepared to facilitate discussions on the topic of focus of the sixteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Informal Consultative Process), on the theme “Oceans and sustainable development: integration of the three dimensions of sustainable development, namely, environmental, social and economic”. The report highlighted the current state of integration of the three dimensions of sustainable development in relation to oceans, as well as opportunities for, and challenges to, the enhanced integration of the three dimensions. In doing so, it drew attention to activities and initiatives undertaken with a view to promoting the integration of the three dimensions of sustainable development in relation to oceans.

The second part of the report<sup>386</sup> provided information on the status of the United Nations Convention on the Law of the Sea,<sup>387</sup> its implementing agreements and the work of the bodies established under the Convention, namely the Commission on the Limits of the Continental Shelf (CLCS),<sup>388</sup> the International Seabed Authority (ISA)<sup>389</sup> and

<sup>384</sup> A/70/74 and Add.1.

<sup>385</sup> A/70/74.

<sup>386</sup> A/70/74/Add.1.

<sup>387</sup> United Nations, *Treaty Series*, vol. 1833, p. 3.

<sup>388</sup> For more information on the thirty-seventh (2 February–20 March 2015), thirty-eighth (20 July–4 September 2015), and thirty-ninth (19 October–4 December 2015) sessions of the CLCS, see CLCS/88, CLCS/90 and CLCS/91, respectively.

<sup>389</sup> For more information on the work of the International Seabed Authority, see the reports of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/21/A/2, covering the period from July 2014 to June 2015; and ISBA/22/A/2, covering the period from July 2015 to June 2016).

the International Tribunal for the Law of the Sea (ITLOS).<sup>390</sup> It also provided information on the settlement of disputes; State practice regarding maritime space; international shipping activities; people at sea; maritime security; the 2030 Agenda for Sustainable Development; marine science and the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects; marine living resources; marine biological diversity; pressures on the marine environment; management tools; oceans and climate change and ocean acidification; small island developing States and landlocked developing countries; capacity-building and international cooperation and coordination.

### **(b) Meeting of States Parties to the United Nations Convention on the Law of the Sea**

The twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea was held at United Nations Headquarters from 8 to 12 June 2015.<sup>391</sup>

### **(c) General Assembly**

On 8 December 2015, the General Assembly adopted, without reference to a Main Committee, resolution 70/75 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.”

On 22 December 2015, the General Assembly adopted, on the recommendation of the Second Committee, resolution 70/226 entitled “United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development”, by which it decided to convene the high-level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development in Fiji, from 5 to 9 June 2017, coinciding with World Oceans Day, to support the implementation of Sustainable Development Goal 14.

On 23 December 2015, the General Assembly adopted resolution 70/235 entitled “Oceans and the law of the sea”, by a recorded vote of 143 votes to 1, with 4 abstentions. For its consideration, the Assembly had before it the report of the Secretary-General, the summary of the first global integrated marine assessment,<sup>392</sup> the report on the work of the Ad Hoc Working Group of the Whole on the Regular Process,<sup>393</sup> the report of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the

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<sup>390</sup> For more information about the work of the Tribunal, see the annual report of the International Tribunal for the Law of the Sea for 2015 (SPLOS/294) and chapter VII, part B of this publication.

<sup>391</sup> SPLOS/287.

<sup>392</sup> A/70/112.

<sup>393</sup> A/70/418.

Sea (the Informal Consultative Process) at its sixteenth meeting<sup>394</sup> and the report on the twenty-fifth Meeting of States Parties to the Convention.<sup>395</sup>

## **10. Crime prevention and criminal justice<sup>396</sup>**

### **(a) United Nations Congress on Crime Prevention and Criminal Justice**

The thirteenth United Nations Congress on Crime Prevention and Criminal Justice was held from 12 to 19 April 2015 in Doha.<sup>397</sup> The Congress adopted two resolutions: resolution 1 entitled “Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation” and resolution 2 entitled “Credentials of representatives to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”.

### **(b) Conference of the States Parties to the United Nations Convention against Corruption**

The sixth session of the Conference of the States Parties to the United Nations Convention against Corruption was held from 2 to 6 November 2015 in Saint Petersburg.<sup>398</sup> The Conference adopted 10 resolutions: resolution 6/1 entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”; resolution 6/2 entitled “Facilitating international cooperation in asset recovery and the return of proceeds of crime”; resolution 6/3 entitled “Fostering effective asset recovery”; resolution 6/4 entitled “Enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the United Nations Convention against Corruption”; resolution 6/5 entitled “St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption”; resolution 6/6 entitled “Follow-up to the Marrakech declaration on the prevention of corruption”; resolution 6/7 entitled “Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption”; resolution 6/8 entitled “Prevention of corruption by promoting transparent, accountable and efficient public service delivery through the application of best practices and technological innovations”; resolution 6/9 entitled “Strengthening the implementation of the United Nations Convention against Corruption in small island developing States”; and resolution 6/10 entitled “Education and training in the context of anti-corruption”.

<sup>394</sup> A/70/78.

<sup>395</sup> SPLOS/287.

<sup>396</sup> This section covers the sessions of the General Assembly, the Economic and Social Council and the Commission on Crime Prevention and Criminal Justice. 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>.

<sup>397</sup> A/CONF.222/17.

<sup>398</sup> CAC/COSP/2015/10.



### (c) Commission on Crime Prevention and Criminal Justice

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

The regular and reconvened twenty-fourth session of the Commission were held in Vienna from 18 to 22 May 2015 and from 10 to 11 December 2015, respectively. The main theme for the twenty-fourth session of the Commission was “Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”.<sup>399</sup> The Commission adopted four draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly.<sup>400</sup> It also adopted two draft resolutions for adoption by the Economic and Social Council, three draft decisions for adoption by the Economic and Social Council; and brought a further two resolutions and one decision to the attention of the Economic and Social Council, the text of which is available in the report of the session.

### (d) Economic and Social Council

On 21 July 2015, the Economic and Social Council adopted, on the recommendation of the Commission on Crime Prevention and Criminal Justice, resolution 2015/23 entitled “Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons”; and resolution 2015/24 entitled “Improving the quality and availability of statistics on crime and criminal justice for policy development”.

On the same day, also on the recommendation of the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council adopted the following draft resolutions, recommending their adoption by the General Assembly: resolution 2015/19 entitled “Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”; resolution 2015/20 entitled “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)”; resolution 2015/21 entitled “Taking action against gender-related killing of women and girls”; and resolution 2015/22 entitled “Technical assistance for implementing the international conventions and protocols related to counter-terrorism”.

<sup>399</sup> *Official records of the Economic and Social Council 2015, Supplement No. 10* (E/2015/30-E/CN.15/2015/19).

<sup>400</sup> *Ibid.*, p. 17.

### (e) General Assembly

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee<sup>401</sup> and without a vote, the following resolutions under the agenda item 106 entitled “Crime prevention and criminal justice”: resolution 70/174 entitled “Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”; resolution 70/175 entitled “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)”; resolution 70/176 entitled “Taking action against gender-related killing of women and girls”; resolution 70/177 entitled “Technical assistance for implementing the international conventions and protocols related to counter-terrorism”; resolution 70/178 entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”; resolution 70/179 entitled “Improving the coordination of efforts against trafficking in persons”; and resolution 70/180 entitled “United Nations African Institute for the Prevention of Crime and the Treatment of Offenders”.

## 11. International drug control

### (a) Commission on Narcotic Drugs

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

The regular and reconvened fifty-eighth session of the Commission was held in Vienna from 9 to 17 March and from 9 to 11 December 2015. The session featured a special segment on the preparations for the special session of the General Assembly on the world drug problem to be held in 2016. The Commission adopted one draft resolution to be recommended by the Economic and Social Council for adoption by the General Assembly, entitled “Special session of the General Assembly on the world drug problem to be held in 2016”. It also recommended three draft decisions for adoption by the Economic and Social Council, entitled “Improving the governance and financial situation of the United Nations Office on Drugs and Crime: extension of the mandate of the standing open-ended inter-governmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime”, “Report of the Commission on Narcotic Drugs on its fifty-eighth session and provisional agenda for its fifty-ninth session” and “Report of the International Narcotics Control Board”. It further brought another 11 resolutions and 15 decisions to the attention of the Economic and Social Council, the text of which is available in the report of the Commission.<sup>402</sup>

<sup>401</sup> For the report of the Third Committee, see A/70/490.

<sup>402</sup> *Official records of the Economic and Social Council 2015, Supplement No. 8 (E/2015/28-E/CN.7/2015/15).*

### **(b) Economic and Social Council**

On 21 July 2015, the Economic and Social Council recommended to the General Assembly the adoption of draft resolution 2015/25, entitled “Special session of the General Assembly on the world drug problem to be held in 2016”, on the recommendation of the Commission on Narcotic and Drugs.

### **(c) General Assembly**

On 17 December 2015, the General Assembly adopted, on the recommendation of the Third Committee, resolution 70/181 entitled “Special session of the General Assembly on the world drug problem to be held in 2016”, without a vote. By the resolution, the Assembly decided to convene a special session on the world drug problem from 19 to 21 April 2016, at United Nations Headquarters in New York. It also decided on organizational arrangements.

On the same day, the Assembly also adopted, on the recommendation of the Third Committee, resolution 70/182 entitled “International cooperation against the world drug problem” without a vote.

## **12. Refugees and displaced persons**

### **(a) Executive Committee of the Programme of the United Nations High Commissioner for Refugees<sup>403</sup>**

The Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR) was established by the Economic and Social Council in 1958 and functions as a subsidiary organ of the General Assembly, reporting to it through the Third Committee. The Executive Committee meets annually in Geneva to review and approve the programmes and budget of the UNHCR and its intergovernmental and non-governmental partners. The sixty-sixth plenary session of the Executive Committee was held in Geneva from 5 to 9 October 2015.<sup>404</sup>

### **(b) General Assembly**

On 3 June 2015, the General Assembly adopted, without reference to a Main Committee, resolution 69/286 entitled “Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, by a recorded vote of 75 to 16, with 78 abstentions.

On 9 December 2015, the Assembly adopted, on the recommendation of the Fourth Committee, resolution 70/83 entitled “Assistance to Palestine refugees”, by a recorded vote of 167 to 1, with 11 abstentions; resolution 70/84 entitled “Persons displaced as a result of

<sup>403</sup> For detailed information and documents regarding this topic generally, see the website of the UNHCR at <http://www.unhcr.org>.

<sup>404</sup> For the report of the United Nations High Commissioner for Refugees on the activities of his Office, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 12 (A/70/12)*. For the report of the sixty-sixth session of the Executive Committee of the High Commissioner's Programme, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 12A (A/70/12/Add.1)*.

the June 1967 and subsequent hostilities”, by a recorded vote of 164 to 7, with 7 abstentions; resolution 70/85 entitled “Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East”, by a recorded vote of 169 to 6, with 5 abstentions; resolution 70/86 entitled “Palestine refugees’ properties and their revenues”, by a recorded vote of 167 to 7 with 4 abstentions.

On 17 December 2015, the Assembly also adopted, on the recommendation of the Third Committee, resolution 70/134 entitled “Assistance to refugees, returnees and displaced persons in Africa”, without a vote; resolution 70/135 entitled “Office of the United Nations High Commissioner for Refugees”, without a vote; resolution 70/165 entitled “Protection of and assistance to internally displaced persons”, without a vote.

### 13. International Court of Justice<sup>405</sup>

#### (a) Organization of the Court

At the end of 2015, the composition of the Court was as follows:

President: Ronny Abraham (France);

Vice-President: Abdulqawi Ahmed Yusuf (Somalia);

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

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

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

#### *Members:*

President: Ronny Abraham;

Vice-President: Abdulqawi Ahmed Yusuf;

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

#### *Substitute members:*

Judges: Antônio Augusto Cançado Trindade and Kirill Gevorgian.

<sup>405</sup> For more information about the Court, see the reports of the International Court of Justice to the General Assembly, *Official Records of the General Assembly, Seventieth Session, Supplement No. 4 (A/70/4)* (for the period 1 August 2014 to 31 July 2015) and *ibid.*, *Seventy-first Session, Supplement No. 4 (A/71/4)* (for the period 1 August 2015 to 31 July 2016). See also the website of the Court at <http://www.icj-cij.org>.

### (b) Jurisdiction of the Court<sup>406</sup>

As of 31 December 2015, 72 States had recognized the compulsory jurisdiction of the Court, as contemplated by Article 36, paragraph 2, of the Statute. No new declarations recognizing compulsory jurisdiction were made in 2015.

### (c) General Assembly

On 5 November 2015, the General Assembly adopted decision 70/510 in which it took note of the report of the International Court of Justice for the period from 1 August 2014 to 31 July 2015.

On 7 December 2015, the General Assembly adopted, on the recommendation of the First Committee, resolution 70/56 entitled “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”, by a recorded vote of 137 to 24, with 25 abstentions.

## 14. International Law Commission<sup>407</sup>

### (a) Membership of the Commission<sup>408</sup>

The membership of the International Law Commission at its sixty-seventh 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. 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. Roman A. Kolodkin (Russian Federation),<sup>409</sup> 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

<sup>406</sup> 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>.

<sup>407</sup> 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/>.

<sup>408</sup> 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.

<sup>409</sup> On 8 May 2015 the Commission elected Mr. Roman A Kolodkin to fill the casual vacancy occasioned by the resignation of Mr. Kirill Gevorgian (Russian Federation), who had been elected to the International Court of Justice.

(Colombia), Mr. Marcelo Vázquez-Bermúdez (Ecuador), Mr. Amos S. Wako (Kenya), Mr. Nugroho Wisnumurti (Indonesia) and Mr. Michael Wood (United Kingdom).

### **(b) Sixty-seventh session of the International Law Commission**

The International Law Commission held the first part of its sixty-seventh session from 4 May to 5 June 2015, and the second part of the session from 6 July to 7 August 2015, at its seat at the United Nations Office at Geneva.<sup>410</sup> During its sixty-seventh session, the Commission continued its consideration of the following topics: “The Most-Favoured-Nation clause”, “Protection of the atmosphere”, “Identification of customary international law”, “Crimes against humanity”, “Subsequent agreements and subsequent practice in relation to the interpretation of treaties”, “Protection of the environment in relation to armed conflicts”, “Immunity of State officials from foreign criminal jurisdiction”, and “Provisional application of treaties”.

In relation to the topic “The Most-Favoured-Nation clause”, the Commission had before it the final report on the work of the Study Group, which was divided into five parts.<sup>411</sup> Part I provided the background of the topic; Part II addressed the contemporary relevance of the most-favoured-nation (MFN) clauses and issues concerning their interpretation; Part III analysed both the policy considerations in investment relating to the interpretation of investment agreements and the implications of investment dispute settlement arbitration as “mixed arbitration”, as well as the contemporary relevance of the 1978 draft articles to the interpretation of MFN provisions; Part IV sought to provide some guidance on the interpretation of MFN clauses; and Part V contained the conclusions reached by the Study Group. The Commission endorsed the summary conclusions of the Study Group, commended the final report to the attention of the General Assembly and encouraged its widest possible dissemination. The Commission thus concluded its consideration of the topic.

With regard to the topic “Protection of the atmosphere”, the Commission had before it the second report of the Special Rapporteur.<sup>412</sup> In the second report, the Special Rapporteur provided a further analysis of the draft guidelines submitted in the first report, offering a set of revised guidelines relating to the Use of terms, the Scope of the draft guidelines, and the Common concern of humankind, as well as offered an analysis of, and presented two new draft guidelines for, the general obligation of States to protect the atmosphere and international cooperation for the protection of the atmosphere. The Special Rapporteur also presented a detailed future plan or work, in light of comments made in the Commission in the seventy-sixth session requesting such a plan. Following the debate of the report and a dialogue with scientists, organized by the Special Rapporteur, the Commission referred draft guidelines 1, 2, 3, and 5 to the Drafting Committee, with the understanding that draft guideline 3 be considered as part of a preamble. Upon consideration of the report of the Drafting Committee, the Commission provisionally adopted draft guidelines 1, 2 and 5 and four preambular paragraphs, together with commentaries.

<sup>410</sup> For the report of the International Law Commission on the work at its sixty-seventh session, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 10 (A/70/10)*.

<sup>411</sup> *Ibid.*, annex.

<sup>412</sup> A/CN.4/681.

As regards the topic “Identification of customary international law”, the Commission had before it the third report of the Special Rapporteur.<sup>413</sup> The report addressed, *inter alia*, relationship between the two constituent elements of customary international law, the role of inaction, the role of treaties and resolutions, judicial decisions and writings, the relevance of international organizations, as well as particular custom and the persistent objector. In the report, the Special Rapporteur also proposed additional paragraphs to three of the draft conclusions proposed in the second report, as well as five new draft conclusions. The Commission referred the draft conclusions contained in the third report to the Drafting Committee. In light of the recommendation by the Drafting Committee, the Commission took note of draft conclusions 1 to 16 provisionally adopted by the Drafting Committee at the sixty-sixth and sixty-seventh sessions.

With respect to the topic “Crimes against humanity”, the Commission considered the first report of the Special Rapporteur, which contained, *inter alia*, two draft articles relating respectively to the prevention and punishment of crimes against humanity and to the definition of crimes against humanity.<sup>414</sup> The Commission referred the draft articles proposed by the Special Rapporteur to the Drafting Committee. Following the presentation of the report of the Drafting Committee, the Commission provisionally adopted draft articles 1 to 4, together with commentaries.

As regards the topic “Subsequent agreements and subsequent practice in relation to the interpretation of treaties”, the Commission had before it the third report of the Special Rapporteur.<sup>415</sup> The third report offered an analysis of the role of subsequent agreements and subsequent practice in relation to treaties that are the constituent instruments of international organizations, addressed Article 5 of the Vienna Convention on the Law of Treaties, and then turned to questions related to the application of the rules of the Vienna Convention on treaty interpretation to constituent instruments of international organizations. It also dealt with several issues relating to subsequent agreements under article 31, paragraph 3 (a) and (b), as well as article 32, of the Vienna Convention on the Law of Treaties, as a means of interpretation of constituent instruments of international organizations. In the report, the Special Rapporteur proposed one new draft conclusion. The Commission referred the draft conclusion proposed by the Special Rapporteur to the Drafting Committee. Upon consideration of the report of the Drafting Committee, the Commission provisionally adopted draft conclusion 11, together with commentaries thereto.

With respect to the topic “Protection of the environment in relation to armed conflicts”, the Commission had before it the second report of the Special Rapporteur.<sup>416</sup> The purpose of the second report consisted in identifying existing rules of armed conflict and included an examination of such rules. In the report, the Special Rapporteur proposed three draft preambular paragraphs and five draft principles. The Commission referred the draft preambular paragraphs and the draft principles to the Drafting Committee. Following the presentation of the report of the Drafting Committee, the Commission took note of the draft introductory provisions and draft principles I-(x) to II-5, provisionally adopted by the Drafting Committee.

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<sup>413</sup> A/CN.4/682.

<sup>414</sup> A/CN.4/680.

<sup>415</sup> A/CN.4/683.

<sup>416</sup> A/CN.4/685.



In relation to the topic “Immunity of State officials from foreign criminal jurisdiction”, the Commission had before it the fourth report of the Special Rapporteur.<sup>417</sup> The fourth report represented a continuation of the analysis, commenced in the third report,<sup>418</sup> of the normative elements of immunity *ratione materiae*. Since the subjective scope of such immunity (who are the beneficiaries of such immunity) was already addressed in the third report, the fourth report was devoted to consideration of the remaining material scope (an “act performed in an official capacity”) and the temporal scope. In the report, the Special Rapporteur proposed draft article 2, subparagraph (f), and draft article 6. The Commission referred the two draft articles to the Drafting Committee. Upon consideration of the report of the Drafting Committee, the Commission took note of draft articles 3, subparagraph (f), and 6, provisionally adopted by the Drafting Committee.

As regards the topic “Provisional application of treaties”, the Commission had before it the third report of the Special Rapporteur<sup>419</sup>, as well as a memorandum, prepared by the Secretariat, on provisional application under the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, of 1986.<sup>420</sup> The third report focused on two major issues: first, the relationship with other provisions of the 1969 Vienna Convention, and second, the provisional application of treaties with regard to the practice of international organizations. In the report, the Special Rapporteur proposed 6 draft guidelines. The Commission referred the six draft guidelines to the Drafting Committee. The Commission subsequently received an interim oral report, presented by the Chairman of the Drafting Committee for information only, on draft guidelines 1 to 3, provisionally adopted by the Drafting Committee.

The Commission established a Planning Group to consider its programme, procedures and working methods. The Planning Group decided to reconstitute for the current session the Working Group on the Long-term Programme of Work, under the chairmanship of Mr. Donald M. McRae. The Chairman of the Working Group submitted an oral progress report on the work of the Working Group on 30 July 2015. The Commission decided to include the topic “*Jus cogens*” in its programme of work, and to appoint Mr. Dire Tladi 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-seventh session” at its 17th to 25th and 29th meetings on 2–4, 6, 9–11 and 20 November 2015.<sup>421</sup> The Chair of the International Law Commission at its sixty-seventh session introduced the report of the Commission on the work of that session as follows: chapters I to V and XII at the 17th meeting, on 2 November; chapters VI to VII at the 19th meeting, on 4 November; and chapters IX to XI at the 23rd meeting, on 9 November.

<sup>417</sup> A/CN.4/686.

<sup>418</sup> A/CN.4/673.

<sup>419</sup> A/CN.4/687.

<sup>420</sup> A/CN.4/676.

<sup>421</sup> For the summary records, see A/C.6/70/SR.17–18, 21–23 and 25.



On 20 November 2015, the Committee adopted the draft resolution entitled “Report of the International Law Commission on the work of its sixty-seventh session”.<sup>422</sup>

#### (d) General Assembly

On 23 December 2015, the General Assembly adopted, on the recommendation of the Sixth Committee<sup>423</sup> and the Fifth Committee,<sup>424</sup> resolution 70/236 entitled “Report of the International Law Commission on the work of its sixty-seventh session”,<sup>425</sup> without a vote. The General Assembly, *inter alia*, took note of the final report on the topic “The Most-Favoured-Nation clause” and the decision of the Commission to include the topic “*Jus cogens*” in its programme of work.

### 15. United Nations Commission on International Trade Law<sup>426</sup>

#### (a) Forty-eighth session of the Commission

The United Nations Commission on International Trade Law (UNCITRAL) held its forty-eighth session in Vienna from 29 June to 16 July 2015 and adopted its report on 3, 10, 13 and 16 July 2015.<sup>427</sup>

At the session, the Commission approved the draft revised UNCITRAL Notes on Organizing Arbitral Proceedings<sup>428</sup> in principle and requested the Secretariat to revise the draft text in accordance with the deliberations and decisions at the session for adoption by the Commission at its forty-ninth session, in 2016.<sup>429</sup> It also approved the substance of article 26 of chapter IV (on the registry system) of the draft model law on secured transactions and articles 1 to 29 of the draft registry act annexed thereto.<sup>430</sup> It requested its Working Group VI (Security Interests) to expedite its work so as to submit the draft model law to the Commission for final consideration and adoption at its forty-ninth session in 2016.<sup>431</sup> Also at the session, the Commission commended the use of the Principles on Choice of Law in International Commercial Contracts (“Hague Principles”) prepared by the Hague Conference on Private International Law,<sup>432</sup> as appropriate, by courts and by

<sup>422</sup> A/C.6/70/L.13.

<sup>423</sup> A/70/509.

<sup>424</sup> A/70/642.

<sup>425</sup> A/CN.4/689.

<sup>426</sup> For the membership of the United Nations Commission on International Trade Law, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/70/17)*, para. 4.

<sup>427</sup> *Ibid.*, paras. 1 and 13.

<sup>428</sup> *Ibid.*, para. 15.

<sup>429</sup> *Ibid.*, para. 133.

<sup>430</sup> *Ibid.*, para. 214.

<sup>431</sup> *Ibid.*, para. 216.

<sup>432</sup> A/CN.9/847, and available from <https://www.hcch.net/>.

arbitral tribunals; as a model for national, regional, supranational or international instruments; and to interpret, supplement and develop rules of private international law.<sup>433</sup>

The Commission confirmed the mandate of its Working Group I (MSMEs)<sup>434</sup> and Working Group V (Insolvency Law)<sup>435</sup> related to their ongoing work, instructed Working Group III (ODR) to finalize its work on elaborating a non-binding descriptive document reflecting elements of an ODR process within one year or no more than two Working Group sessions<sup>436</sup> and encouraged Working Group IV (Electronic Commerce) to finalize the current work on a model law on electronic transferable records in order to submit results at the Commission's forty-ninth session.<sup>437</sup>

After discussion of its work programme, the Commission agreed that its Working Group II (Arbitration and Conciliation) should commence work on the topic of enforcement of settlement agreements.<sup>438</sup> It also agreed that a guide to enactment of what would become the UNCITRAL Model Law on Secured Transactions should be prepared and referred that task to Working Group VI (Security Interests).<sup>439</sup>

The Commission requested the Secretariat to explore further the topics of concurrent proceedings<sup>440</sup> and a code of ethics/conduct for arbitrators,<sup>441</sup> noting that work on those topics should be considered in the context of both commercial and investment arbitration.<sup>442</sup> The Commission also requested the Secretariat to conduct preparatory work on identity management and trust services, cloud computing and mobile commerce<sup>443</sup> and to share the result of that preparatory work with Working Group IV, with a view to seeking recommendations on the exact scope, possible methodology and priorities for the consideration of the Commission at its forty-ninth session.<sup>444</sup> If the current work of the Working Group on electronic transferable records was concluded prior to the next session of the Commission, the Working Group could take up the subjects mentioned above.<sup>445</sup> The Commission decided to retain on its future work programme the preparation of a contractual guide on secured transactions and a uniform law text on intellectual property licensing<sup>446</sup> as well as the topic of public-private partnerships.<sup>447</sup> The Secretariat was instructed

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<sup>433</sup> *Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/70/17)*, para. 240.

<sup>434</sup> *Ibid.*, paras. 225 and 340.

<sup>435</sup> *Ibid.*, para. 359.

<sup>436</sup> *Ibid.*, para. 352.

<sup>437</sup> *Ibid.*, para. 231.

<sup>438</sup> *Ibid.*, para. 142.

<sup>439</sup> *Ibid.*, paras. 167 and 216.

<sup>440</sup> *Ibid.*, paras. 147 and 341.

<sup>441</sup> *Ibid.*, paras. 151 and 341.

<sup>442</sup> *Ibid.*, para. 341.

<sup>443</sup> *Ibid.*, para. 358.

<sup>444</sup> *Ibid.*

<sup>445</sup> *Ibid.*

<sup>446</sup> *Ibid.*, para. 217.

<sup>447</sup> *Ibid.*, para. 363.

to report to the Commission at its next session on the results of its exploratory work on the latter topic and the topic of suspension and debarment in public procurement.<sup>448</sup>

Also at the session, the Commission agreed to recommend to the General Assembly that it request the secretariat of the Commission to establish and operate the repository of published information under article 8 of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration<sup>449</sup>, initially as a pilot project until the end of 2016, to be funded entirely by voluntary contributions.<sup>450</sup>

Among other items, the Commission considered its technical assistance to law reform activities,<sup>451</sup> including a draft guidance note on strengthening United Nations support to States to implement sound commercial law reforms,<sup>452</sup> promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts,<sup>453</sup> the status and promotion of UNCITRAL texts,<sup>454</sup> measures aimed at coordination and cooperation with other organizations active in the field of international trade law,<sup>455</sup> in particular in the areas of international arbitration and conciliation<sup>456</sup> and security interests,<sup>457</sup> its regional presence,<sup>458</sup> the role of UNCITRAL in promoting the rule of law at the national and international levels<sup>459</sup>, the thirty-fifth anniversary of the United Nations Convention on Contracts for the International Sale of Goods<sup>460</sup>,<sup>461</sup> and the work programme of the Commission, including preparations for a congress to commemorate the fiftieth anniversary of the establishment of UNCITRAL.<sup>462</sup> The Commission also took note of relevant General Assembly resolutions.<sup>463</sup>

### (b) General Assembly

On 14 December 2015, the General Assembly adopted, on the recommendation of the Sixth Committee,<sup>464</sup> resolution 70/115 entitled “Report of the United Nations Commission on International Trade Law on the work of its forty-eighth session”, without a vote.

<sup>448</sup> *Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 362 and 363.

<sup>449</sup> *Ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, annex I.

<sup>450</sup> *Ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, para. 161.

<sup>451</sup> *Ibid.*, paras. 241–247.

<sup>452</sup> *Ibid.*, paras. 248–252.

<sup>453</sup> *Ibid.*, paras. 253–260.

<sup>454</sup> *Ibid.*, paras. 261–264.

<sup>455</sup> *Ibid.*, paras. 265–281.

<sup>456</sup> *Ibid.*, paras. 268–274.

<sup>457</sup> *Ibid.*, paras. 218–219.

<sup>458</sup> *Ibid.*, paras. 282–293.

<sup>459</sup> *Ibid.*, paras. 294–324.

<sup>460</sup> United Nations, *Treaty Series*, vol. 1489, No. 25567.

<sup>461</sup> *Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 325–334.

<sup>462</sup> *Ibid.*, paras. 335–366.

<sup>463</sup> *Ibid.*, para. 367.

<sup>464</sup> A/70/507.

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

During the seventieth session of the General Assembly, the Sixth Committee (Legal), in addition to the topics discussed above concerning the International Law Commission and the United Nations Commission on International Trade Law, considered a range of topics.<sup>465</sup> The resolutions and decisions of the General Assembly described in this section were all adopted, without a vote, during the seventieth session, on 14 December 2015, on the recommendation of the Sixth Committee.<sup>466</sup>

### (a) 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.<sup>467</sup>

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,<sup>468</sup> submitted pursuant to General Assembly resolution 59/300.<sup>469</sup> At the same session, the General Assembly decided to establish an *ad hoc* committee, for the purpose of considering the report of the Group of Legal Experts, in particular its legal aspects and to report on its work to General Assembly under the agenda item entitled “Criminal Accountability of United Nations officials and experts on mission”.<sup>470</sup> The General Assembly considered this item at its sixty-second to sixty-ninth sessions.

<sup>465</sup> 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/70/70\\_session.shtml](http://www.un.org/en/ga/sixth/70/70_session.shtml).

<sup>466</sup> The Sixth Committee adopts drafts 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.

<sup>467</sup> General Assembly resolution 2006 (XIX) of 18 February 1965.

<sup>468</sup> A/60/980.

<sup>469</sup> General Assembly decision 61/503A of 13 September 2006.

<sup>470</sup> The Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission was established by General Assembly resolution 61/29 of 4 December 2006. The Ad Hoc Committee held two sessions at United Nations Headquarters in New York, from 9 to 13 April 2007 and from 7 to 9 and on 11 April 2008. For more information, see [http://legal.un.org/committees/criminal\\_accountability/](http://legal.un.org/committees/criminal_accountability/).

(i) *Sixth Committee*

During the seventieth session of the General Assembly, the Sixth Committee considered the item at its 9th, 27th and 29th meetings, on 16 October and on 13 and 20 November 2015.<sup>471</sup> For its consideration of the item, the Committee had before it the report of the Secretary-General on this topic.<sup>472</sup>

At its 1st meeting, on 12 October 2015, the Committee established a Working Group, pursuant to General Assembly resolution 69/114, to continue the consideration of the report of the Group of Legal Experts,<sup>473</sup> in particular its legal aspects. The Working Group was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held three meetings, on 16, 21 and 28 October. At its 27th meeting, on 13 November, the Committee heard and took note of the oral report of the Chair of the Working Group.<sup>474</sup>

At the 29th meeting, on 20 November 2015, the representative of Pakistan, on behalf of the Bureau, introduced a draft resolution entitled “Criminal accountability of United Nations officials and experts on mission”, which the Committee adopted without a vote.<sup>475</sup>

(ii) *General Assembly*

By resolution 70/114 of 14 December 2015, the General Assembly, *inter alia*, took note of the report of the Secretary-General, as well as the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse<sup>476</sup> and the findings of the Office of Internal Oversight Services of the Secretariat in its evaluation report of 15 May 2015,<sup>477</sup> including on the issue of underreporting. The General Assembly also emphasized that genuine accountability rests on the cooperation of Member States and emphasized the need to enhance international cooperation to ensure the criminal accountability of the United Nations officials and experts on mission. The General Assembly recalled its requests to Governments in resolution 69/114 to provide specific details on measures taken, as necessary, for the implementation of relevant resolutions and requested the Secretary-General, in this regard, to prepare a compilation, based on information to be received from all Member States, of national provisions regarding the establishment of jurisdiction over their nationals, whenever they serve as United Nations officials or experts on mission, in relation to crimes as known in their existing national criminal laws, particularly those of a serious nature. It also requested the Secretary-General to improve reporting methods and expand the scope of reporting.

<sup>471</sup> For the report of the Sixth Committee, see A/70/506. For the summary records, see A/C.6/70/SR.9, 27 and 29.

<sup>472</sup> A/70/208.

<sup>473</sup> A/60/980.

<sup>474</sup> A/C.6/70/SR.27.

<sup>475</sup> A/C.6/70/L.17.

<sup>476</sup> A/69/779.

<sup>477</sup> Assignment No. IED-15-001, reissued on 12 June 2015.

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

The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established by the General Assembly at its twentieth session in 1965,<sup>478</sup> to provide direct assistance in the field of international law, as well as through the preparation and dissemination of publications and other information relating to international law. The General Assembly authorized the continuation of the Programme of Assistance annually until its twenty-sixth session, biennially until its sixty-fourth session and annually thereafter.

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

*(i) Sixth Committee*

The Sixth Committee considered the item at its 15th, 16th, 22nd and 26th meetings, on 23 and 26 October and on 6 and 11 November 2015.<sup>479</sup> For its consideration of the item, the Committee had before it the report of the Secretary-General.<sup>480</sup>

At the 22nd meeting, on 6 November 2015, 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”.<sup>481</sup> At its 26th meeting, on 11 November, the representative of Ghana orally revised footnote 3 of the draft resolution by adding the names of the States appointed members of the Advisory Committee on the Programme of Assistance.<sup>482</sup> At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote.

*(ii) General Assembly*

By resolution 70/116 of 14 December 2015, the General Assembly reaffirmed that the Programme constituted a core activity of the United Nations and recognized the importance of the Programme of Assistance effectively reaching its beneficiaries, while bearing in mind the limitations on available resources. The General Assembly, *inter alia*, approved the guidelines and recommendations contained in section III of the report of the Secretary-General and authorized the Secretary-General to carry out the activities specified in the resolution to be financed from provisions in the regular budget, as well as, when necessary from voluntary contributions.

<sup>478</sup> General Assembly resolution 2099 (XX) of 20 December 1965. For further information on the Programme of Assistance, see <http://legal.un.org/poa/>.

<sup>479</sup> For the report of the Sixth Committee, see A/70/508. For the summary records, see A/C.6/69/SR.13, 14, 22 and 24.

<sup>480</sup> A/70/423.

<sup>481</sup> A/C.6/70/L.10.

<sup>482</sup> A/C.6/70/SR.26.

(c) **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*<sup>483</sup>

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.<sup>484</sup>

At its twenty-ninth session, in 1974, the General Assembly decided to establish an *ad hoc* committee on the Charter of the United Nations to consider any specific proposals that Governments might make with a view to enhancing the ability of the United Nations to achieve its purposes, as well as other suggestions for the more effective functioning of the United Nations that might not require amendments to the Charter.<sup>485</sup>

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.<sup>486</sup>

At its thirtieth session, the General Assembly decided to reconvene the *ad hoc* committee as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, to examine suggestions and proposals regarding the Charter and the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law.<sup>487</sup> Since its thirtieth session, the General Assembly has considered the report of the Special Committee every year.

The Special Committee met at United Nations Headquarters from 17 to 25 February 2015.<sup>488</sup> The Special Committee also considered the items “Maintenance of international peace and security”, “Peaceful settlement of disputes”, “*Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council*” and “Working methods of the Special Committee and identification of new subjects”.

<sup>483</sup> For more information, see the website of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, available from <http://legal.un.org/committees/charter/>.

<sup>484</sup> A/7659.

<sup>485</sup> General Assembly resolution 3349 (XXIX) of 17 December 1974.

<sup>486</sup> A/8792.

<sup>487</sup> General Assembly resolution 3499 (XXX) of 15 December 1975.

<sup>488</sup> For the report of the Special Committee, see *Official Records of the General Assembly, Seventieth Session, Supplement No. 33 (A/70/33)*.

(ii) *Sixth Committee*

The Sixth Committee considered the item at its 14th, 15th, 26th and 28th meetings, on 22 and 23 October and 11 and 16 November 2015.<sup>489</sup> For its consideration of the item, the Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, the report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions,<sup>490</sup> and the report of the Secretary-General on the *Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council*.<sup>491</sup>

At the 26th meeting, on 11 November 2015, 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”.<sup>492</sup> At the 28th meeting, on 16 November, the Committee adopted the draft resolution without a vote.

(iii) *General Assembly*

By resolution 70/117 of 14 December 2015, 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, to keep on its agenda the question of the peaceful settlement of disputes between States, and to continue to consider, on a *priority* basis, ways and means of improving the Committee’s working methods and enhancing its efficiency.

(d) **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.<sup>493</sup> The General Assembly had previously considered the item from its sixty-first to its sixty-ninth sessions.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 5th, 6th, 7th, 8th and 29th meetings, on 14, 15 and 16 October and on 20 November 2015.<sup>494</sup> For its consideration of the item,

<sup>489</sup> For the report of the Sixth Committee, see A/70/510. For the summary records, see A/C.6/70/SR.14, 15, 26 and 28.

<sup>490</sup> A/70/119.

<sup>491</sup> A/70/295.

<sup>492</sup> A/C.6/70/L.11.

<sup>493</sup> A/61/142.

<sup>494</sup> For the report of the Sixth Committee, see A/70/511. For the summary records, see A/C.6/70/SR.5, 6, 7, 8 and 29.



the Committee had before it the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities.<sup>495</sup>

At the 29th meeting, on 20 November 2015, the representative of Mexico, on behalf of the Bureau, introduced a draft resolution entitled “The rule of law at the national and international levels”.<sup>496</sup> At the same meeting, the Committee adopted the draft resolution without a vote.

## (ii) *General Assembly*

By resolution 70/118 of 14 December 2015, the General Assembly, *inter alia*, reaffirmed the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law. The General Assembly also took note of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities. The General Assembly decided further to include this item in the provisional agenda of its seventy-first session and invited Member States to focus their comments in the upcoming Sixth Committee debate on the subtopics “Sharing national practices of States in the implementation of multilateral treaties” and “Practical measures to facilitate access to justice for all, including the poorest and most vulnerable”.

## (e) *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.<sup>497</sup> The General Assembly had previously considered the item at its sixty-fourth to sixty-ninth sessions.

## (i) *Sixth Committee*

The Sixth Committee considered the item at its 12th, 13th, 27th and 28th meetings, on 20 October and on 13 and 16 November 2015.<sup>498</sup> 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, sixty-eight, sixty-ninth and seventieth sessions.<sup>499</sup>

At its 1st meeting, on 12 October, the Committee established a working group pursuant to General Assembly resolution 69/124 to continue to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction. In its resolution 69/124, 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. The Working Group held three meetings, on 21, 23 and 29 October.

<sup>495</sup> A/70/206.

<sup>496</sup> A/C.6/70/L.16.

<sup>497</sup> A/63/237/Rev.1.

<sup>498</sup> For the report of the Sixth Committee, see A/70/512. For the summary records, see A/C.6/70/SR.12, 13, 27 and 28.

<sup>499</sup> A/65/181, A/66/93 and Add.1, A/67/116, A/68/113, A/69/174 and A/70/125.

At its 27th meeting, on 13 November, the Committee heard and took note of the oral report of the Chair of the Working Group.<sup>500</sup>

At the 27th meeting, on 13 November 2015, the representative of Kenya, on behalf of the Bureau, introduced a draft resolution entitled “The scope and application of the principle of universal jurisdiction”.<sup>501</sup> At the 28th meeting, on 16 November, the Committee adopted the draft resolution without a vote.

## (ii) *General Assembly*

By resolution 70/119 of 14 December 2015, the General Assembly, *inter alia*, recognized the diversity of views expressed by States and the need for further consideration towards a better understanding of the scope and application of universal jurisdiction. The General Assembly also took note of the report of the Secretary-General prepared on the basis of comments and observations of Governments and relevant observers.

## (f) *Measures to eliminate international terrorism*

This item was included in the agenda of the twenty-seventh session of the General Assembly in 1972, further to an initiative of the Secretary-General.<sup>502</sup> At that session, the General Assembly decided to establish the *ad hoc* committee on International Terrorism, consisting of 35 members.<sup>503</sup>

At its fifty-first session, the General Assembly established an *ad hoc* committee to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism.<sup>504</sup> Through the work of the Committee, the General Assembly has thus far adopted three counter-terrorism instruments.

## (i) *Sixth Committee*

The Sixth Committee considered the item at its 1st, 2nd, 3rd, 4th, 5th, 27th and 29th meetings, on 12, 13 and 14 October and on 13 and 20 November 2015.<sup>505</sup> For its consideration of the item, the Committee had before it the report of the Secretary-General on measures to eliminate international terrorism.<sup>506</sup>

<sup>500</sup> A/C.6/70/SR.27.

<sup>501</sup> A/C.6/70/L.12.

<sup>502</sup> A/8791 and Add.1 and Add.1/Corr.1.

<sup>503</sup> General Assembly resolution 3034 (XXVII) of 18 December 1972.

<sup>504</sup> Resolution 50/53.

<sup>505</sup> For the report of the Sixth Committee, see A/70/513. For the summary records, see A/C.6/70/SR.1–5, 27 and 29.

<sup>506</sup> A/70/211.

At its 1st meeting, on 12 October 2015, the Committee established a Working Group with a view to finalizing the process on the draft comprehensive convention on international terrorism, as well as discussions on the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations. The Working Group was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held five meetings, on 26 and 30 October, and on 9, 11 and 13 November. At its 27th meeting, on 13 November, the Committee heard and took note of the oral report by the Chair of the Working Group on the work of the Working Group and on the results of the informal consultations held during the current session.<sup>507</sup>

At the 29th meeting, on 20 November 2015, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled “Measures to eliminate international terrorism”.<sup>508</sup> At the same meeting, the Committee adopted the draft resolution, without a vote.

## (ii) *General Assembly*

By resolution 70/120, of 14 December 2015, 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,<sup>509</sup> as well as the resolutions relating to the first, second, third and fourth biennial review of the Strategy,<sup>510</sup> in all its aspects at the international, regional, subregional and national levels without delay, including mobilizing resources and expertise. The General Assembly decided to recommend that the Sixth Committee, at the seventy-first session of the General Assembly, establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as discussions on the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations.

## (g) *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.<sup>511</sup> The General Assembly had previously considered the question at its forty-sixth to forty-eighth, fifty-second to fifty-third and fifty-fifth to sixty-eighth sessions.

At its 2nd plenary meeting, on 18 September 2015, the General Assembly, on the recommendation of the General Committee, decided to allocate the item to all the Main

<sup>507</sup> A/C.6/70/SR.27.

<sup>508</sup> A/C.6/70/L.15.

<sup>509</sup> General Assembly resolution 60/288 of 8 September 2006.

<sup>510</sup> General Assembly resolutions 62/272 of 5 September 2008, 64/297 of 8 September 2010, 66/282 of 29 June 2012 and 68/276 of 13 June 2014.

<sup>511</sup> General Assembly decision 45/461 of 16 December 1991.

Committees for the sole purpose of considering and taking action on their respective tentative programmes of work for the seventieth session of the General Assembly.

(i) *Sixth Committee*

The Sixth Committee considered the item at its 28th and 29th meetings, on 16 and 20 November 2015.<sup>512</sup> At the 29th meeting, on 20 November 2015, the Chair introduced a draft decision containing the provisional programme of work of the Committee for the seventy-first session of the General Assembly, as proposed by the Bureau.<sup>513</sup> At the same meeting, the Committee adopted the draft decision.

(ii) *General Assembly*

By its decision 70/527, the General Assembly noted that the Sixth Committee decided to adopt the provisional programme of work for the seventy-first session of the General Assembly, as proposed by the Bureau.

**(h) Administration of justice at the United Nations**

The General Assembly had considered the item at its fifty-fifth to fifty-seventh sessions, at its fifty-ninth session and at its sixty-first to sixty-eighth sessions, in the framework of both the Fifth and Sixth Committee, with the aim of introducing a new system for handling internal disputes and disciplinary matters in the United Nations.

At its sixty-second session, the General Assembly decided to establish: (a) a two-tier formal system of administration of justice, comprising a first instance United Nations Dispute Tribunal and an appellate instance United Nations Appeals Tribunal; (b) the Office of Administration of Justice, comprising the Office of the Executive Director and the Office of Staff Legal Assistance and the Registries for the United Nations Dispute Tribunal and the United Nations Appeals Tribunal; (c) a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes with branches in several duty stations and a new mediation division; (d) the Internal Justice Council; and (e) the Management Evaluation Unit in the Office of the Under-Secretary-General for Management.<sup>514</sup>

At its sixty-third session, the General Assembly adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal; it also decided that those Tribunals would be operational as of 1 July 2009; and further decided that all persons who had access to the Office of the Ombudsman under the previous system would also have access to the new informal system.<sup>515</sup>

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

<sup>512</sup> For the report of the Sixth Committee, see A/70/526. For the summary records, see A/C.6/70/SR.28 and 29.

<sup>513</sup> A/C.6/70/L.18.

<sup>514</sup> General Assembly resolution 62/228 of 22 December 2007.

<sup>515</sup> General Assembly resolution 63/253 of 24 December 2008.

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*

The Sixth Committee considered the item at its 16th and 18th meetings, on 28 October and 3 November 2015,<sup>516</sup> as well as in informal consultations, held on 27, 28 and 30 October.

The Committee had before it the reports of the Secretary-General on the administration of justice at the United Nations,<sup>517</sup> as well as the report of the Secretary-General on the amendment to the rules of procedure of the United Nations Appeals Tribunal.<sup>518</sup> In addition, the Committee had before it the report of the Internal Justice Council,<sup>519</sup> which included annexes containing the memorandum submitted by the judges of the United Nations Appeals Tribunal, and the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services.<sup>520</sup>

The Sixth Committee decided that its Chair 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.<sup>521</sup>

(ii) *General Assembly*

In resolution 70/112 of 14 December 2015, the General Assembly, *inter alia*, took note of the relevant reports, including the related report of the Advisory Committee on Administrative and Budgetary Questions.<sup>522</sup>

The General Assembly also, *inter alia*, requested the Secretary-General to publish the statutes of the Dispute and Appeals Tribunals, as amended since their initial adoption by the General Assembly, as soon as possible, but no later than at its seventy-first session. The General Assembly invited the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters.

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<sup>516</sup> For the report of the Sixth Committee, see A/70/593. For the summary records, see A/C.6/70/SR.16 and 18.

<sup>517</sup> A/70/187.

<sup>518</sup> A/70/189.

<sup>519</sup> A/70/188.

<sup>520</sup> A/70/151.

<sup>521</sup> A/C.5/70/9.

<sup>522</sup> A/70/420.

## (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.<sup>523</sup> In 2015, the Committee was composed of the following 19 Member States: Bulgaria, Canada, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, France, Honduras, Hungary, Iraq, Libya, Malaysia, Mali, Russian Federation, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland and the United States of America.

In 2015, the Committee held the following meetings: 270th meeting, on 11 February 2015; the 271st meeting, on 1 May 2015; the 272nd meeting, on 30 July 2015; the 273rd meeting, on 5 October 2015; and the 274th meeting, on 30 October 2015. During its meetings, the Committee considered a number of topics, namely (i) entry visas issued by the host country; (ii) host country activities: activities to assist members of the United Nations community; and (iii) other matters. At its 274th meeting, the Committee approved a number of recommendations and conclusions, which are contained in chapter IV of its report.<sup>524</sup>

### (ii) *Sixth Committee*

The Sixth Committee considered the item at its 28th and 29th meetings, on 16 and 20 November 2015.<sup>525</sup> For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country. At the 29th meeting, on 20 November 2015, 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".<sup>526</sup> At the same meeting, the Committee adopted the draft resolution without a vote.

### (iii) *General Assembly*

In resolution 70/121 of 14 December 2015, the General Assembly, *inter alia*, endorsed the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 28 of its report. The General Assembly also notes that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States.

## (j) 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 Eurasian Economic Union

<sup>523</sup> General Assembly resolution 2819 (XXVI) of 15 December 1971.

<sup>524</sup> *Official Records of the General Assembly, Seventieth session, Supplement No. 26 (A/70/26)*.

<sup>525</sup> For the report of the Sixth Committee, see A/70/515. For the summary records, see A/C.6/70/SR.28 and 29.

<sup>526</sup> A/C.6/70/L.14.

in the General Assembly, the Community of Democracies in the General Assembly, the International Civil Defence Organization in the General Assembly, the Indian Ocean Rim Association in the General Assembly, the International Conference of Asian Political Parties in the General Assembly and the Union for the Mediterranean in the General Assembly.<sup>527</sup>

(ii) *General Assembly*

By its resolutions 70/122, 70/123 and 70/124, the General Assembly granted observer status to the International Civil Defence Organization in the General Assembly, the Indian Ocean Rim Association in the General Assembly and the Union for the Mediterranean in the General Assembly, respectively. By its decisions 70/523, 70/524, 70/525 and 70/526, the General Assembly decided to defer a decision on the request for observer status for the Cooperation Council of Turkic-speaking States, the Eurasian Economic Union in the General Assembly, the Community of Democracies in the General Assembly and the International Conference of Asian Political Parties in the General Assembly, respectively, to its seventy-first session.

## 17. *Ad hoc international criminal tribunals*<sup>528</sup>

### (a) *Organization of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda*

#### (i) *Organization of the International Criminal Tribunal for the former Yugoslavia*<sup>529</sup>

For the first part of the reporting period, Judge Theodor Meron (United States of America) and Judge Carmel Agius (Malta) continued to act as President and Vice-President, respectively. At an extraordinary plenary session of judges held on 21 October 2015, Judge

<sup>527</sup> For the reports of the Sixth Committee, see A/70/530, A/70/531, A/70/532, A/70/533, A/70/534, A/70/535 and A/70/536, respectively. For the summary records, see A/C.6/70/SR.10, 11 and 29.

<sup>528</sup> This section covers 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 1827 (2004) of 22 December 2004, 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.

<sup>529</sup> For more information, see, for the period 1 August 2014 to 31 July 2015, the twenty-second 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/70/226–S/2015/585); and for the period 1 August 2015 to 31 July 2016, the twenty-third annual report (A/71/263–S/2016/670). See also the assessment and report of Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) covering the period from 16 May 2015 to 16 November 2015 (S/2015/874, annex I) and the Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council in accordance with paragraph 6 of Security Council resolution 1534 (2004) (S/2015/874, annex II).



Agius and Judge Liu Daqun (China) were elected as President and Vice-President of the Tribunal, respectively; they took office on 17 November 2015.

By Security Council resolution 2256 (2015) of 22 December 2015, acting under Chapter VII of the Charter of the United Nations, extended the term of office of the following permanent judge of the Tribunal, who was a member of the Appeals Chamber, until 30 June 2016 or until the completion of the cases to which he is assigned, if sooner: Koffi Kumelio A. Afande (Togo). The term of office of the following permanent and *ad litem* judges of the Tribunal, who are members of the Trial Chambers, was extended until 31 October 2016 or until the completion of the cases to which they were assigned, if sooner: Burton Hall (The Bahamas), Guy Delvoie (Belgium) and Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo). The term of office of the following permanent and *ad litem* judges at the Tribunal, who were members of the Trial Chambers and the Appeals Chamber, was extended until 31 December 2016 or until the completion of the cases to which they were assigned, if sooner: Carmel Agius (Malta), Liu Daqun (China), Christoph Flügge (Germany), Theodor Meron (United States of America), Bakone Justice Moloto (South Africa), Fausto Pocar (Italy) and Alphons Orie (The Netherlands). The term of office of the following permanent and *ad litem* judges at the Tribunal, who were members of the Trial Chambers and the Appeals Chamber, was also extended until 31 March 2016 or until the completion of the cases to which they were assigned, if sooner: Jean-Claude Antonetti (France), Melville Baird (Trinidad and Tobago), O-Gon Kwon (Republic of Korea), Flavia Lattanzi (Italy), Howard Morrison (United Kingdom) and Mandiaye Niang (Senegal).

In the same resolution, the Security Council decided to reappoint Mr. Serge Brammertz (Belgium) as Prosecutor of the Tribunal, notwithstanding the provisions of article 16, paragraph 4, of the Statute of the International Tribunal related to the length of office of the Prosecutor, for a term with effect from 1 January 2016 until 31 December 2016, which is subject to an earlier termination by the Security Council upon the completion of the work of the Tribunal. Throughout the period, John Hocking (Australia) continued to serve as Registrar.

At the end of 2015, the Chambers were composed of 13 permanent judges and 3 *ad litem* judges. The permanent judges of the Tribunal were as follows: Carmel Agius (President, Malta), Liu Daqun (Vice-President, China), Koffi Kumelio A. Afande (Togo), Jean-Claude Antonetti (France), Guy Delvoie (Belgium), Christoph Flügge (Germany), O-Gon Kwon (Republic of Korea), Theodor Meron (United States of America), Bakone Justice Moloto (South Africa), Howard Morrison (United Kingdom), Mandiaye Niang (Senegal), Alphons Orie (Netherlands) and Fausto Pocar (Italy). Mehmet Güney (Turkey), Khalida Khan (Pakistan), Arlette Ramaroson (Madagascar), Patrick Robinson (Jamaica), William Hussein Sekule (United Republic of Tanzania) and Bakhtiyar Tuzmukhamedov (Russia) also served as permanent judges during the reporting period but left the Tribunal at the conclusion of their respective mandates.<sup>530</sup>

At the end of 2015, the *ad litem* judges of the Tribunal were as follows: Melville Baird (Trinidad and Tobago), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo) and Flavia Lattanzi (Italy).

<sup>530</sup> Patrick L. Robinson served as a permanent judge until 8 April 2015. Mehmet Güney and William Hussein Sekule served as a permanent judge until 30 April 2015. Khalida Khan, Arlette Ramaroson and Bakhtiyar Tuzmukhamedov served as permanent judges until 21 December 2015.



(ii) *Organization of the International Criminal Tribunal for Rwanda*<sup>531</sup>

The International Criminal Tribunal for Rwanda delivered its last judgement on 14 December 2015 and closed on 31 December 2015.

Throughout 2015, Judge Vagn Joensen (Denmark) continued to act as President of the Tribunal. The Prosecutor, Hassan Bubacar Jallow (the Gambia) and the Registrar, Bongani Majola (South Africa) also remained the same since the previous reporting period.

At the closure of the Tribunal, the permanent judges were as follows: Koffi Afande (Togo), Carmel Agius (Malta), Liu Daqun (China), Khalida Rachid Khan (Pakistan), Theodor Meron (United States of America), Mandiaye Niang (Senegal), Fausto Pocar (Italy), Arlette Ramaroson (Madagascar) and Bakhtiyar Tuzmukhamedov (Russian Federation). During the reporting period, two permanent judges of the Appeals Chamber who were from the International Criminal Tribunal for Rwanda left office upon completion of their work: Judges Mehmet Güney (Turkey) and William H. Sekule (United Republic of Tanzania).

At the closure of the Tribunal, President Vagn Joensen was the only *ad litem* judge.

(iii) *Composition of the Appeals Chamber*<sup>532</sup>

At the end of 2015, the composition of the Appeals Chamber was as follows: Theodor Meron (presiding, United States of America), Carmel Agius (Malta), Khalida Rachid Khan (Pakistan), Liu Daqun (China), Fausto Pocar (Italy), Arlette Ramaroson (Madagascar), Bakhtiyar Tuzmukhamedov (Russian Federation), Mandiaye Niang (Senegal) and Koffi Kumelio A. Afande (Togo).<sup>533</sup>

(iv) *Organization of the International Residual Mechanism for Criminal Tribunals*<sup>534</sup>

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

<sup>531</sup> For more information about the Tribunal's activities during the period of 1 July 2014 to 30 June 2015, see Twentieth 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/70/218–S/2015/577). See also the report on the completion of the mandate of the International Criminal Tribunal for Rwanda as at 15 November 2015 (S/2015/884).

<sup>532</sup> The Appeals Chamber consists of nine permanent judges, five of whom are permanent judges of the ICTY and four of whom are permanent judges of the ICTR. These nine judges constitute the Appeals Chamber of the ICTR and the ICTY.

<sup>533</sup> William Hussein Sekule (United Republic of Tanzania) and Mehmet Güney (Turkey), permanent judges of the Tribunal, also served in the Appeals Chamber of the Tribunal during the reporting period but left the Tribunal on 30 April 2015, upon the conclusion of their mandates.

<sup>534</sup> For more information on the Mechanism, see, for the period 1 July 2014 to 30 June 2015, the third annual report of the International Residual Mechanism for Criminal Tribunals (A/70/255–S/2015/586); and for the period 1 July 2015 to 30 June 2016, the fourth annual report (A/71/262–S/2016/669).

Residual Mechanism for Criminal Tribunals (“the Mechanism”) with two branches, the branch for the ICTR which commenced functioning on 1 July 2012 and the branch for the ICTY which commenced functioning on 1 July 2013, to carry out a number of essential functions of the Tribunals after their closure. By the same resolution, the Security Council also decided to adopt that Statute of the Mechanism, contained in the annex.

### **(b) General Assembly**

On 23 December 2015, the General Assembly adopted, without reference to a Main Committee and without a vote, resolution 70/227 on the International Criminal Tribunal for Rwanda, the Former Yugoslavia and the Mechanism, by which it welcomed the completion of the judicial work of the International Criminal Tribunal for Rwanda, and reiterated its request for the International Tribunal for the former Yugoslavia to complete its work as well.

On the same day, the General Assembly adopted, on the recommendation of the Fifth Committee and without a vote, resolution 70/242, entitled ‘ Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991’, and resolution 70/243, entitled “Financing of the International Residual Mechanism for Criminal Tribunals”.

On 13 October 2015, the General Assembly adopted decision 70/505 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”; decision 70/508 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 decision 70/507 entitled “Report of the International Residual Mechanism for Criminal Tribunals”.

### **(c) Security Council**

On 22 December 2015, the Security Council adopted resolution 2256 (2015) concerning international criminal tribunals. Acting under Chapter VII of the Charter of the United Nations, the Council, *inter alia*, welcomed the completion of the judicial work of the International Criminal Tribunal for Rwanda following delivery of its last judgment on 14 December 2015, and the impending closure of the ICTR set for 31 December 2015. The Security Council also acknowledged the substantial contribution of the ICTR to the process of national reconciliation and the restoration of peace and security, and to the fight against impunity and the development of international criminal justice, especially in relation to the crime of genocide. The Security Council further reiterated its request to the International Tribunal for the former Yugoslavia to complete its work and facilitate the closure of the Tribunal as expeditiously as possible with the aim of completing the transition to the Mechanism, and expressed its continued concern over delays in the conclusion of the Tribunal’s work, in light of resolution 1966 (2010), which had requested the Tribunal to complete its trial and appeals proceedings by 31 December 2014.

## **B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS**

### **1. International Labour Organization<sup>535</sup>**

#### **(a) Entry into force of the 1997 amendment to the ILO Constitution**

On 8 October 2015, the 1997 amendment of the ILO Constitution, which permits the abrogation of obsolete labour conventions, entered into force.<sup>536</sup> This would enable the ILO and its members to strengthen the relevance, impact and coherence of the ILO's body of international labour standards by enabling the annual Conference to abrogate—by a two-thirds majority vote—conventions which had manifestly lost their purpose and no longer made any useful contribution to the objectives of the Organization.

Until that moment, the ILO did not have a means of terminating the legal effects of outdated conventions; it could only adopt new revised standards on subjects covered by existing conventions. The entry into force of the 1997 constitutional amendment filled the gap and marked an important institutional milestone as the ILO approached its 100th anniversary. Together with the launching of a standards review mechanism, the constitutional amendment reinforced the ILO's efforts to ensure that it had a clear, robust and up-to-date body of labour standards serving as a global reference.

To date, the ILO's Governing Body had identified 31 out of 189 ILO conventions as outdated. The conventions retained as candidates for possible abrogation include, for instance, Convention No. 15 of 1921 which regulated the minimum age of trimmers and stokers, long-disappeared occupations on board vessels, and Conventions Nos. 4 and 41 on women's night work which dated back to 1919 and 1934 respectively, and forbade night work for women in industry, widely seen today as contrary to fundamental principles of gender equality and non-discrimination.

#### **(b) Resolution concerning the application by the Cook Islands for admission to membership of the International Labour Organization<sup>537</sup>**

On 12 June 2015, the International Labour Conference adopted a resolution admitting the Cook Islands to the membership of the ILO. The Cook Islands became the 186th member of the ILO after communicating its formal acceptance of the obligations of the ILO Constitution.

<sup>535</sup> For official documents and more information in the International Labour Organization, see <http://ilo.org>.

<sup>536</sup> The text of the 1997 amendment of the ILO Constitution is available in English, French and Spanish at <http://www.ilo.org/public/english/bureau/leg/amend/1997.htm>.

<sup>537</sup> Available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_380782.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_380782.pdf).

**(c) Recommendation and other resolutions adopted by the International Labour Conference during its 104th Session (Geneva, June 2015)<sup>538</sup>**

The International Labour Conference adopted at its 104th session (2015) one recommendation and eleven resolutions, of which three are highlighted below.

*(i) Recommendation concerning the transition from the informal to the formal economy*

On 12 June 2015, the International Labour Conference adopted the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).<sup>539</sup> The Recommendation was the first international labour standard to focus on the informal economy in its entirety and diversity. It pointed to the transition to the formal economy as the means for realizing decent work for all and achieving inclusive development. The Recommendation, of universal relevance, acknowledged the broad diversity of situations of informality, including specific national contexts and priorities for the transition to the formal economy, and provided practical guidance to address these priorities.

*(ii) Resolution concerning efforts to facilitate the transition from the informal to the formal economy*

The Conference adopted the resolution concerning efforts to facilitate the transition from the informal to the formal economy<sup>540</sup> that invited governments, employers and workers jointly to give full effect to the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

*(iii) Resolution concerning small and medium-sized enterprises and decent and productive employment creation*

The resolution, with accompanying conclusions,<sup>541</sup> reconfirmed that small and medium-sized enterprises (SMEs) were vital to achieving decent and productive work as, globally, they accounted for two-thirds of all jobs and also created the majority of new jobs.<sup>542</sup> Furthermore, it confirmed the relevance of the current portfolio of ILO interventions promoting decent and productive employment in SMEs, and called on the International Labour Office to scale up its interventions. In order to produce more evidence on what

<sup>538</sup> The texts adopted at the 104th Session of the ILC are available in English, French and Spanish at: <http://www.ilo.org/ilc/ILCSessions/104/texts-adopted/lang--en/index.htm>.

<sup>539</sup> Available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_377774.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_377774.pdf).

<sup>540</sup> Available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_380780.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_380780.pdf).

<sup>541</sup> Available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_380779.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_380779.pdf).

<sup>542</sup> For details see [http://www.ilo.org/ilc/ILCSessions/104/reports/reports-to-the-conference/WCMS\\_358294/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/104/reports/reports-to-the-conference/WCMS_358294/lang--en/index.htm).

worked in SME development, the resolution called for more emphasis on results measurement, in particular regarding the sustainability of enterprises and the improvement of working conditions.

(iv) *Resolution concerning the recurrent discussion on social protection (labour protection)*

The Conference adopted a resolution, with accompanying conclusions,<sup>543</sup> after conducting a recurrent discussion on the strategic objective of social protection (labour protection), under the ILO Declaration on Social Justice for a Fair Globalization. This was the first time that the Conference examined the labour protection dimension of the social protection objective, giving ILO constituents the opportunity to discuss experiences and challenges regarding wages, working time, occupational safety and health (OSH) and maternity protection.

The conclusions of the recurrent discussion highlighted the centrality of labour protection for achieving decent work, social justice and peace. They also point to ongoing changes in employment patterns, contractual arrangements and work organization and the ensuing challenges for making labour protection a reality for all workers. This was especially the case for workers in non-standard forms of employment, workers in small and medium-sized enterprises (SMEs), and workers who had traditionally been left out, totally or partly, from the coverage of certain protections. The conclusions further stressed that the issue for some workers was not the exclusion from legal protection, but an inadequate level of protection. In yet other cases, the problem could be an insufficient enforcement of the law. Overall, women as well as migrant workers, youth, or people living with HIV and AIDS, were more exposed to labour protection deficits.

National legislation, policies and institutions needed to keep pace with the transformations in the world of work, extend coverage to all workers and establish an adequate level of protection to also prevent informality. Compliance with the applicable laws and regulations was to be ensured by effective enforcement mechanisms, primarily labour inspection, in the interest of both workers and employers by precluding anti-competitive business practices that had detrimental impact on responsible businesses.

(v) *Other resolutions adopted by the International Labour Conference*

The following resolutions were also adopted by the International Labour Conference: (a) resolution concerning the adoption of the Programme and Budget for 2016–17 and the allocation of the budget of income among member States; (b) resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2014; (c) resolution concerning the scale of assessments of contributions to the budget for 2016; (d) resolution concerning financing of the renovation of the ILO headquarters building; (e) resolution concerning the composition of the Administrative Tribunal of the International Labour Organization; (f) resolution concerning appointments to the ILO

<sup>543</sup> Available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_380781.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_380781.pdf).

Staff Pension Committee (United Nations Joint Staff Pension Board); and (g) resolution concerning the arrears of contributions of Uzbekistan.

**(d) Approval of the terms of reference of the Standard Review Mechanism Tripartite Working Group**

At its 325th Session (October–November 2015), the Governing Body approved the terms of reference of the Standards Review Mechanism (SRM) Tripartite Working Group.<sup>544</sup> This decision followed the establishment of the SRM by the Governing Body in November 2011 in order to contribute to the implementation of ILO standards policy as set forth in the ILO Declaration on Social Justice for a Fair Globalization (2008)<sup>545</sup> and to consolidate tripartite consensus on the role of international labour standards in achieving the ILO's objectives.

The SRM Tripartite Working Group was given the mandate of reviewing the international labour standards with a view to making recommendations to the Governing Body on the status of the standards examined, including up-to-date standards, standards in need of revision, outdated standards, and possible other classifications, to the identification of gaps in coverage, including those requiring new standards and to practical and time-bound follow-up action, as appropriate.

**(e) Guidance documents submitted to the Governing Body of the International Labour Office**

In March 2015, the Governing Body took note of the Guidelines for implementing the occupational safety and health provisions of the Maritime Labour Convention, 2006<sup>546</sup> and approved their publication.<sup>547</sup> The guidelines had been adopted by a Meeting of Experts held from 13 to 17 October 2014. They had been developed to provide supplementary practical information to flag States to be reflected in their national laws and other measures to implement Regulation 4.3 and the related Code of the Maritime Labour Convention, 2006, as well as other relevant provisions under Regulations 3.1 and 1.1.

**(f) Legal advisory services and training**

With respect to international labour standards, in 2015, the ILO provided technical assistance in reporting and other international labour standards related obligations, including capacity building, assistance with implementation and reform of national legislation, to nearly 47 countries. Assistance included training on the content of selected international labour standards; research to generate information on the status of implementation of international labour standards, including legislative gap analyses; advice on

<sup>544</sup> The terms of reference are available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_420260.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_420260.pdf).

<sup>545</sup> Available at [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/genericdocument/wcms\\_371208.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/genericdocument/wcms_371208.pdf).

<sup>546</sup> United Nations, *Treaty Series*, Registration No. 51299.

<sup>547</sup> GB.322/PV para 294.

elements that would enable tripartite constituents to take the relevant decisions aiming at full implementation; legal advice on the revision or drafting of legislation and regulations in the light of the supervisory bodies' comments; and strengthening the data collection and reporting capacity of tripartite constituents.<sup>548</sup> The ILO also organized approximately 38 legal training courses at the interregional, regional, sub regional and national levels in collaboration with its International Training Centre in Turin.

The ILO Programme on HIV/AIDS and the World of Work (ILOAIDS) provided training to approximately 80 judges. A training workshop held in Jamaica reached all of the country's resident magistrates. A separate three-day event held at the Centre for Judicial Studies in Lisbon, Portugal targeted judges from the Community of Portuguese Language Speaking Countries (CPLP), including Angola, Brazil, Cabo Verde, East Timor, Guinea-Bissau, Mozambique and São Tomé and Príncipe. The trainings were carried out utilizing the updated reference and training publication, "HIV and AIDS and Labour Rights: A Handbook for Judges and Legal Professionals" (2nd ed., 2015).<sup>549</sup>

ILOAIDS further developed, in collaboration with the Labour Administration, Labour Inspection and Occupational Safety and Health Branch, the "Handbook on HIV and AIDS for Labour Inspectors" (2015), which is designed to strengthen labour inspectors' capacity to address HIV-related issues—including discrimination, gender inequalities, privacy and confidentiality of HIV status, HIV prevention and protection from harassment and violence at work.<sup>550</sup>

### (g) Committee on Freedom of Association

In 2015, the Committee on Freedom of Association had before it more than 203 cases concerning 60 countries from all parts of the world, for which it presented interim or final conclusions, or for which the examination was adjourned pending the arrival of information from governments (374th, 375th and 376th reports). Many of these cases had been before the Committee on Freedom of Association on more than one occasion. Moreover, seven new cases have been submitted to it since the last meeting of the Committee of Experts. The Committee on Freedom of Association has drawn the attention of the Committee of Experts to the legislative aspects of cases Nos. 2786 (Dominican Republic), 2970 (Ecuador), 3004 (Chad), 3025 (Egypt), 3029 (Plurinational State of Bolivia), 3044 (Croatia) and 3113 (Somalia).<sup>551</sup>

<sup>548</sup> International Labour Conference, Report of the Committee of Experts on the Application of Conventions and Recommendations: Report III, 2015—105th Session (Part 2)—*Information document on ratifications and standards related activities* available at <http://www.ilo.org/ilc/ILCSessions/103/reports/reports-to-the-conference/lang--en/index.htm>.

<sup>549</sup> The updated Handbook is available in English, French and Spanish at: [http://www.ilo.org/aids/Publications/WCMS\\_228498/lang--en/index.htm](http://www.ilo.org/aids/Publications/WCMS_228498/lang--en/index.htm).

<sup>550</sup> The Handbook is available in English and French at [http://www.ilo.org/aids/Publications/WCMS\\_344638/lang--en/index.htm](http://www.ilo.org/aids/Publications/WCMS_344638/lang--en/index.htm).

<sup>551</sup> Information document on ratifications and standards-related activities. International Labour Conference, 105th Session (2016), Report III (Part 2), available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_474912.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_474912.pdf).



### **(h) Representations submitted under article 24 of the ILO Constitution and complaints made under article 26 of the ILO Constitution**

In 2015, the Governing Body considered the developments in 22 representations submitted under article 24 of the ILO Constitution by industrial associations of employers or workers, alleging that a Member State that has ratified a Convention has failed to secure within its jurisdiction the effective observance of that Convention.

The Governing Body also considered the developments in four complaints made under article 26 of the Constitution alleging that a member State that has ratified a Convention is not securing its effective observance.<sup>552</sup>

## **2. Food and Agriculture Organization of the United Nations<sup>553</sup>**

### **(a) Membership**

As of 31 December 2015, the membership of the Food and Agricultural Organization of the United Nations (FAO) remained unchanged at 194 members, two associate members and one member organization.

### **(b) Constitutional and general legal matters**

#### **(i) *Independent review of FAO governance reforms***

In 2005, FAO started an Independent Internal Evaluation (IEE) of its institutional framework and operational modalities.<sup>554</sup> As a result of this evaluation, in 2008, the FAO Conference adopted the Immediate Plan of Action for FAO Renewal (IPA), envisaging *inter alia* a number of amendments to FAO's institutional organization and legal framework.<sup>555</sup> Action 2.74 of the IPA provided for the Conference to assess progress in implementation of the IPA in 2015.<sup>556</sup>

In 2013, an Independent Review Team was established by the Council to conduct, with the support of FAO's Office of Evaluation, an assessment of the level of implementation of the IPA.<sup>557</sup> In 2015, at its 39th session, the Conference reviewed the results of the Independent Review of FAO Governance Reforms, and decided that the actions recommended therein

<sup>552</sup> Information document on ratifications and standards-related activities. International Labour Conference, 105th Session (2016), Report III (Part 2), available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_474912.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_474912.pdf).

<sup>553</sup> For official documents and more information on the Food and Agriculture Organization of the United Nations, see <http://www.fao.org>.

<sup>554</sup> At its 33rd Session of the Conference (17–24 November 2007), resolution 6/2005.

<sup>555</sup> Report of the 35th (Special) Session of the Conference (18–21 November 2008), resolution 1/2008. See also the *United Nations Juridical Yearbook* 2009, United Nations Publications, Sales No. E.10.V.8, pages 236–237.

<sup>556</sup> Report of the 35th (Special) Session of the Conference (18–21 November 2008), Appendix E, section B.29).

<sup>557</sup> Report of the 148th Session (2–6 December 2013), paragraphs 21–24.



be implemented by the competent governing bodies of the organization.<sup>558</sup> These actions include a number of amendments to FAO's operational modalities and regulatory framework, concerning *inter alia* the role and authority of the bureaus and steering committees of FAO technical committees and the qualifications of the Independent Chairperson of the Council. These actions will be implemented in the forthcoming years.

### (ii) *Governing bodies*

The governing bodies of FAO comprise the Conference, the Council, the Programme Committee, the Finance Committee, the Committee on Constitutional and Legal Matters, the technical committees referred to in article V, paragraph 6 (*b*) of the Constitution and the regional conferences (*i.e.* for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and the Near East).

At its 39th session in 2015, the Conference amended the voting procedures for the election of the Independent Chairperson of the Council (ICC), in situations where there is only one candidate for the office (rule XII, subparagraph 10(*a*) of the General Rules of the Organization).<sup>559</sup> At the same session, the Council amended the procedures for the election of Council members, with a view to streamlining the procedures by allowing more than one elected position to be filled simultaneously (rule XII, paragraphs 3, 4, 12 and 13 of the General Rules of the Organization).<sup>560</sup>

During 2015, the 100th and 101st sessions of the Committee on Constitutional and Legal Matters (CCLM) were held. During the two sessions, the CCLM reviewed a number of substantive constitutional matters arising from the implementation of the recommendations of the Independent Review of FAO Governance Reforms (see section (i) on Independent Review of FAO Governance above). Some of its recommendations, including possible amendments to FAO's legal framework, were still under review by the relevant governing and statutory bodies.

As regards matters considered by the CCLM that were the subject of final decisions by the Council in 2015, the CCLM reviewed proposed amendments to the Constitution of the European Commission for the Control of Foot-And-Mouth-Disease (EuFMD) and the Statutes of the Committee for Inland Fisheries and Aquaculture of Africa (CIFAA). These amendments were subsequently approved by the Council, at its 153rd session in 2015.<sup>561</sup> At the same session, the CCLM also reviewed the proposal to abolish the FAO/ECE/CES

<sup>558</sup> Report of the 39th Session of the Conference (6–13 June 2015), resolution 7/2015, and documents C2015/26 Rev.1 on *Assessment of the Independent Review of FAO Governance Reforms* and C2015/25 on *Independent Review of FAO Governance Reforms*.

<sup>559</sup> Report of the 39th Session of the Conference (Rome, 6–13 June 2015), resolution 8/2015.

<sup>560</sup> At its 39th Session (Rome, 6–13 June 2015), by resolution 8/2015, the Conference approved the amendments to Rule XII, paragraphs 3, 4, 12 and 13 of the General Rules of the Organization (Report of the 39th Session of the Conference, paragraph 75).

<sup>561</sup> At its 153rd Session (Rome, 30 November–4 December 2015), by resolution 2/153, the Council approved the amendments to the *Constitution of the European Commission for the Control of Foot-and-Mouth Disease* (Report of the 153rd Session of the Council, paragraph 18(*b*) and Appendix D). At the same Session, the Council approved the amendments to the *Statutes of the Committee for Inland Fisheries and Aquaculture of Africa* (Report of the 153rd Session of the Council, paragraph 18(*c*) and Appendix E).

Study Group on Food and Agriculture Statistics in Europe, which was subsequently adopted by the 153rd session of the Council.<sup>562</sup>

### (iii) *Committee on World Food Security*

In 2015, by resolution 10/2015, the Conference amended article XXXIII of the General Rules of the Organization on Committee on World Food Security, introducing the possibility of convening special sessions of the Committee on World Food Security (CFS) at the request of at least a majority of its members.<sup>563</sup>

A legal opinion on the right to water in the context of food security and nutrition was discussed at the 42nd Session of the CFS.<sup>564</sup>

### (iv) *Review of FAO statutory bodies*

Statutory bodies may be established under article VI and article XIV of the Constitution of FAO.

In 2015, the 39th Session of the Conference adopted resolution 11/2015 on Review of FAO statutory bodies.<sup>565</sup> Recalling and reaffirming the validity and relevance of its previous resolution 13/97 on the same subject,<sup>566</sup> the Conference recognized “the continuing need to enhance the efficiency of the Organization and its governance in a time of financial challenge, to eliminate Statutory Bodies that are obsolete, to ensure more flexible task-oriented and time-bound working arrangements for those that remain and to limit the creation of new Bodies to those that are strictly necessary”. The Conference requested the Secretariat to identify statutory bodies that the Council or Conference might wish to abolish because they were inactive or their functions could be undertaken through more flexible task-oriented and time-bound working arrangements. The Conference also decided that any proposal to establish a new statutory body would be subject to a prior assessment of the mandate, functions, impact and financial implications of the new body, with a view to avoiding duplication or overlapping with the functions of other bodies, and guaranteeing the long-term sustainability of the new body.

<sup>562</sup> At its 153rd Session (Rome, 30 November—4 December 2015), the Council approved resolution 1/153 abolishing the FAO/ECE/CES Study Group on Food and Agriculture Statistics in Europe (Report of the 153rd Session of the Council, paragraph 18(a) and Appendix C).

<sup>563</sup> At its 39th Session (Rome, 6–13 June 2015), by resolution 10/2015, the Conference adopted amendments to Rule XXXIII, paragraph 7, of the *General Rules of the Organization* (Report of the 39th Session of the Conference, paragraph 77).

<sup>564</sup> Report of the 42nd Session of the Committee on World Food Security (Rome, 12–15 October 2015), paragraphs 14–16 and documents CFS 2015/42/2 on *Summary and Recommendations of the High-Level Panel of Experts (HLPE) Report on Water for Food Security and Nutrition*, and CFS 2015/42/3 on *High-Level Panel of Experts Report on Water for Food Security and Nutrition (FSN)*.

<sup>565</sup> Report of the 39th Session of the Conference (Rome, 6–13 June 2015), resolution 11/2015.

<sup>566</sup> Report of the 29th Session of the Conference (7–18 November 1997), resolution 13/97.

(v) *General Fisheries Commission*

At its 39th session in May 2015, the General Fisheries Commission for the Mediterranean amended its Rules of Procedure and its Financial Regulations.<sup>567</sup>

(vi) *The participation of the United Nations system in Expo Milano 2015*

The exhibition Expo Milano 2015 was held in Milan, Italy, from 1 May to 31 October 2015, with the theme of “Feeding the Planet Energy for Life”. As in the case of past universal exhibitions, and pursuant to revised guidelines for the joint participation of the United Nations system in international exhibitions,<sup>568</sup> the United Nations system participated in Expo Milano 2015 as one. As chairperson of the Chief Executives Board, the United Nations Secretary-General designated the Rome-based agencies (FAO, the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP)), as the lead agencies to coordinate the participation of the United Nations system under the leadership of the Director-General of FAO.

FAO led the negotiation of the Participation Contract of Expo Milano 2015, Italy, concluded between the United Nations, including its Funds, Programmes and Specialized Agencies, and Expo 2015 S.p.A.. The Participation Contract defined the modalities of participation of the United Nations system in Expo Milano 2015 and responsibilities arising therefrom, including, *inter alia*, arrangements for the creation and maintenance of the United Nations pavilion, the organization of the United Nations system’s events and activities, the creation of communication channels (e.g. a dedicated website) and promotional materials. A United Nations-Expo 2015 Steering Group was also established to decide on strategic policy issues, to provide guidance and direction on operational matters, monitor the use of funds and review progress.

A number of other legal arrangements were required for collaboration with partners and the organization exhibits and events, addressing a number of legal issues such as liabilities potentially arising from such exhibits and events, the use of the official United Nations Expo logo and name, and privacy issues, with a view to safeguarding the status, neutrality, independence and reputation of the United Nations system.

FAO also provided technical assistance in developing the Milan Urban Food Policy Pact, which was promulgated at Expo Milano 2015. By signing the Pact, the mayors and representatives of local governments drawn from all parts of the world pledged to promote sustainability in the food system, educate the public about healthy eating, and reduce food waste. FAO offered its support in the implementation of the Pact and agreed to host the annual gathering of the mayors that are signatories to the Pact at FAO Headquarters in 2016.

<sup>567</sup> Report of the 39th session of the General Fisheries Commission for the Mediterranean (25–29 May 2015), paragraph 25 and appendices 5(1) and 5(2).

<sup>568</sup> ACC/1999/11, Annex IV.

(vii) *Information provided by FAO to, and collaboration with, other United Nations system entities*

In the context of collaborations with the United Nations system entities, or in response to requests for information, the FAO Legal Office provided information on various issues relevant to the mandate of FAO.

During 2015, FAO contributed to the implementation of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement<sup>569</sup> through several technical cooperation activities and projects in target countries. Within this framework, a course for Resolving Agricultural Trade Issues through International and Regional Trade-related Agreements was held in the Commonwealth of Independent States (CIS) region. Two FAO projects were also implemented on seed sector development in countries of the Economic Cooperation Organization, which included the revision and update of seeds management and Plant Variety Protection (PVP) legislation; and for the development of the National Programme for Rehabilitation of Seed Production System in Georgia, which included the revision and update of national legislation. A project had also been initiated to provide support to seed sector development in Azerbaijan, which includes the drafting of new legislation on seeds management, and PVP.

Legal assistance was provided in the context of a number of international meetings. In particular, the FAO participated in the Workshop on Linking Global and Regional Levels in the Management of Marine Areas Beyond National Jurisdictions (ABNJ).

Legal support in respect of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels continued. Collaboration with the IMO in the FAO/IMO *ad hoc* Joint Working Group on IUU Fishing and Related Matters (JWG) also continued, and in 2015, its recommendations identified specific areas of collaboration including in capacity building activities for the implementation of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009 (PSMA),<sup>570</sup> the use of the International Maritime Organization (IMO) ship identification number scheme in the context of the Global Record, and the implementation of IMO instruments applicable to fishing vessels.

FAO also supported the FAO/WHO Joint Meeting on Pesticides Management in the development of “Guidelines for Pesticide Legislation”, which includes recommendations to countries to revise and update their national legislation on pesticide management.

Work continued on the FAO/UNIDROIT/IFAD collaboration on developing a legal guide on contract farming initiated in 2011. The final text of the “UNIDROIT/FAO/IFAD Legal Guide on Contract Farming Operations” (the Guide) was adopted by the UNIDROIT Governing Council at its 94th session in May 2015. The Guide provides guidance on the negotiation and performance of contracts between buyers and producers of agricultural products, including on the clauses that may be included in such contracts.

FAO also contributed to the report of the Secretary-General on oceans and the law of the sea to the 70th session of the United Nations General Assembly. In the report, reference was made to both the new legislation put in place, including for improving the

<sup>569</sup> United Nations, *Treaty Series*, vol. 1869, p. 229.

<sup>570</sup> United Nations, *Treaty Series*, registration No. 54133.

sustainability of marine aquaculture, as well as the soft law instruments, such as the Voluntary Guidelines for Securing Small-scale Fisheries in the context of Food Security and Poverty Eradication (SSF Guidelines),<sup>571</sup> focusing on specific components of the fisheries sector. Moreover, in relation to Blue Growth Initiative (BGI), it was emphasized that it built on the existing strong international legislative and policy framework centred on the FAO Code of Conduct for Responsible Fisheries and its related international agreements, guidelines and plans of action. FAO has also reported the on-going development of a guide on the implementation of international instruments and best legal practices at national level, in support of reinforcing national legal frameworks that provided an appropriate basis for the application of the Ecosystem Approach to Fisheries (EAF).

FAO provided its contribution to the United Nations Environment Programme (UNEP) coordinated response to the Secretary-General's Policy Committee's decision 2015/1 on Illicit Trade in Wildlife and Forest Products for an effective and coherent United Nations response to the security, political, economic, environmental and social aspects of the issue. In this regard, FAO has provided inputs to the on-going and planned interventions of the United Nations system in relation to the illicit trade in wildlife and forest products with specific reference to FAO mandate in this matter.

During 2015, FAO collaborated with the Human Rights Council on three occasions. It contributed to the presentation of the report of the intergovernmental working group on the rights of peasants and other people living in rural areas in the 30th regular session of the Human Rights Council on 22 September 2015. The contribution highlighted pertinent standards and best practices based on FAO instruments on the right to food, the governance of tenure, responsible agricultural investment and plant genetic resources.

FAO also provided information in relation to the Human Rights Council resolution 27/25 on Equal participation in political and public affairs. In this regard, FAO advised on FAO's instruments promoting the equitable and effective participation of stakeholders, including non-governmental organizations, farmers and producers' organization in decision-making. Some of these instruments are the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (RTFG), the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), and the SSF Guidelines.

FAO also contributed its views and inputs to the Human Rights Council on the standards to implement the right to development, providing information *inter alia* on the RTFG, the CFS Principles for Responsible Investment in Agriculture and Food Systems (CFS RAI), the Framework for Action for Food Security and Nutrition in Protracted Crises (CFS-FFA) and the Rome Declaration on Nutrition and the Framework for Action.

Finally, as in previous years, FAO continued to contribute to the report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.<sup>572</sup>

<sup>571</sup> Available at <http://www.fao.org/3/a-i4356en.pdf>.

<sup>572</sup> S/2015/776.

(c) Activities in respect of multilateral treaties<sup>573</sup>

In 2015, no new treaties were adopted or entered into force.

During 2015, a number of depositary actions concerning treaties deposited with the Director-General by States and a regional economic integration organization were recorded.

(d) Legislative matters

(i) Legislative assistance and advice

The Development Law Branch (LEGN) of the FAO Legal Office continued to provide legislative assistance to FAO member states. In 2015, LEGN directly provided legislative assistance to 25 countries on fisheries, forestry, pesticide and seeds through individual country projects and provided support to over 150 countries through 25 regional and global projects. LEGN also supported four countries to establish the Micronesian Association for Sustainable Aquaculture, a regional intergovernmental organization for aquaculture.

Legal support was provided to 12 countries on decent rural employment, cooperatives and gender-equitable access to natural resources, and to four countries to revise their regulatory frameworks for contract farming operations.

Legislative processes related to food security and nutrition, school food, and tenure were supported in 12 countries and three regional organizations, namely the Latin American Parliament (PARLATINO), the *Forum des parlements d'Amérique centrale et des Caraïbes* (FOPREL), and the Organization of Eastern Caribbean States (OESC).

In the fields of food safety, animal health and plant health, assistance was provided to 34 countries and two regional organizations (the *Communauté Économique et monétaire de l'Afrique Centrale* and the South Pacific commission), while two countries were provided support in increasing the resilience of livelihoods to threats and crises. Ten countries were supported in the revision of their feed legislation, and two countries on animal identification and traceability legislation.

Five countries in Central Asia were assisted in setting up legal frameworks for organic production and other voluntary standards certification. Six countries in the South Pacific and fifteen countries in Africa were supported in the revision of their pesticide legislation.

FAO continued to support the implementation and application of the Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (VGGT). In particular, it undertook a multi-sectoral assessment of the legal and policy frameworks for land, fisheries and forests in Sierra Leone against key provisions of the VGGT, resulting in concrete recommendations to ongoing legal and policy processes, namely the National Land Policy (adopted in November 2015), a new Forestry Bill and a final version of a new Fisheries and Aquaculture Bill. The methodology and the analysis were published as FAO Legal Papers.

<sup>573</sup> The status of multilateral treaties adopted pursuant to article XIV of the FAO Constitution is available at <http://www.fao.org/legal/treaties/treaties-under-article-xiv/en/>. The status of multilateral treaties adopted outside of FAO's framework and deposited with the Director-General of FAO is available at <http://www.fao.org/legal/treaties/treaties-outside-fao-framework/en/>.

In addition, capacity development regional workshops in the area of fisheries, aimed at raising awareness and implementing the Agreement on Port State Measures (PSMA), which had not entered into force, continued in 2015. Fifteen countries from north west Indian Ocean region and 16 countries of the Atlantic coast of Africa participated in two workshops, and national capacity building workshops on implementing the PSMA were held for two countries in the Asia Pacific region.

### (ii) *Legislative research and publications*

In 2015, the FAO Legal Office published the following legal papers:<sup>574</sup>

- Climate change and forestry legislation in support of REDD+;
- Implementation of the Voluntary Guidelines on Responsible Governance of Tenure in the Land Legislation of Sierra Leone;
- Implementation of the Voluntary Guidelines on Responsible Governance of Tenure and on Sustainable Small-scale Fisheries in the Fisheries and Aquaculture Legislation in Sierra Leone;
- Implementation of the Voluntary Guidelines on Responsible Governance of Tenure in the Forestry Legislation in Sierra Leone;
- Analytical Assessment Report for the Implementation of the Voluntary Guidelines on Responsible Governance of Tenure in the Land, Fisheries and Forestry Sectors of Sierra Leone.

The FAO Legal Office contributed to the following publications by other FAO divisions in 2015:<sup>575</sup>

- “Designing warehouse receipt legislation—Regulatory options and recent trends” (published by the Investment Centre Division of FAO).
- “Análisis de la legislación en materia de seguridad alimentaria y nutricional—El Salvador, Guatemala, Honduras y Nicaragua” (published by the Right to Food Team of the Economic and Social Development Department of FAO).
- “Legal Guide on Contract Farming” (joint publication with IFAD and UNIDROIT).

### (iii) *Collection, Translation and Dissemination of Legislative Information*

The 20-year anniversary of FAOLEX<sup>576</sup>, the FAO database of national legislation, policies and bilateral agreements on food, agriculture and natural resources management, was celebrated in 2015. Drawing inspiration from the Organization’s Constitution and the legacy of the International Institute of Agriculture (IIA)<sup>577</sup>, the Legal Office continued its

<sup>574</sup> Available at: <http://www.fao.org/legal/publications/legal-papers/en/>.

<sup>575</sup> Available at: <http://www.fao.org/legal/publications/partner-publications/en/>.

<sup>576</sup> Available at: <http://faolex.fao.org>.

<sup>577</sup> As the IIA closed its doors with the inception of FAO in 1952, its archives were transferred to the FAO David Lubin Memorial Library. The FAO Legal Office took stock of the IIA’s legal information, legislation and collection practices in developing its activities.



long-standing commitment to the collection and dissemination of instruments relevant to FAO's mandate.<sup>578</sup>

In 2015, a decision was taken to broaden FAOLEX's scope to include national policy documents to provide users with a more complete governance context and a one-stop entry-point to national policy and legal frameworks. Similarly, the WATERLEX<sup>579</sup> collection was redesigned to include, alongside the already existing historical country profiles, more than 12,000 national texts (constitutional provisions, laws, subsidiary legislation and policies) and international agreements classified thematically.

In 2015, the Family Farming Knowledge Platform (FFKP)<sup>580</sup> was launched, providing a single access point for international, regional and national information related to family farming issues, including national laws, regulations and policies as part of the "FamilyFarmingLex" component of the FFKP. Similarly, the National Legislation Database<sup>581</sup> of the General Fisheries Commission for the Mediterranean (GFCM) was launched with the aim to provide fisheries managers and stakeholders, as well as the general public at large, with updated information on the principal legislation enacted by Mediterranean and Black Sea riparian countries in transposing at the national level binding recommendations adopted by the GFCM.

Work continued in expanding the National Aquaculture Legislative Overview (NALO) database,<sup>582</sup> which provides the profiles of the legal frameworks for aquaculture management of FAO members, including overviews of the top forty aquaculture producing countries.

### 3. United Nations Educational, Scientific and Cultural Organization<sup>583</sup>

#### (a) International regulations

##### (i) *Entry into force of instruments previously adopted*

In 2015, no multilateral conventions or agreements adopted under the auspices of UNESCO entered into force.

<sup>578</sup> The Food and Agricultural Legislation (FAL) publication series, issued from 1954 to 1994, was the precursor to FAOLEX and compiled relevant legislation from member States.

<sup>579</sup> See <http://faolex.fao.org/faolex/waterlexc.html>.

<sup>580</sup> See <http://www.fao.org/family-farming/en/>.

<sup>581</sup> See <http://www.fao.org/faolex/associated-databases/en/>.

<sup>582</sup> See <http://www.fao.org/fishery/nalo/search/en>.

<sup>583</sup> For official documents and more information on the United Nations Educational, Scientific and Cultural Organization, see <https://en.unesco.org>.

(ii) *Instruments adopted by the General Conference of UNESCO at its 38th session (3–18 November 2015)*<sup>584</sup>

As requested in its 37th session (2013), the 38th session of the General Conference adopted the following recommendations:

- Recommendation concerning the protection and promotion of museums and collections, their diversity and their role in society (38C/resolution 49); and
- Recommendation concerning the preservation of, and access to, documentary heritage including in digital form (38C/resolution 55).

At its 38th session, the General Conference also adopted the following revised UNESCO's instruments:

- Revised International Charter of Physical Education and Sport (38C/resolution 43);
- Recommendation on Adult Learning and Education, which supersedes the 1976 Recommendation on the Development of Adult Education (38C/resolution 13); and
- Recommendation concerning Technical and Vocational Education and Training (TVET), which supersedes the 2001 Revised Recommendation concerning Technical and Vocational Education (38C/resolution 14).

(iii) *Proposals concerning the preparation of new instruments*

The 38th session of the General Conference invited the Director-General, in consultation with Member States and main stakeholders, to continue the process of preparing a global convention on the recognition of higher education qualifications. The Director-General was expected to submit a progress report, accompanied by a preliminary draft, to the General Conference at its 39th session in 2017 (38 C/Resolution 12).

(iv) *Proposals concerning the preparation of revised instruments*

At its 38th session, the General Conference requested the Director-General to continue to prepare the revision of the 1974 Recommendation on the Status of Scientific Researchers. The Director-General was expected to submit a final draft of the revised Recommendation report to the General Conference at its 39th session (38 C/Resolution 45).

**(b) Human rights**

The Committee on Conventions and Recommendations met in private sessions at UNESCO Headquarters from 8 to 10 April 2015 and from 7 to 9 October 2015, 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 2015 session, the Committee examined 29 communications of which six were examined with a view to determining their admissibility or otherwise, 20 were examined as to their substance and three were examined for the first time. Three communications

<sup>584</sup> For the texts of all UNESCO standard-setting instruments, as well as the list of States parties to the conventions and agreements, see <http://www.unesco.org/legalinstruments>.

were struck from the list among which one was considered as having been settled. The examination of the other 26 communications was deferred. The Committee presented its report to the Executive Board at its 196th session.

At its October 2015 session, the Committee examined 31 communications of which six were examined with a view to determining their admissibility, 22 were examined as to their substance and three were examined for the first time. Three communications were struck from the list because they were considered as having been settled. The examination of the other 28 communications was deferred. The Committee presented its report to the Executive Board at its 197th session.

#### **4. World Health Organization<sup>585</sup>**

##### **(a) Constitutional developments**

In 2015, no new amendments to the Constitution were proposed or adopted, and neither of the two pending amendments entered into force. The pending amendments were the amendment to article 7<sup>586</sup> and the amendment to article 74 of the Constitution<sup>587</sup>. Respectively, they have been accepted by 98 and 112 member States. Amendments shall come into force for all members when adopted by two-thirds vote of the Health Assembly and accepted by two-thirds of the members in accordance with their respective constitutional processes.

##### **(b) Other normative developments and activities**

###### **(i) *International Health Regulations (2005) ("IHR (2005)" or the "Regulations")***

In 2015 the Director General convened, in accordance with articles 47ff. of the International Health Regulations (IHR) (2005), 2 meetings of an Emergency Committee concerning cases of human infection with Middle East respiratory syndrome coronavirus (MERS-CoV), 4 meetings of an Emergency Committee concerning ongoing events and context involving transmission and international spread of poliovirus, and 5 meetings of an Emergency Committee regarding the Ebola outbreak in West Africa. Based on the advice received from these Emergency Committees, declarations by the WHO Director-General that the 2014–2015 Ebola outbreak and events relating to poliovirus are Public Health Emergencies of International Concern were in force at the end of 2015, and corresponding Temporary Recommendations (see article 1; 15 ff. of the Regulations) were in place. As far as poliovirus was concerned, the World Health Assembly, through decision WHA68(9), had endorsed the continuation of the management of the public health emergency of international concern through temporary recommendations issued by the Director-General under the IHR (2005).

<sup>585</sup> For official documents and more information on the World Health Organization, see <http://www.who.int>.

<sup>586</sup> Resolution WHA18.48 of 20 May 1965.

<sup>587</sup> Resolution WHA31.18 of 18 May 1978.

Responding to the Ebola outbreak, the WHO Executive Board met in a Special Session on the Ebola Emergency on 25 January 2015 and mandated the commissioning of an interim assessment on all aspects of WHO's response to the Ebola outbreak, which was provided to the 68th session of the World Health Assembly (through document A/68/25), and which contains a relevant number of considerations regarding the IHR (2005). The Health Assembly, by decision WHA68(10), then requested the Director-General to establish a Review Committee under the IHR (2005) (see article 50 ff. of the Regulations) to examine the role of the IHR (2005) in the Ebola outbreak and response and detailed further objectives for the work of that Review Committee. Additionally, in that decision, the Health Assembly welcomed the Director-General's efforts to provide an initial conceptual plan for a global health emergency workforce to respond to outbreaks and emergencies with health consequences. In doing so, the WHA reiterated that the WHO's emergency response at all levels should be exercised according to international law in particular with article 2(d) of the Constitution of the World Health Organization and in a manner consistent with the principles and objectives of the Emergency Response Framework, and the IHR (2005).

Further at its 68th session, the World Health Assembly adopted a resolution on the recommendations of the Review Committee on Second Extensions for Establishing National Public Health Capacities and on IHR Implementation (resolution WHA68.5).

Finally, with regard to vaccination against yellow fever, the World Health Assembly, by resolution WHA68.4, recalled the adoption, in accordance with article 55.3 of the IHR (2005), of an updated Annex 7 to the IHR (2005), according to which the protection against infection by yellow fever and the validity of a certificate of vaccination extended for the life of the person vaccinated and are not limited anymore to ten years.

## (ii) *Amendments to basic documents and staff rules*

The Executive Board, by resolution EB136.R13, confirmed amendments to the Staff Rules that had been made by the Director-General with effect from 1 February 2015 concerning the purpose of the Staff Rules; relationship between Staff Regulations and Staff Rules; amendments to the Staff Rules; application of the Staff Rules; effective date of the Staff Rules; exceptions to the Staff Rules; delegation of authority; post classification; payments and deductions; recruitment policies; appointment policies; medical certification and inoculations; appointment procedure; effective date of appointment; reinstatement upon re-employment; inter-organization transfers; obligation of staff members to provide information about themselves; staff member's beneficiaries; assignment to duty; training; performance management and development; within-grade increase; meritorious within-grade increase; reassignment; reduction in grade; notification and effective date of change in status; official holidays; overtime and compensatory leave; annual leave; home leave; leave for military training or service; approval, reporting and recording of leave; other forms of leave; United Nations Joint Staff Pension Fund; staff health insurance and accident and illness insurance; travel of staff members; right of association; staff member representatives; financing of staff association activities; resignation; termination of temporary appointments; abolition of post; unsatisfactory performance or unsuitability for international service; misconduct; disciplinary measures; misconduct resulting in financial loss; non-disciplinary reprimand; administrative leave pending determination of misconduct; and notification of charges and reply.

In addition, the Executive Board, by resolution EB136.R14, confirmed amendments to the Staff Rules had been made by the Director-General concerning salary determination; recruitment policies; mobility; and refusal of reassignment, with effect from the entry into force of the Organization's mobility policy.

The World Health Assembly, by resolution WHA68.17 of 26 May 2015, adopted amendments to the Staff Regulations 4.1, 4.2, 4.3, 4.4, and 9.2 upon entry into force of the Organization's mobility policy. These amendments emphasized that all appointments, transfers, reassignments and promotions should be made as required and without regard to race, sex or religion. They also clarified that, when the Organization's mobility policy entered into force, many posts would be filled by the reassignment of staff members instead of through an unrestricted competition and that a staff member's refusal or failure to take up a reassignment, including under the Organization's mobility policy, would be grounds for terminating the staff member's appointment.

(iii) *Supporting national law reform efforts on WHO mandated topics*

During 2015, 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. Specific support was provided to countries for developing and/or revising national law and legislation on tobacco and alcohol related issues, mental health, international recruitment of health personnel, nutrition and marketing of foods and non-alcoholic beverages to children, injury and violence, drinking water and air quality, road safety, health financing and insurance; and access to and quality of essential medicines. Additionally, with regard to HIV, WHO promoted the review and reform of national laws to ensure equitable access to essential HIV and hepatitis services for key populations and the establishment of national laws and regulations that address discrimination against people living with HIV.

## 5. International Monetary Fund<sup>588</sup>

### (a) Membership issues

#### (i) *Accession to membership*

No new countries became members of the IMF in 2015. As of December 31, 2015, 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, 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

<sup>588</sup> For documents and more information on the International Monetary Fund, see <http://www.imf.org>.

provisions, pursuant to article XIV, section 2 of the IMF's Articles of Agreement, when a member joins the IMF, it may notify the IMF that it intends to avail itself of the transitional arrangements under article XIV of the IMF's Articles of Agreement that allow the member to maintain and adapt to changing circumstances the restrictions on payments and transfers for current international transactions that were in effect on the date on which it became a member. Article XIV of the IMF's Articles of Agreement does not, however, permit a member, after it joins the IMF, to introduce new restrictions on the making of payments and transfers for current international transactions without the IMF's approval.

The total number of countries that have accepted the obligations of article VIII, sections 2, 3, and 4, as of December 31, 2015, was 168. Twenty countries continued to avail themselves of the transitional arrangements under article XIV.

### (iii) *Overdue financial obligations to the IMF*

As of 31 December 2015, members with protracted arrears (*i.e.*, financial obligations that are overdue by six months or more) involving the general resources of the IMF were Somalia and Sudan. Zimbabwe had arrears to the Poverty Reduction and Growth Trust (PRGT) administered by the IMF as Trustee. In addition, Somalia and Sudan had protracted overdue Trust IMF and/or Structural Adjustment Facility obligations not involving the general resources of the IMF.

Article XXVI, section 2(a) of the IMF's Articles of Agreement provides that if "a member fails to 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 2015 with respect to Somalia and 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 did not involve the IMF's general resources and were therefore not subject to article XXVI.

## (b) **Key policy decisions of the IMF**

In 2015, the IMF took steps to move ahead with a number of major policy reforms that would allow it to meet the evolving needs of its members and to adjust to changes in the global economy, as follows:

### (ii) *IMF financing and financial assistance*

#### a. **Catastrophe Containment and Relief Trust**

In the context of the Ebola epidemic, on 4 February 2015, the Executive Board of the IMF approved the establishment of a new Catastrophe Containment and Relief (CCR) Trust to provide exceptional financial support to countries confronting major natural disasters, including life-threatening, fast-spreading epidemics and other types of catastrophic disasters, such as massive earthquakes. For eligible countries confronting epidemics that met specified criteria, the IMF might use the CCR Trust resources to provide grants as a supplement to its conventional loan support, which would be used to pay off future debt

service payments, thus reducing the country's debt burden and freeing up resources to tackle relief and recovery challenges.

The CCR Trust amended and replaced the Post Catastrophe Debt Relief (PCDR) Trust, which was established in 2010 to provide relief to the IMF's poorest and most vulnerable members in the wake of catastrophic disasters. The new CCR Trust had two windows: (a) the Post-Catastrophe Relief (PCR) window and (b) the Catastrophe Containment (CC) Window, and eligibility for access to both windows was limited to the poorest and most vulnerable countries. Qualification criteria for access to trust resources *via* the PCR window were as follows: a catastrophic disaster had (a) directly affected a large portion (normally, at least one third) of the member's population and (b) directly affected a large portion of the member's economy, evidenced by either the destruction of more than one quarter of the country's productive capacity or damage deemed to exceed 100 per cent of GDP. Members that met these criteria would receive grants to clear all debt service payable on qualifying outstanding credit to the Fund for a period of two years. In addition, if certain exacerbating circumstances were established, the member might receive debt relief on the total stock of outstanding debt owing to the Fund.

A member qualified under the CC Window if the Executive Board determined that the country was experiencing an exceptional balance of payments need arising from a qualifying public health disaster that occurred in the member's territory and the Executive Board determined that the macroeconomic policy framework put in place to address the balance of payments needs created by the public health disaster and the ensuing policy response of the authorities, was appropriate. Members that qualified for assistance *via* the CC window received the assistance in the form of up-front grants from the trust to immediately pay off upcoming debt service payments to the Fund on eligible debt. The amount of grant support was set at 20 per cent of the member's quota, subject to certain qualifications.

As of end-December 2015, the CCR trust had provided grants for debt-relief under the CC window of close to \$100 million for the three countries affected by Ebola in West Africa: Guinea, Liberia, and Sierra Leone. Funding for the CCR trust had come from the transformation of the PCDR trust, the dissolution of the Multilateral Debt Relief Initiative (MDRI)-I Trust and donor contributions in the MDRI-II Trust (which were subsequently liquidated), as well as additional bilateral contributions.

#### **b. Eligibility to use the Fund's facilities for concessional financing**

The Executive Board, on 17 July 2015, reviewed the framework for eligibility to use the Fund's concessional resources under the Poverty Reduction and Growth Trust (PRGT) and the list of PRGT-eligible members. The Executive Board decided to enhance the framework by: (a) making use of additional data sources in assessing that a country had durable and substantial market access; and (b) limiting the application of the serious short-term vulnerabilities criterion so that it would not, in general, preclude the graduation of a country with income per capita exceeding the applicable graduation threshold by 50 per cent or more. In this context, domestic and/or private external debt would be included in the assessment of overall debt vulnerabilities to help align the PRGT framework with the latest debt sustainability framework.

The Executive Board also graduated Bolivia, Mongolia, Nigeria, and Vietnam from the PRGT eligibility list, and no new countries met the entry criteria. Staff would continue



to carefully monitor the graduating economies to minimize the risk of reverse graduation, especially in light of the global financial environment.

**c. Financing for development: enhancing the financial safety net for developing countries**

The Executive Board adopted, on 1 July 2015, changes to increase access to concessional Fund resources for all Poverty Reduction and Growth Trust (PRGT)-eligible countries and to fast-disbursing support under the Rapid Financing Instrument (RFI) for all members when faced with urgent balance of payments needs.

Accordingly, the Executive Board agreed to an increase in access norms, and annual and cumulative access limits, by 50 per cent for the Rapid Credit Facility (RCF), the Standby Credit Facility (SCF), and the Extended Credit Facility (ECF). They also increased the RFI annual and cumulative access limits by 50 per cent, in line with the increase in access limits for the RCF to enhance its usefulness in providing support to all members with urgent balance-of-payments needs. These access limits and norms (calculated as percentage of quota) were subsequently reduced by half upon the effectiveness of the 14th General Review of Quotas, which on average doubled members' quotas, in order to broadly preserve the higher access in Special Drawing Rights (SDR) terms. In addition, in order to better target concessional financing to the poorest and most vulnerable PRGT-eligible countries, the Executive Board rebalanced the funding mix of concessional and non-concessional resources provided to countries that receive Fund support in the form of a blend of concessional and non-concessional resources from 1:1 to 1:2.

The Executive Board also decided to make drawings under the RCF more concessional by setting the interest rate at zero per cent, while preserving the PRGT interest rate mechanism for the SCF and ECF.

**d. Reform of the Fund's policy on poverty reduction strategies in Fund engagement with low-income countries**

The Executive Board of the IMF, on 22 June 2015, adopted reforms to the Fund's policy on poverty reduction strategies (PRS) in Fund engagement with low-income countries. The PRS requirements had previously been centred around a document prepared by the member (the "Poverty Reduction Strategy Paper" (PRSP), which had been required under the HIPC Initiative, as well as under certain of the Fund's concessional financing arrangements and the Policy Support Instrument (PSI). The revisions to the IMF's policy with respect to PRS documentation were prompted by the near complete implementation of the HIPC initiative, recent practices among member countries in documenting their PRS, as well as the Bank's decision to delink its International Development Association (IDA) financial support from the PRS process and documentation. The reforms concerned the Fund's PRS policy in the context of Extended Credit Facility (ECF) arrangements and PSIs, and did not entail any modification to the HIPC Initiative Instrument.

The Fund's policy was amended such that in ECF arrangements and PSIs, member countries had to submit an Economic Development Document (EDD) that could comprise an existing national development plan or strategy document or a newly-prepared document on a member's PRS elaborated for Fund-supported programme purposes. The latter could take the form of an entirely new PRS document or a streamlined document based

on an existing national PRS document, along the lines proposed by staff. An EDD was required for completion of the first and every subsequent review under an ECF arrangement or a PSI. This requirement was designed to ensure close alignment, in terms of timing and substance, between Fund-supported programmes and the member's poverty reduction strategy. The PRS set out in an EDD should not normally be older than five years (exceptionally six years) to qualify for the completion of a review.

In addition, the Executive Board eliminated Joint Staff Advisory Notes outside the HIPC Initiative context. The Fund staff's assessment of the member country's poverty reduction strategy going forward would be provided in programme documentation. World Bank staff's views on the member country's poverty reduction strategies would be communicated through an assessment letter.

#### **e. Review of the safeguards assessment policy**

On 23 October 2015, the Executive Board of the IMF concluded a periodic review of the safeguards assessments policy. The safeguards assessments policy was an integral part of the IMF risk management framework and had been a permanent feature of IMF lending operations since 2002. Safeguards assessments were designed to provide reasonable assurance to the IMF that central banks of member countries using IMF resources had adequate governance and control frameworks to manage their resources and IMF purchases or disbursements. The policy's main objective was to minimize the possibility of misreporting of information under IMF lending arrangements and misuse of IMF resources.

In concluding the review of the policy, the Executive Board agreed the safeguards assessment policy should be expanded to include fiscal safeguards review under certain circumstances, and endorsed staff's proposals on the operational modalities for conducting such reviews. Going forward, fiscal safeguards reviews of state treasuries would be conducted for all arrangements where a member requested exceptional access to Fund resources, and at the time of programme approval the member expected that at least 25 per cent of the funds would be directed to financing the state budget. This approach would also apply when a member requested exceptional access during an arrangement, unless a fiscal safeguards review was completed within the previous 18 months.

The Executive Board also agreed to discontinue conducting update safeguards assessments for (a) augmentations of existing arrangements; (b) successor arrangements where a safeguards assessment was completed no more than 18 months prior to the approval of the successor arrangement; or (c) central banks with a strong track record, if the previous assessment was completed within the past four years and no substantial issues were identified in the prior assessment or subsequent monitoring. They also agreed that once a member's credit outstanding fell below the post-programme monitoring threshold, the safeguards monitoring procedures would be limited to a review of annual external audit results, unless a country continued to be subject to post-programme monitoring.

(ii) *Financial issues***Review of the method of valuation of Special Drawing Rights (SDR)**

On 30 November 2015, the Executive Board completed the 2015 SDR valuation review and decided that, effective 1 October 2016, the Chinese renminbi (RMB) would be included in the SDR basket as a fifth currency, along with the US dollar, euro, Japanese yen and pound sterling. China continued to be the world's third-largest exporter, thus meeting the first currency selection criterion for SDR basket inclusion. The Executive Board also agreed that, effective 1 October 2016, the RMB was determined by the IMF to be a freely usable currency, *i.e.* a currency that was determined to be widely used to make payments for international transactions and widely traded in the principal exchange markets, thus meeting the second criterion. The authorities had taken a broad set of measures to facilitate RMB operations. As a result of these measures, the IMF, its membership, and other SDR users had sufficient access to onshore bond and foreign exchange markets to perform Fund-related and reserve management transactions in RMB without substantial impediments. With the RMB's inclusion in the SDR basket, effective 1 October 2016, the three-month benchmark yield for China Treasury bonds, as published daily by the China Central Depository and Clearing Co., Ltd., would serve as the RMB-denominated instrument in the SDR interest rate basket.

The Executive Board also adopted a new formula for determining currency weights in the SDR basket to address long-recognized issues with the formula that had been in place since 1978. The adopted formula assigned equal shares to the currency issuer's exports and a composite financial indicator. The financial indicator comprised, in equal shares: (a) official reserves denominated in the relevant currency that were held by other monetary authorities that were not issuers of the currency (or in the case of a monetary union's currency, that were held by monetary authorities of members other than those forming part of the currency union), (b) foreign exchange turnover in the currency, and (c) the sum of outstanding international bank liabilities and international debt securities denominated in the currency. On the basis of this new formula, the relative share of the five currencies in the SDR basket from 1 October 2016 would be as follows: US dollar 41.73 per cent; euro 30.93 per cent; Chinese renminbi 10.92 per cent; Japanese yen 8.33 per cent; and pound sterling 8.09 per cent.

(iii) *Review of developments in sovereign debt restructuring***Policy on non-toleration of arrears to official bilateral creditors**

On 8 December 2015, the Executive Board of the IMF revised its policy on non-toleration of arrears owed to official bilateral creditors. The changes were designed to strengthen incentives for collective action among official bilateral creditors when official sector involvement in a debt restructuring is necessary, and ensure provision of Fund support was not held up by the unwillingness of hold-out creditors to join an effort that was supported by an adequately representative group of creditors.

Where no restructuring of claims was required under the Fund-supported programme, the Fund would continue to require clearance of arrears or non-objection from each creditor to the provision of Fund financing. Where a restructuring was required, if an

agreement was reached through the Paris Club that was adequately representative, arrears would be considered eliminated (for purposes of the application of this policy) for both participating and non-participating creditors when financing assurances were received from the Paris Club in anticipation of an Agreed Minute. Should another representative standing forum emerge, the Fund would be open to engaging with such a forum.

In circumstances where an adequately representative agreement had not been reached through the Paris Club, the Fund would consider lending into arrears owed to an official bilateral creditor only in circumstances where all the following criteria were satisfied:

- Prompt financial support from the Fund was considered essential, and the member was pursuing appropriate policies;
- The debtor was making good faith efforts to reach agreement with the creditor on a contribution consistent with the parameters of the Fund-supported programme—*i.e.*, that the absence of an agreement was due to the unwillingness of the creditor to provide such a contribution; and
- The decision to provide financing despite the arrears would not have had an undue negative effect on the Fund's ability to mobilize official financing packages in future cases.

An official bilateral creditor might choose to consent to Fund financing notwithstanding arrears owed to it. In such cases, the Board would not need to make a judgment as to whether the three criteria above were satisfied.

There might be emergency situations, such as in the aftermath of a natural disaster, where the extraordinary demands on the affected government were such that there was insufficient time for the debtor to undertake good faith efforts to reach agreement with its creditors. When a judgment had been made that such exceptional circumstances exist, the Fund might provide financing under the Rapid Credit Facility (RCF) or the Rapid Financing Instrument (RFI) despite arrears owed to official bilateral creditors and without assessing whether the three criteria above had been satisfied or obtaining the creditor's consent.

#### (iv) *Other*

#### Selected streamlining proposals

In April the Executive Board approved the Fund administrative and capital budgets for financial year 2016 and indicative triennial budget for FY2016–18. The Fund budget resources were kept unchanged in real terms for the fourth year in a row. To accommodate new and ongoing strategic priorities of the Fund within a flat envelope, the Fund adopted selected streamlining initiatives to redirect resources towards new priority needs and achieve efficiency gains both at the departmental level and across the institution. Savings measures were identified based on risk-based approach to resource allocation and included, *inter alia*, lengthening the periodicity for Fund policies review cycles, periodic reports and operational reviews, and abolishing the Ex-Post Assessment Policy (previously required for members with longer-term engagement with the IMF). The bulk of these savings was expected to be used to help meet the new priorities highlighted in the Global Policy Agenda and in Management's Key Goals.

## 6. International Civil Aviation Organization<sup>589</sup>

### (a) Depositary actions in relation to multilateral air law instruments

A total of 55 depositary activities by States were recorded during 2015.<sup>590</sup>

### (b) Activities of ICAO in the legal field

#### (i) *Work programme of the Legal Committee*

The Legal Committee, chaired by Mr. T. Olson (France), held its 36th session from 30 November to 3 December 2015 and established its work programme, including the prioritization of items, as follows: (a) study of legal issues relating to remotely piloted aircraft; (b) consideration of guidance on conflicts of interest; (c) acts or offences of concern to the international aviation community and not covered by existing air law instruments; (d) consideration, with regard to communication, navigation and surveillance/air traffic management (CNS/ATM) systems, including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework; (e) determination of the status of an aircraft (civil/state); (f) promotion of the ratification of international air law instruments; and (g) safety aspects of economic liberalization and article 83 *bis*.

#### (ii) *Study of legal issues relating to remotely piloted aircraft*

On the basis of the action of the 38th session of the Assembly in response to working paper A38-WP/262, which was presented by the Republic of Korea and reasoned that there was a need for further legal research and examination of Remotely Piloted Aircraft (RPA) liability matters in light of the increasing use of remotely piloted aircraft (RPA), and in furtherance of the decisions taken by the Council during its 200th and 203rd sessions, the Legal and External Relations Bureau (LEB) undertook a study of the issue of liability as it related to RPA. The study examined the existing international legal liability regime to determine whether there were any issues that needed to be addressed with respect to RPA, and concluded that the regime in its current state was legally adequate to accommodate RPA technology. The study was presented to the 36th session of the Legal Committee. The Committee's overall satisfaction with the work of the Secretariat notwithstanding, it concluded that the study of legal issues relating to RPA should remain on its work programme, as an international framework relative to other aspects of RPAs operations of an international nature, such as operations over the high-seas, cross-border operations, and changes in possession/control of the RPA during international flight, might warrant future consideration. The Committee also called for a questionnaire to be sent out to States, both as a means of gathering information on national legislation for comparative purposes, and

<sup>589</sup> For official documents and more information on the International Civil Aviation Organization, see <http://www.icao.int>.

<sup>590</sup> A chronological record of States that signed, ratified, acceded, accepted or adhered to multilateral air law instruments during 2015 can be found on the ICAO website as part of the Legal Affairs and External Relations Bureau's Treaty Collection, where status lists of international air law instruments are continually updated.

as a means to identify the international issues that were in play (e.g., what were the problems that national legislation could not solve).

(iii) *Consideration of guidance on conflicts of interest in civil aviation*

A study on the consideration of guidance on conflicts of interest (COI) was initiated on 11 June 2014, when States were requested in a State Letter LE 4/69-14/40 to complete, by 15 August 2014, a survey on the treatment of conflicts of interest in civil aviation in their respective jurisdictions. The Secretariat reported to the 36th session of the Legal Committee that most of the 43 States that responded to the survey had in place a framework dealing with conflicts of interest which they considered to be effective. States, in their deliberations at the Committee, indicated their ongoing interest in work on the subject. The following next steps were identified by the Committee in continuing work on the item: (a) interested States would prepare and present to the 39th session of the Assembly a resolution that urged States to develop a legal framework and cooperate in order to share their best practices in dealing with COI, and (b) States that had not already done so were encouraged to respond to the COI survey that remained open. At the same time, the Secretariat would collate information from States concerning their best practices as well as the rules and guidance material available within ICAO on this subject.

(iv) *Legal issues relating to unruly passengers*

Further to the Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 2014 (Montreal Protocol of 2014),<sup>591</sup> adopted by the Diplomatic Conference on 4 April 2014, pursuant to the resolution adopted by the Conference, the Task Force on Legal Aspects of Unruly Passengers was established in 2015 to update ICAO Circular 288 (Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers) to include a more detailed list of offences and other acts, as well as to make consequential changes to the Circular arising from the adoption of the Protocol. The Task Force, chaired by Ms. M. Polkowska (Poland), held its first meeting in September 2015. It established three drafting groups respectively led by Singapore, Kenya and Finland for different chapters in the new guidance material.

(v) *Promotion of international air law instruments*

The President of the Council and the Secretary-General continued to promote international air law instruments during their visits to Member States and meetings with high-level government officials. The Republic of Korea hosted a legal seminar in May 2015 to promote, *inter alia*, these instruments. The ICAO also joined the United Nations Office of Drugs and Crime, in Nigeria and Bangladesh, to promote the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 2010 (Beijing Convention),<sup>592</sup> the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, 2010 (Beijing Protocol),<sup>593</sup> and the 2014 Montreal Protocol.

<sup>591</sup> International Civil Aviation Organization, document 10034.

<sup>592</sup> *Ibid.*, document 9960.

<sup>593</sup> *Ibid.*, document 9959.

(vi) *Safety aspects of economic liberalization and article 83 bis*

The article 83 *bis* Task Force (83 *bis* TF) met twice in 2015, in Dublin from 23 to 27 March and in Bermuda from 8 to 11 September. In the intervening periods the 83 *bis* TF carried on its work remotely through email. Experts from 11 Member States, as well as three international organizations, participated in one or other of the 2015 meetings. Having opined that Circular 295 should not be replaced by another circular but updated in the form of a Manual, the 83 *bis* TF assisted the Secretariat in developing a draft manual on article 83 *bis*. The salient features of the draft Manual were presented to the 36th session of the Legal Committee. Five recommendations to the Legal Committee by the 83 *bis* TF, including with respect to the establishment of an interactive web-based registration and publication system for article 83 *bis* agreements, were approved, subject to two amendments, for recommendation by the Legal Committee to the Council.

(vii) *Special Group relating to conflict zones*

The Special Group to Review the Application of ICAO Treaties Relating to Conflict Zones, chaired by Ms. K. Staples (United Kingdom), held its meeting at Montreal from 13 to 14 July 2015. The task of the Group was to review the application of the provisions relating to conflict zones in the Convention on International Civil Aviation (Chicago Convention)<sup>594</sup> and other ICAO treaties, with a view to strengthening the awareness and observance of those provisions. Among its conclusions, the Group recognized that at this stage, it had not identified any need to amend the Convention on International Civil Aviation, in particular articles 1, 3 *bis*, 9 and 89, or other treaties, while not excluding that such revisions might be necessary in future.

(viii) *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 functioned efficiently in accordance with article 17 of the Convention on International Interests in Mobile Equipment (Cape Town Convention).<sup>595</sup> As the third three-year term of appointment of the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR) came to an end during July 2015, the Council, pursuant to nominations/re-nominations received from Contracting and Signatory States to the Cape Town Convention and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Cape Town Protocol),<sup>596</sup> appointed/re-appointed thirteen members to the Commission. The seventh meeting of CSAIR took place in December 2015 at ICAO Headquarters. The primary purpose of the meeting was to consider changes proposed by the Registrar to the Regulations and Procedures for the International Registry,<sup>597</sup> and to make recommendations thereon to the

<sup>594</sup> United Nations, *Treaty Series*, vol. 15, p. 295.

<sup>595</sup> *Ibid.*, vol. 2307, p. 285.

<sup>596</sup> *Ibid.*, vol. 2367, p. 615.

<sup>597</sup> International Civil Aviation Organization, document 9864.



Council. The Council would consider CESAIR's recommendations at its 207th Session in February/March 2016. As at 31 December 2015, there were 71 ratifications and accessions to the Cape Town Convention and 63 ratifications and accessions to the Cape Town Protocol.

## 7. International Maritime Organization<sup>598</sup>

### (a) Membership

As at 31 December 2015, the membership of the International Maritime Organization (IMO) stood at 171.

### (b) Review of the legal activities

#### (i) *Unsafe mixed migration by sea*

A High-level Meeting to Address Unsafe Mixed Migration by Sea was hosted by IMO on 4–5 March 2015 to discuss concerted ways to address the high numbers of lives being lost at sea in unsafe craft, particularly in the Mediterranean Sea, on dangerous and unregulated sea passages. The aim of the meeting was to facilitate dialogue and promote enhanced cooperation and harmonization between United Nations agencies, international organizations, non-governmental organizations, Governments and the shipping industry.

Following the High-level meeting, the Legal Committee, at its 102nd session in April 2015, considered the issue of unsafe mixed migration by sea. The Committee decided to continue an intersessional discussion on the study of the current legal regime and gaps that needed to be addressed in order to remedy the drastic situation concerning migrants at sea.

In June 2015 the Maritime Safety Committee (MSC) agreed to place "Unsafe mixed migration by sea" as an agenda item on the work programme of the Committee. The Committee recognised that urgent action was needed to prevent huge losses of life at sea given the forecast increase in unsafe mixed migration by sea, and stressed the need for the international community to make greater efforts to address unsafe migration through more safe and regular migration pathways, and taking action against criminal smugglers.

The MSC forwarded to the Facilitation Committee a proposal for a revised reporting format regarding the joint databases on migrant incidents and on suspected smugglers and vessels being developed by IMO, the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC).

#### (ii) *Entry into force of the Nairobi Wreck Removal Convention*

The Nairobi International Convention on the Removal of Wrecks<sup>599</sup> entered into force on 14 April 2015. The Convention was adopted by a five-day International Conference at the United Nations Office at Nairobi (UNON), Kenya, in 2007. As at 26 May 2016, there were 29 States parties to the convention.

<sup>598</sup> For official documents and more information on the International Maritime Organization, see <http://www.imo.org>.

<sup>599</sup> Nairobi International Convention on the Removal of Wrecks, UK *Treaty Series* No. 081 (1999) Cm 4524.

The Convention placed strict liability on owners for locating, marking and removing wrecks deemed to be a hazard and made State certification of insurance, or other form of financial security for such liability, compulsory for ships of 300 gross tonnage and above. It also provided States parties with a right of direct action against insurers.

The Convention filled a gap in the existing international legal framework by providing a set of uniform international rules for the prompt and effective removal of wrecks located in a country's exclusive economic zone or equivalent 200 nautical miles zone. The Convention also contained a clause that enabled States parties to "opt in" to apply certain provisions to their territory, including the territorial sea.

The Convention provided a legal basis for States parties to remove, or have removed, wrecks that posed a danger or impediment to navigation or that might be expected to result in major harmful consequences to the marine environment, or damage to the coastline or related interests of one or more States. The Convention also applied to a ship that was about, or might reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger were not already being taken.

(iii) *Entry into force of increased limits of liability for maritime claims of the 1996 LLMC Protocol*

Amendments to increase the limits of liability in the 1996 Protocol to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC Protocol 1996) entered into force on 8 June 2015, raising the amount claimable for loss of life or personal injury on ships (not exceeding 2,000 gross tonnage) to 3.02 million Special Drawing Rights (SDR), up from 2 million SDR, while additional amounts were claimable on larger ships.

The Convention on Limitation of Liability for Maritime Claims, 1976,<sup>600</sup> set specified limits of liability for certain types of claims against ship-owners, including claims for loss of life or personal injury, and other claims, such as property claims (including damage to other ships, property or harbour works), delay, bunker spills, wreck removal, pollution damage, etc.

The Convention also allowed for ship-owners and salvors to limit their liability except if it was proved that the loss resulted from their personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

In the aftermath of the incident with the Pacific Adventurer, which occurred in the waters of southern Queensland in March 2009, it appeared that the limits of liability, as calculated under LLMC Protocol, 1996, for a bunker fuel oil spill, fell significantly short of the cost of responding to the incident.

Taking into account the experience of historic claims, as well as the impact of inflation rates, a proposal to increase the limits in the LLMC Protocol, 1996, was submitted to IMO by 20 States parties. Subsequently, IMO's Legal Committee adopted resolution LEG.5(99)<sup>601</sup> containing revised limits on 19 April 2012, when it met for its 99th session.

<sup>600</sup> United Nations, *Treaty Series*, vol. 1456, p. 221.

<sup>601</sup> Document IMO LEG 99/14 Annex 2.

As at 12 May 2016, the LLMC Protocol had 52 contracting States, which represent 58.40 per cent of the world merchant shipping tonnage.

(iv) *Proposed draft International Convention on Foreign Judicial Sale of Ships and their Recognition*

The Legal Committee, at its 102nd session in April 2015,<sup>602</sup> took note of a draft convention developed by the *Comité Maritime International* (CMI), the purpose of which was to ensure international uniformity in relation to judicial ship sale procedures and to reinforce the principle that the purchaser of a ship in a judicial sale by a competent court should receive clean title to the ship, free of any pre-existing mortgages, liens or other encumbrances.

It was proposed that this would make the judicial sale of ships less disruptive to shipping and that the certainty brought by the draft convention would reduce the purchaser's risks, thereby ensuring a more realistic sale price. The Committee considered that this item might be included in its work programme, subject to it being co-sponsored by one or more Member States and agreed by the Committee. The CMI and interested States were invited to make submissions to its next session and the Secretariat was requested to liaise with other relevant United Nations agencies.

(v) *Promotion of the 2010 HNS Convention*

At the same session, the Legal Committee also encouraged Member States to ratify and bring into force, as soon as possible, the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention).<sup>603</sup> The HNS Correspondence Group was formally re-established, with a mandate to continue its work as a forum for exchange of information and to provide guidance and assistance on issues regarding the implementation and operation of the Convention.

(vi) *Transboundary pollution damage*

The Intersessional Consultative Group (ICG), established by the Legal Committee in 2014, continued developing guidance for bilateral and regional agreements on liability and compensation issues connected with transboundary pollution damage resulting from off-shore exploration and exploitation activities. Member States were invited to send examples of existing bilateral and regional agreements to the Secretariat.

(vii) *Ballast water management status and technologies*

The Marine Environment Protection Committee (MEPC), at its sixty-eighth session in May 2015, reviewed the status of the International Convention for the Control and

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<sup>602</sup> For the report of the 102nd session of the Legal Committee, see document LEG 102/12.

<sup>603</sup> For more information and the text of the HNS Convention, 2010, see <http://www.hnsconvention.org>.

Management of Ships' Ballast Water and Sediments, 2004,<sup>604</sup> (BWM Convention) which was close to receiving sufficient ratifications to meet the remaining entry into force criterion (tonnage). The number of contracting governments was 50, representing 34.81% of the world's merchant fleet tonnage. The BWM Convention would enter into force 12 months after the date on which not fewer than 30 States, the combined merchant fleets of which constituted not less than 35% of the world's gross tonnage, had ratified it.

The MEPC followed up on the resolution on measures to be taken to facilitate entry into force of the BWM Convention, adopted at the previous session, also including the agreed review of the Guidelines for approval of ballast water management systems (G8) (a Correspondence Group was re-established to continue working on the review).

A "Roadmap for the implementation of the BWM Convention" was agreed, which emphasises that early movers, *i.e.* ships which install ballast water management systems approved in accordance with the current Guidelines (G8), should not be penalized.

The MEPC also developed draft amendments to regulation B-3 of the BWM Convention to reflect Assembly resolution A.1088(28) on application of the Convention, with a view to approval at its next session (scheduled for April 2016) and consideration for adoption once the treaty entered into force. The draft amendments would provide an appropriate timeline for ships to comply with the ballast water performance standard set out in regulation D-2 of the Convention.

Further ballast water management systems that make use of active substances were granted Basic Approval (five systems) and Final Approval (one system), following consideration of the reports of the 30th and 31st meetings of the Joint Group of Experts on the Scientific Aspects of Marine Environment Protection (GESAMP) Ballast Water Working Group. In this regard, the Committee also noted that it had to date been officially notified of a total of 57 ballast water management systems that had received type approval from the respective Administrations.

#### (viii) *Goal-based standards*

The Maritime Safety Committee (MSC), at its ninety-fifth session in June 2015, approved a work plan for continued work on goal-based standards safety level approach (GBS-SLA), over the next three sessions. Progress was also made during the session on developing the draft interim guidelines for the application of the goal based standards safety-level approach.

The MSC approved the MSC.1/Circ.1394/Rev.1 on the generic guidelines for developing IMO goal-based standards. The revised generic guidelines specify structure and contents of functional requirements to be used in goal-based standards as well as examples thereof in the appendix. The guidelines also describe the process for the development, verification, and implementation and monitoring of goal-based standards (GBS) to support regulatory development within IMO. GBS are defined as high-level standards and procedures that are to be met through regulations, rules and standards for ships. GBS are comprised of at least one goal, functional requirement(s) associated with that goal, and verification of conformity that rules/regulations meet the functional requirements including goals.

<sup>604</sup> IMO document BWM/CONF/36.

### (c) Adoption of amendments to conventions and protocols

#### (i) *Mandatory Polar Code*

The MEPC, at its sixty-eighth session in May 2015, adopted the environment-related provisions of the Polar Code<sup>605</sup> and related amendments to the International Convention for the Prevention of Pollution from Ships, 1973/78 (MARPOL)<sup>606</sup> to make the Code mandatory. The MSC, at its ninety-fourth session in November 2014, had already adopted the safety related provisions of the International Code for Ships Operating in Polar Waters (Polar Code)<sup>607</sup>, and related amendments to the International Convention for the Safety of Life at Sea 1974 (SOLAS)<sup>608</sup> to make it mandatory.

The adoption of the Polar Code marked a historic milestone in IMO's work to protect ships and people aboard them, both seafarers and passengers, in the harsh environment of the waters surrounding the two poles. The Code, which was expected to be mandatory from 1 January 2017, covered the full range of design, construction, equipment, operational, training, and search and rescue requirements and also the prevention of pollution by oil, noxious liquid substances, sewage and garbage from ships.

#### (ii) *IGC Code revised*

The MSC, at its ninety-third session in May 2014, adopted the revised International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (the IGC Code).<sup>609</sup> The completely revised and updated Code had been developed following a comprehensive five-year review and was intended to take into account the latest advances in science and technology. It would enter into force on 1 January 2016, with an implementation/application date of 1 July 2016. The Code was adopted in 1983 and had been amended since; however, the new draft represented the first major revision of the IGC Code.

#### (iii) *IGF Code adopted*

The MSC, at its ninety-fifth session in June 2015, adopted the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), along with amendments to make the Code mandatory under the International Convention for the Safety of Life at Sea (SOLAS), which was expected to enter into force on 1 January 2017.

As a fuel with lower sulphur and particulate emissions than fuel oil and marine diesel oil, the use of gas as fuel, particularly liquefied natural gas (LNG), had increased in recent years. However, gas and other low-flashpoint fuels posed their own set of safety challenges, which needed to be adequately managed. The IGF Code aimed to minimize the risk to the ship, its crew and the environment, having regard to the nature of the fuels involved. It also

<sup>605</sup> Resolution MEPC.264(68).

<sup>606</sup> United Nations, *Treaty Series*, vol. 1340, p. 184. For the amendments, see resolution MEPC.265(68).

<sup>607</sup> Resolution MSC.385(94).

<sup>608</sup> United Nations, *Treaty Series*, vol. 1194, p. 277 and vol. 1185, p. 586. For the amendments, see resolution MSC.386(94).

<sup>609</sup> Resolution MSC.370(93).

provided mandatory provisions for the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuels, focusing initially on LNG.

The MSC also adopted related amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), and STCW Code, to include new mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code. The amendments also had an entry into force date of 1 January 2017, in line with the SOLAS amendments related to the IGF Code.

#### (iv) *IMSBC Code amendments adopted*

Amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code, 2008,<sup>610</sup> were adopted by the MSC, at its ninety-fifth session in June 2015.<sup>611</sup> The amendments included those intended to improve the requirements relating to the provisions for concentrates or other cargoes which might liquefy; amendments to provisions for specially constructed cargo ships for confining cargo shift; and the addition of new individual schedules such as iron ore fines.

### 8. Universal Postal Union<sup>612</sup>

On 13 August 2015 the Universal Postal Union (UPU) concluded a Memorandum of Understanding with the ICAO, in which the two specialized agencies agreed to work jointly in a coordinated fashion on issues of common interest according to their respective missions.

On 17 September 2015 the UPU signed a Cooperation Agreement with the International Organization for Migration and *La Régie Nationale de Postes* for the implementation of a joint integrated Burundi migration and development project related to financial and postal services.

On 15 October 2015 the UPU concluded an agreement with the Secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol on the offsetting of greenhouse gas emissions associated with the operations and travel of the Universal Postal Union in the calendar year of 2014, particularly in order to achieve climate neutrality through the purchase of Certified Emission Reduction Credits from the International Bank for Reconstruction and Development as Trustee of these.

On 12 November 2015 the UPU signed an agreement with the Government of the Republic of Turkey regarding arrangements for the twenty-Sixth Universal Postal Congress which will be held from 19 September 2016 to 7 October 2016 in Istanbul, Turkey.

On 18 November 2015 the UPU signed a Memorandum of Understanding with the World Meteorological Organization in order to provide a framework for cooperation and

<sup>610</sup> Resolution MSC.268(85) of 4 December 2008.

<sup>611</sup> Resolution MSC.393(95) of 11 June 2015.

<sup>612</sup> For official documents and more information on the Universal Postal Union, see <http://www.upu.int>.

understanding and to facilitate the collaboration between the two specialized agencies to further their shared goals and objectives.

On 10 December 2015 the UPU signed a Cooperation Agreement with the United Nations Conference on Trade and Development in order to establish and facilitate the exchange of electronic customs information between designated postal operators and customs administrations, particularly through the development of a standardized information technology interface.

## **9. World Meteorological Organization<sup>613</sup>**

### **(a) Membership**

In 2015, the membership of the World Meteorological Organization (WMO) remained unchanged at 185 member States and 6 territories.

### **(b) Agreements and other arrangements concluded in 2015**

#### **(i) *Agreements with States***

##### **a. Brazil**

The Technical Cooperation Project between WMO and the Brazilian Government regarding the project of the Consolidation of Modelling and Numerical Weather Prediction in the National Institute of Meteorology (INMET) was signed on 21 December 2015.

##### **b. Swiss Agency for Development and Cooperation (SDC)**

On 21 December 2015, WMO and SDC signed the Agreement concerning cooperation in CLIMANDES Phase 2.

#### **(ii) *Agreements with the United Nations, specialized agencies and related organizations***

##### **a. International Organization for Migration (IOM)**

On 14 January 2015, WMO and IOM signed a Memorandum of Understanding concerning cooperation in the fields of institutional, scientific and technical collaboration on Climate Information related to their mandates.

##### **b. International Bank for Reconstruction and Development (IBRD)/International Development Association (IDA)**

On 1 June 2015, WMO, IBRD and IDA signed a Memorandum of Understanding concerning Collaboration Framework to strengthen Climate and Disaster Resilience by

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<sup>613</sup> For official documents and more information on the World Meteorological Organization, see <https://public.wmo.int/en>.



Enhancing Regional Meteorological and Hydrological Centres and National Meteorological and Hydrological Services in Sub-Saharan Africa.

**c. Universal Postal Union (UPU)**

On 18 November 2015, WMO and UPU signed a Memorandum of Understanding concerning the development of international collaboration in matters of mutual interest.

*(iii) Agreements with other intergovernmental organizations*

**a. State Meteorological Agency of Spain (AEMET)**

On 17 June 2015, WMO and AEMET signed Annexes I, II, III to the Memorandum of Understanding between concerning cooperation on matters of mutual interest.

**b. International Hydrographic Organization (IHO)**

On 7 October 2015, WMO and IHO signed a Memorandum of Understanding the concerning cooperation in matters of mutual interest.

*(iv) Agreements with non-governmental organizations*

**a. International Space Environment Service (ISES)**

On 19 June 2015, WMO and ISES signed a Working Arrangement concerning cooperation in matters of mutual interest.

**b. Norwegian Refugee Council (NRC)**

On 19 June 2015, WMO and NRC signed a Memorandum of understanding concerning cooperation in the area of Loan of Standby Personnel in support of the strengthening of climate services.

## **10. The World Intellectual Property Organization<sup>614</sup>**

The mission of the World Intellectual Property Organization (WIPO) is to lead the development of a balanced and effective international intellectual property (IP) system that enables innovation and creativity for the benefit of all. In 2015, WIPO focused its efforts on four areas of operation: service, law, development, and reference.

**(a) Service**

WIPO's two basic services are protecting IP, and resolving disputes.

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<sup>614</sup> For official documents and more information on the World Intellectual Property Organization, see <http://www.wipo.int/>.

(i) *Protecting IP*

In 2015, WIPO administered 26 treaties, including the Patent Cooperation Treaty, 1970 (PCT) (protecting patents),<sup>615</sup> the Madrid Agreement, 1967 (protecting trademarks),<sup>616</sup> the Hague Agreement, 1925 (protecting industrial designs),<sup>617</sup> and the Lisbon Agreement, 1979 (protecting appellations of origin).<sup>618</sup> In terms of legal activity, there were a combined 37 instances of ratifications, accessions and entries into force by 23 member States across nine treaties in 2015.<sup>619</sup> There was also one treaty termination by one member State.

Two of the treaties, which are not yet in force, *i.e.* the Beijing Treaty on Audiovisual Performances, 2012,<sup>620</sup> and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013,<sup>621</sup> grew closer to entry into force with new ratifications or accessions in 2015. Four member States ratified or acceded to the Beijing Treaty, 2012, in 2015, bringing the total number of deposited instruments to 10 out of the required 30 for entry into force. Eight member States ratified or acceded to the Marrakesh Treaty, 2013, bringing the total number of deposited instruments to 13 out of the required 20 for entry into force.

(ii) *Resolving disputes*

WIPO provides an IP dispute resolution service through its non-profit WIPO Arbitration and Mediation Centre (“the Centre”). As the leading international service-provider for the resolution of internet domain name disputes, the Centre settled in excess of 2700 domain name disputes under the Uniform Domain Name Dispute Resolution Policy (UDRP) in 2015. By the end of 2015, some 400 cases related to patents, trademarks, software, research and development (R&D), and franchising, with values ranging from USD 20,000 to several hundred million USD, had been administered by the Centre.

The reach of the Centre’s services also increased internationally in 2015 through partnerships with various IP offices and agencies around the world. As a result, the Centre had become available as a mediation option through the following offices and agencies: The Intellectual Property Office of the Philippines (IPOPHL); the Korea Copyright Commission (KCC); the Korea Creative Content Agency (KOCCA). The Centre had also entered into formal collaborations to promote the use of mediation with the following organizations: the International Trademark Association (INTA); the Korea Technology Finance Corporation (KOTEC); the Swiss Franchising Association (SFA); and the Arbeitsgemeinschaft Dokumentarfilm (AGDOK).

<sup>615</sup> United Nations, *Treaty Series*, vol. 1160, p. 231.

<sup>616</sup> *Ibid.*, vol. 828, p. 389.

<sup>617</sup> WIPO Lex No.: TRT/HAGUE/001.

<sup>618</sup> United Nations, *Treaty Series*, vol. 923, p. 189.

<sup>619</sup> See Table 1 in the Appendix for treaty- and country-specific information.

<sup>620</sup> WIPO Lex No. TRT/BEIJING/001.

<sup>621</sup> *Ibid.*, No. TRT/MARRAKESH/001.

## (b) Law

WIPO provides a global policy forum, where governments, intergovernmental organizations, industry groups and civil society come together to address evolving IP issues. WIPO member States and observers meet regularly in the various WIPO Committees and decision-making bodies, where they negotiate treaty amendments and propose new rules to ensure that the international IP system keeps pace with the changing world, and continues to serve its fundamental purpose of encouraging innovation and creativity.

### (i) *Substantive legal developments in WIPO-administered treaties*

#### a. Patent Cooperation Treaty (PCT): The international patent system

On 1 July 2015, the amendments to the Regulations under the PCT, as adopted by the Assembly of the International Patent Cooperation Union (PCT Union) at its forty-sixth (27th extraordinary) session, held in Geneva from September 22 to 30, 2014,<sup>622</sup> entered into force.

Key changes included amendments to rule 49 *ter* 2, to provide for a one-month time limit for the restoration of right of priority; amendments to rule 76 to also include a reference to article 23(2) and its cross-reference, article 40(2); and amendments to the Schedule of Fees.

#### b. The Madrid System: The international trademark system

On 1 January 2015, the amendments to Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (the Common Regulations) adopted by the Assembly of the Madrid Union at its forty-eighth (28th extraordinary) session, held in Geneva from September 22 to 30, 2014,<sup>623</sup> entered into force.

Key changes include a new rule 5 *bis* and amendments to rules 20 *bis* (3) and 27(1) to provide for continued processing past certain deadlines; amendments to rule 30 concerning renewal of international registrations; and amendments to rule 31 concerning notification for failure to renew a registration.

#### c. The Hague System: The international design system

On 1 January 2015, the amendments to The Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement adopted by the Assembly of the Hague Union at its thirty-fourth (15th extraordinary) session, held in Geneva from September 22 to 30, 2014,<sup>624</sup> entered into force.

Key changes include amendments to rule 18 and 18 *bis* relating to indications of effective date of protection, affirmative communication for granted applications, and partial grant of protection; and amendments to the Schedule of Fees to authorize collection of fees for future services.

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<sup>622</sup> PCT Notification No. 206.

<sup>623</sup> WIPO information notice No. 23/2014.

<sup>624</sup> WIPO information notice No. 5/2014.

**d. The Lisbon System: protection of appellations of origin and their international registration**

On 20 May 2015, the Diplomatic Conference adopted the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.<sup>625</sup>

Key provisions of the new Geneva Act include for the first time, protections for Geographical Indications (the Lisbon Agreement, amended in 1979, only protected Appellations of Origin); a new international register for Geographical Indications; and safeguards in respect of prior registered trademarks or trademarks acquired through use.

*(ii) WIPO Arbitration and Mediation Centre*

The updated Uniform Domain-Name Dispute-Resolution Policy (UDRP) Rules and WIPO Supplemental Rules took effect in July 2015. These updates impacted complaint filing modalities, model pleadings, registrar “locking” of domain names during pending UDRP proceedings, and party settlement practices, automatic response extension and new model pleadings.<sup>626</sup>

A new WIPO Fast-Track Intellectual Property Dispute Resolution Procedure for Palexpo Trade Fairs, was drafted in 2015 and used for the first time at the 2015 Geneva International Motor Show. This Palexpo Fast-Track Procedure aimed to protect exhibitors’ and non-exhibitors’ IP rights in a cost- and time-efficient manner against infringement of copyright, trademarks, design rights or breach of law on unfair competition under Swiss law at Palexpo trade fairs held in Geneva.<sup>627</sup>

In 2015, the Centre also published a (non-legally binding) Guide on Alternative Dispute Resolution Options for Intellectual Property Offices and Courts.<sup>628</sup>

*(iii) Permanent and Standing Committees<sup>629</sup>*

**Standing Committee on the Law of Patents (SCP)**

In 2015, the SCP completed the following studies: Report on the International Patent System: Certain Aspects of National/Regional Patent Laws<sup>630</sup>; Study on Inventive Step<sup>631</sup>;

<sup>625</sup> WIPO document LI/DC/19.

<sup>626</sup> For more information, see [http://www.wipo.int/amc/en/domains/resources/updated\\_udrp\\_rules.html](http://www.wipo.int/amc/en/domains/resources/updated_udrp_rules.html).

<sup>627</sup> WIPO document WO/GA/47/14.

<sup>628</sup> The text of the Guide is available at <http://www.wipo.int/export/sites/www/amc/en/docs/adrguidejuly2015.pdf>.

<sup>629</sup> The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) did not meet in 2015, and therefore is not featured in this year’s report.

<sup>630</sup> WIPO document SCP/22/2 REV.

<sup>631</sup> WIPO document SCP/22/3.

Study on the Sufficiency of Disclosure<sup>632</sup>; and Member States' Experiences and Case Studies on the Effectiveness of Exceptions and Limitations.<sup>633</sup>

At the twenty-second session (27 to 31 July 2015), the Group of Latin American and Caribbean Countries (GRULAC) submitted a proposal<sup>634</sup> to engage in discussions on the revision of the 1979 WIPO Model Law for Developing Countries on Inventions. The proposal was discussed at the twenty-second and twenty-third sessions, and remained open for further discussion.<sup>635</sup>

At the twenty-third session (30 November to 4 December 2015), the delegation of the United States submitted a proposal to conduct a study on worksharing between international patent offices. Leveraging the work carried out in other offices might result in more efficient searches and examinations, and higher quality patents.<sup>636</sup> The proposal was discussed at the twenty-third session, and remained open for further discussion.

### **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)**

At the thirty-third session (March 16 to 20, 2015), the SCT revised the draft articles<sup>637</sup> and Regulations<sup>638</sup> of the proposed Design Law Treaty. At the thirty-fourth session (16 to 18 November 2015), the delegation of Nigeria presented a new proposal for article 3(1)(a)(ix) of the draft articles of the Design Law Treaty, and the Chair presented text for a new article 1 *bis* on General Principles. Both proposals would be considered at the thirty-fifth session of the SCT.

The SCT also adopted a Revised Draft Reference Document on the Protection of Country Names Against Registration and Use as Trademarks.<sup>639</sup> The SCT also issued a further Update on Trademark-Related Aspects of the Domain Name System.<sup>640</sup>

With regard to Geographical Indications, the delegation of the United States proposed discussions on several documents and draft treaties, including the Draft Treaty on the Protection of Geographical Indications.<sup>641</sup> Similarly, the delegation of France proposed discussions on the protection of Geographical Indications in National Systems and on the Internet.

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<sup>632</sup> WIPO document SCP/22/4.

<sup>633</sup> WIPO document SCP/22/323/3.

<sup>634</sup> WIPO document SCP/22/5.

<sup>635</sup> WIPO document SCP/23/5, paragraph 19.

<sup>636</sup> WIPO document SCP/23/4/.

<sup>637</sup> WIPO document SCP/33/2.

<sup>638</sup> WIPO document SCP/33/3.

<sup>639</sup> WIPO document SCP/34/2.

<sup>640</sup> WIPO document SCP/34/3.

<sup>641</sup> WIPO document SCP/34/5.

### Standing Committee on the Law of Copyright and Related Rights (SCCR)

No agreement on the recommendations to the WIPO General Assembly for the protection of broadcasting organizations<sup>642</sup> was reached at either the 30th (20 June to 3 July 2015) or 31st sessions (7 to 11 December 2015) of the SCCR. With the exception of one delegation, the Committee was of the view that effective legal international protection be granted to broadcasting organizations to prohibit the unauthorized use of broadcast signals in the course of a transmission over any technological platform.<sup>643</sup>

No agreement on the recommendations to the WIPO General Assembly for the limitations and exceptions for libraries and archives<sup>644</sup> was reached at the 30th or 31st session. For the 30th session of the SCCR, the Study on Copyright Limitations and Exceptions for Libraries and Archives was updated and revised, and was extended to cover all 188 WIPO member States. At the 31st session, the Study on Copyright Limitations and Exceptions for Museums was presented.

No agreement on the recommendations to the WIPO General Assembly for the limitations and exceptions for educational, teaching and research institutions and persons with other disabilities<sup>645</sup> was reached at the 30th or 31st session.

### (c) Development

As a United Nations agency, WIPO is committed to working with developing and least-developed countries to enable them to reap benefits from the IP system and to enhance their participation in the global innovation economy. Two development agenda projects were reported as completed, and four as in-progress, at the fifteenth and sixteenth session of the Committee on Development and Intellectual Property (CDIP) held in Geneva from 20 to 24 April 2015 and from 9 to 13 November 2015, respectively.<sup>646</sup>

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<sup>642</sup> In 2007, the WIPO General Assembly mandated SCCR to develop an international treaty to update the protection of broadcasting and cablecasting organizations. The 2012 General Assembly set a 2014 target date for the production of a text that would enable a decision on whether to convene a diplomatic conference.

<sup>643</sup> WIPO, summary by the Chair of the thirtieth session of the Standing Committee on Copyright and Related Rights, 3 July 2015.

<sup>644</sup> At its Forty-First Session, held in 2012, the WIPO General Assembly approved the SCCR's work on limitations and exceptions for libraries and with the target to submit recommendations to the General Assembly by the 30th (29 June to 3 July 2015) session of the SCCR, GA/47/5.

<sup>645</sup> At its Forty-First Session, held in 2012, the WIPO General Assembly approved the SCCR's work on limitations and exceptions for educational, teaching and research institutions and persons with other disabilities, with the target to submit recommendations to the General Assembly by the 30th (29 June to 3 July 2015) session of the SCCR, GA/47/5.

<sup>646</sup> WIPO documents CDIP/15/2 and CDIP/16/2, respectively.

(i) *Completed development agenda projects***a. Project on Intellectual Property and Technology Transfer:  
Common Challenges—Building Solutions**

The WIPO Expert Forum on International Technology Transfer was held in Geneva from 16 to 18 February 2015, and featured presentations and discussions by experts on technology transfer in developed and developing countries. A draft version of the Web Forum on “IP and Technology Transfer: Common Challenges—Building Solutions” had been completed and was expected to be operational in 2016.

**b. Extension of the Project on Enhancing South-South Cooperation on IP and  
Development Among Developing Countries and Least-Developed Countries**

The extended project created a user-friendly, dedicated South-South webpage on the WIPO website,<sup>647</sup> and provided a one stop facility for information about South-South IP co-operation activities. New functionalities were added in 2015 to the IP Technical Assistance Database (IP-TAD),<sup>648</sup> the IP Development Matchmaking Database (IP-DMD)<sup>649</sup> and the WIPO Roster of Consultants (ROC).<sup>650</sup> Also, a triangular cooperation initiative between WIPO, the African Regional Intellectual Property Organization (ARIPO), and the Korean Government was launched in 2015 to enhance the sharing and accessing of patent information through an online patent information sharing platform.

(ii) *Continuing Development Agenda Projects***a. Strengthening and development of the audiovisual sector in Burkina Faso  
and certain African countries**

WIPO participated in a Burkina Faso training programme on “Contracts and Production, Distribution in the Digital Era.”<sup>651</sup> WIPO also organized training seminars for film professionals in Kenya and Senegal, and provided legal analysis and drafting amendments for the draft statutes and internal regulations of Senegal’s new multidisciplinary collective management organization concerning private copying and audiovisual rights. Two practical workshops for lawyers on copyright and contracts in the audio-visual sector were held in Kenya in March 2015 and June 2015.<sup>652</sup> Finally, a distance learning kit/programme, developed in cooperation with the WIPO Academy, was released in December 2015.<sup>653</sup>

<sup>647</sup> Available at [http://www.wipo.int/cooperation/en/south\\_south/](http://www.wipo.int/cooperation/en/south_south/).

<sup>648</sup> IP-TAD was updated to highlight technical assistance activities where both beneficiary and host countries were a developing or least developed country.

<sup>649</sup> IP-DMD was updated to enable searches by country group.

<sup>650</sup> Roster was updated to highlight existing resource persons from developing countries and LDCs to foster an increase in the use of these resource persons.

<sup>651</sup> The training programme was part of the official programme of the 24th edition of the Pan African Film and Television Festival (FESPACO), held on March 2015; see WIPO document CDIP/16/2, Annex I, page 3.

<sup>652</sup> *Ibid.*

<sup>653</sup> *Ibid.*, annex I, page 4.



**b. Pilot project on IP and design management for business development in developing and least-developed Countries**

The project aimed to help participating member States increase their innovation success by fostering a design culture. Argentina and Morocco were selected for initial participation, and capacity building workshops were held in those countries in 2015. Additionally, a Constitutive Act was signed in the presence of the Argentinian Minister of Industry in Buenos Aires, while in Morocco, the process for the signing of the Charter of the “Namadij Network” began. Further, a set of training, guidelines and tools had been developed and improved. A manual of good practices was being prepared for 2016.

**c. Capacity-Building in the use of appropriate technology specific technical and scientific information as a solution for identified development challenges—phase II**

Memoranda of Understanding (MoUs) were signed between four beneficiary countries (Ethiopia, Rwanda, Tanzania and Uganda) and WIPO in 2015.<sup>654</sup> The signing of the MoUs defined a framework of cooperation geared towards the implementation of the CDIP project in such a way as to ensure successful execution and better coordination and the clarification of the responsibilities and obligations of both the beneficiary countries and WIPO.

**d. IP and socio-economic development—phase II**

The WIPO Secretariat launched new studies in Colombia and Poland. The Colombia study entailed the creation of a unit-record IP database for economic analysis, analysis of IP use in Colombia, and an empirical evaluation of recent IP policy initiatives. The Poland study explored the role of the IP system on innovation in the health sector.

**(d) Reference**

WIPO is the world’s most comprehensive source of data on the IP system, as well as of empirical studies, reports and factual information on IP.

**(i) *Global Dissemination of IP Data Initiative***

In May 2015, WIPO launched a new Global Dissemination of IP Data Initiative to encourage and support the exchange of IP data among national/regional IP offices and WIPO.<sup>655</sup> The data was made available to the public through national IP databases and through WIPO’s global IP databases (PATENTSCOPE, Global Brand Database, Global Design Database, *etc.*). In addition, as of February 2016, a new high-tech facility for bulk data exchange would enhance IP data sharing among IP offices.

<sup>654</sup> WIPO document CDIP/16/2, Annex III, pp. 4–5.

<sup>655</sup> For more information, see [http://www.wipo.int/global\\_ip/en/ip\\_data\\_initiative/index.html](http://www.wipo.int/global_ip/en/ip_data_initiative/index.html).

### (ii) *Global Design Database*

The Global Design Database was launched in January 2015 offering innovators the ability to search industrial designs registered in countries around the world.<sup>656</sup> The new Global Design Database contained over 1.5 million searchable industrial design documents from seventy-four countries, was free of charge, and publicly available on the WIPO website.

## 11. International Fund for Agricultural Development<sup>657</sup>

### (a) Membership

At its 38th session (16–17 February 2015), the Governing Council of the International Fund for Agricultural Development (IFAD) approved the non-original membership in the Fund of the Federated States of Micronesia, the Republic of Palau and Montenegro.<sup>658</sup>

### (b) Tenth replenishment of IFAD's resources

On 16 February 2015, the Governing Council by resolution 186/XXXVIII, taking into account the conclusions and recommendations contained in the report of the Consultation on the tenth replenishment of IFAD's resources (2016–2018)<sup>659</sup> regarding the need and desirability of additional resources for the operations of the Fund, invited members to make additional contributions to the resources of the Fund. The target level for additional contributions was set at the amount of US\$1.44 billion in order to support a target programme of loans and grants of at least US\$3 billion. Paragraph I(e) of resolution 186/XXXVIII specified that the structural gap between total pledges and the target level should not exceed 15 per cent. Given that pledges received as at 16 August 2015 amounted to US dollar 1,149,778,066, corresponding to 79.8 per cent of the US dollar 1.44 billion target, in accordance with resolution 186/XXXVIII, the target level was adjusted to US dollar 1,352,680,077 so that the total amount of the pledges received as of that date (*i.e.* 16 August 2015) would represent 85 per cent of the adjusted target.<sup>660</sup> IFAD 10 attained effectiveness on 2 December 2015, when an equivalent of 50.79 per cent of total pledges had been received.<sup>661</sup>

### (c) Establishment of an *Ad hoc* Working Group on governance issues

In its report to the Governing Council, the Consultation on the tenth replenishment of IFAD's resources also recommended the establishment of an Ad hoc Working Group on governance issues to: (a) review and assess the governance-related recommendations

<sup>656</sup> For more information, see [http://www.wipo.int/reference/en/designdb/news/2015/news\\_0001.html](http://www.wipo.int/reference/en/designdb/news/2015/news_0001.html).

<sup>657</sup> For official documents and more information on the International Fund for Agricultural Development, see <http://www.ifad.org>.

<sup>658</sup> General Council resolutions 183/XXXVIII, 184/XXXVIII and 185/XXXVIII.

<sup>659</sup> GC 38/L.4/Rev.1.

<sup>660</sup> EB 2015/115/18/Rev.1.

<sup>661</sup> Minutes of the 116th session of the Executive Board (see EB 2015/116).

arising from the corporate level evaluation on IFAD replenishments (CLER),<sup>662</sup> particularly with regard to the structure, appropriateness and relevance of the IFAD List system; (b) review and assess the implications and potential impact on all IFAD governing bodies with regard to any changes to the list system as well as member State representation; (c) review and assess the composition and representation of the replenishment consultation and the length of replenishment cycles in IFAD11 and beyond; and (d) make proposals on the above for consideration by the Executive Board for submission to the Governing Council, as appropriate.

The Working Group was established and was tasked to submit a report on the results of its deliberations and any recommendations thereon to the Executive Board in December 2016 for submission to the fortieth session of the Governing Council in February 2017 for endorsement.<sup>663</sup>

#### **(d) Policy for grant financing**

In order to address perceived shortcomings in the 2009 IFAD policy for grant financing and weakness in its implementation, IFAD management undertook an internal review from December 2013 to April 2014. The review concluded that a new grant policy and revised procedures were necessary. In addition, the corporate-level evaluation on the IFAD policy for grant financing,<sup>664</sup> conducted by the Independent Office of Evaluation of IFAD (IOE) in 2014, revealed significant gaps between the potential and achievements of the grant policy. Accordingly, a new policy for grant financing was prepared and approved by the Executive Board at its 114th session (22–23 April 2015).<sup>665</sup> New procedures for IFAD grants had also been formulated to ensure that the new policy was effectively and immediately implemented.<sup>666</sup>

#### **(e) Sovereign borrowing framework**

At its 114th session, the Board considered and approved the Sovereign Borrowing Framework.<sup>667</sup> The Framework sets out the parameters within which IFAD may borrow from sovereign States and State-supported institutions.

#### **(f) Supplementary fund contribution from the Bill & Melinda Gates Foundation**

At its 114th session, the Board considered and approved to accept a supplementary fund contribution from the Bill & Melinda Gates Foundation in support of a project for the Goat Enterprise and Market Development Initiative in India as outlined in document EB 2015/114/R.23.

<sup>662</sup> EB 2014/111/R.3/Rev.1.

<sup>663</sup> Annex IV of document GC 38/L.4/Rev.1.

<sup>664</sup> EB 2014/113/R.7.

<sup>665</sup> EB 2015/114/R.2/Rev.1.

<sup>666</sup> EB 2015/114/INF.5.

<sup>667</sup> EB 2015/114/R.17/Rev.1.

**(g) Republic of Zimbabwe: proposal for debt rescheduling and arrears settlement**

At its 116th session (16–17 December 2015), the Board considered and approved a proposal for rescheduling the debt of the Republic of Zimbabwe, as contained in document EB 2015/116/R.26. This was the first fundamental step in enabling IFAD to recover a significant amount of unpaid loan repayment funds, as well as allowing IFAD to identify opportunities to re-engage in lending programmes with the country.

**(h) Partnership agreements and memoranda of understanding**

**(i) *Memorandum of understanding between the International Fund for Agricultural Development and the European Investment Bank***

With a view to facilitating collaboration between the European Investment Bank and IFAD, the Executive Board, at its 115th session (15–16 September 2015), authorized the President to negotiate and finalize a memorandum of understanding establishing a partnership with the European Investment Bank, in accordance with the provisions presented in the annex to the document EB 2015/115/R.26. The cooperation agreement was signed on 16 April 2016.

**(ii) *Memorandum of understanding between the International Organization of Supreme Audit Institutions (INTOSAI) and the donor community***

At its 115th session, the Executive Board approved IFAD's accession to the memorandum of understanding between the International Organization of Supreme Audit Institutions (INTOSAI) and the Donor Community, and authorized the President to finalize this accession for an initial period of five years. The accession letter to the memorandum of understanding was signed on 7 October 2015 and was submitted to the Board for information at its subsequent session.<sup>668</sup>

The memorandum of understanding, originally signed in Brussels on 20 October 2009, focused on augmenting and strengthening support to supreme audit institutions (SAIs) to enhance governance and accountability, thereby contributing to economic growth and poverty reduction.

**(iii) *Cooperation agreement between the International Fund for Agricultural Development and the Andean Development Corporation***

At its 115th session, the Executive Board authorized the President to negotiate and finalize a framework cooperation agreement between IFAD and the Andean Development Corporation, substantially in accordance with the provisions presented in annex I to document EB 2015/115/R.28. The cooperation agreement, aimed at expanding co-financing

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<sup>668</sup> EB 2015/116/INF.7.

between the two institutions, was signed on 28 September 2015 and was submitted to the Board for information at its 116th session.<sup>669</sup>

## **12. United Nations Industrial Development Organization<sup>670</sup>**

### **(a) Constitutional matters**

The General Conference decided to include the Marshall Islands in List A of Annex I to the Constitution, at its 4th plenary meeting on 1 December 2015.<sup>671</sup>

On 17 and 30 December 2015, the Governments of Denmark and Greece deposited with the Secretary-General of the United Nations instruments of denunciation of the above Constitution. 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 2016.

### **(b) Agreements and other arrangements concluded in 2015**

Information on agreements and other arrangements concluded in 2015 is available in Appendix F to UNIDO's 2015 Annual Report.<sup>672</sup>

## **13. Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization<sup>673</sup>**

### **(a) Membership**

The Preparatory Commission for the CTBTO is composed of States Signatories to the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT). By the end of 2015, the CTBT had 183 States Signatories.

During 2015, Angola deposited its instrument of ratification of the CTBT with the United Nations Secretary-General as depositary. In order for the Treaty to enter into force, ratification by the following eight States is needed: China, Democratic People's Republic of Korea, Egypt, India, 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, legal status, privileges and immunities are granted to the Commission through "Facility Agreements" concluded with each of the 89 States hosting one or more of the 337 monitoring facilities comprising the International

<sup>669</sup> EB 2015/116/INF.6.

<sup>670</sup> For official documents and more information on the United Nations Industrial Development Organization, see <http://www.unido.org>.

<sup>671</sup> GC.16/Dec.6: Inclusion of Marshall Islands in the Lists of States of Annex I to the Constitution.

<sup>672</sup> Available at <http://www.unido.org/annualreport/2015.html>.

<sup>673</sup> For official documents and more information on the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, see <http://www.ctbto.org>.

Monitoring System (IMS) foreseen to be established under the CTBT. In 2015, two facility agreements were concluded with Ecuador and Turkmenistan. As of 2015, a total of forty-eight facility agreements had been concluded out of which 39 had 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,<sup>674</sup> fourteen such agreements had been concluded, with Australia, France, Greece, Indonesia, Japan, Malaysia, Myanmar, Philippines, Republic of Korea, Russian Federation, Thailand, Turkey and two with the United States of America, based on the model approved by the Commission.

To provide for the necessary privileges and immunities and arrangements for the conduct of workshops or training courses outside of Austria, nine Exchanges of Letters were concluded with host States.

### (c) Legislative Assistance Activities

Pursuant to paragraph 18 of the Annex to the 1996 Resolution Establishing the Preparatory Commission, the Provisional Technical Secretariat of the Preparatory Commission continued to provide advice and assistance upon request to States in three areas: (a) legal and technical information about the CTBT in order to facilitate signature or ratification of the Treaty; (b) legal and administrative measures necessary for the implementation of the Treaty; and (c) national measures necessary to enable activities of the Preparatory Commission during the preparatory phase, in particular those related to the provisional operation of the IMS.

The Secretariat continued to provide comments and assistance in 2015 on legal assistance requests from States parties 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.

## 14. International Atomic Energy Agency<sup>675</sup>

### (a) Membership

In 2015, Djibouti, Guyana, Vanuatu, Antigua and Barbuda and Barbados became member States of the International Atomic Energy Agency (IAEA). By the end of the year, there were 167 member States.

<sup>674</sup> *United Nations Juridical Yearbook* 2006, p. 256.

<sup>675</sup> For official documents and more information on the International Atomic Energy Agency, see <http://www.iaea.org>.

**(b) Multilateral treaties under IAEA auspices**

(i) *Convention on the Physical Protection of Nuclear Material*<sup>676</sup>

In 2015, Kyrgyzstan and San Marino became parties to the Convention. By the end of the year, there were 153 parties.

(ii) *Amendment to the Convention on the Physical Protection of Nuclear Material*<sup>677</sup>

In 2015, Botswana, Iceland, Italy, Morocco, San Marino, Turkey, the United States of America and Euratom adhered to the Amendment. By the end of the year, there were 90 contracting States and one contracting organization.

(iii) *Convention on Early Notification of a Nuclear Accident*<sup>678</sup>

In 2015, the status of the Convention remained unchanged with 119 parties.

(iv) *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency*<sup>679</sup>

In 2015, the status of the Convention remained unchanged with 112 parties.

(v) *Convention on Nuclear Safety*<sup>680</sup>

In 2015, Montenegro became party to the Convention. By the end of the year, there were 78 parties.

(vi) *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*<sup>681</sup>

In 2015, Botswana became party to the Joint Convention. By the end of the year, there were 70 parties.

(vii) *Vienna Convention on Civil Liability for Nuclear Damage*<sup>682</sup>

In 2015, the status of the Convention remained unchanged with 40 parties.

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<sup>676</sup> United Nations, *Treaty Series*, vol. 1456, p. 101.

<sup>677</sup> IAEA *International Law Series*, No. 2, 2006.

<sup>678</sup> United Nations, *Treaty Series*, vol. 1439, p. 275.

<sup>679</sup> *Ibid.*, vol. 1457, p. 133.

<sup>680</sup> *Ibid.*, vol. 1963, p. 293.

<sup>681</sup> *Ibid.*, vol. 2153, p. 303.

<sup>682</sup> *Ibid.*, vol. 1063, p. 265.



(viii) *Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage*<sup>683</sup>

In 2015, Niger acceded to the Protocol. By the end of the year, there were 12 parties and one Contracting State.

(ix) *Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention*<sup>684</sup>

In 2015, the status of the Convention remained unchanged with 28 parties.

(x) *Convention on Supplementary Compensation for Nuclear Damage*<sup>685</sup>

In 2015, Japan signed and accepted the Convention. With this acceptance, the conditions for the entry into force of the Convention under article XX thereof were met. The Convention entered into force on 15 April 2015. Montenegro also acceded to the Convention. By the end of the year, there were 7 parties.

(xi) *Optional Protocol Concerning the Compulsory Settlement of Disputes*<sup>686</sup>

In 2015, the status of the Protocol remained unchanged with 2 parties.

(xii) *Fifth Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (RCA)*<sup>687</sup>

In 2015, the Lao People's Democratic Republic became party to the Agreement. By the end of the year, there were 17 parties.

(xiii) *African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA)—(Fifth Extension)*<sup>688</sup>

The Fifth Extension of AFRA entered into force on 4 April 2015, upon expiration of the fourth extension of the Agreement. In 2015, Algeria, Angola, Botswana, Chad, Democratic Republic of the Congo, Egypt, Ghana, Lesotho, Mauritius, Morocco, Niger, Senegal, South Africa, Sudan, Tunisia and Zambia became parties to the Fifth Extension of the Agreement. By the end of the year, there were 16 parties.

<sup>683</sup> United Nations, *Treaty Series*, vol. 2241, p. 270.

<sup>684</sup> *Ibid.*, vol. 1672, p. 293.

<sup>685</sup> <https://www.iaea.org/topics/nuclear-liability-conventions/convention-supplementary-compensation-nuclear-damage>.

<sup>686</sup> United Nations, *Treaty Series*, vol. 2086, p. 94.

<sup>687</sup> IAEA document INFCIRC/167/Add.23.

<sup>688</sup> IAEA documents INFCIRC/377 and INFCIRC/377/Add.20 (fifth extension).

(xiv) *First Agreement to Extend the Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)*<sup>689</sup>

An Agreement to Extend ARCAL entered into force on 5 September 2015. In 2015, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela became parties to the Agreement. By the end of the year, there were 17 parties.

(xv) *Co-operative Agreement for Arab States in Asia for Research, Development and Training Related to Nuclear Science and Technology (ARASIA)—(Second Extension)*<sup>690</sup>

In 2015, the status of the Agreement remained unchanged with 8 parties.

(xvi) *Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*<sup>691</sup>

In 2015, the status of the Agreement remained unchanged with 7 parties.

(xvii) *Agreement on the Privileges and Immunities of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project*<sup>692</sup>

In 2015, the status of the Agreement remained unchanged with 6 parties.

### (c) Safeguards agreements

In 2015, a Safeguards Agreement pursuant to the NPT between the IAEA and Djibouti<sup>693</sup> entered into force and the Federated States of Micronesia signed a Safeguards Agreement pursuant to the NPT but had not entered into force as of 31 December 2015.

During 2015, Protocols Additional to the Safeguards Agreements pursuant to the NPT between the IAEA and Cambodia,<sup>694</sup> Djibouti,<sup>695</sup> and Liechtenstein<sup>696</sup> entered into force.

<sup>689</sup> IAEA, document INFCIRC/582 and INFCIRC/582/Add.4 (extension of the agreement).

<sup>690</sup> IAEA document INFCIRC/613 and INFCIRC/613/Add.3 (second extension).

<sup>691</sup> IAEA document INFCIRC/702.

<sup>692</sup> IAEA document INFCIRC/702.

<sup>693</sup> IAEA document INFCIRC/884.

<sup>694</sup> IAEA document INFCIRC/586/Add.1.

<sup>695</sup> IAEA document INFCIRC/884/Add.1.

<sup>696</sup> IAEA document INFCIRC/275/Add.1.

**(d) Revised supplementary agreements (RSA) concerning the provision of technical assistance by the IAEA**

In 2015, Djibouti, Fiji, Marshall Islands, and Togo signed an RSA agreement with the IAEA. By the end of the year, there were 125 member States party to an RSA agreement with the Agency and three signatory member States.

**(e) Other treaties to which IAEA is a party**

On 27 August 2015, the IAEA and the Republic of Kazakhstan signed the Agreement between the International Atomic Energy Agency and the Government of the Republic of Kazakhstan regarding the Establishment of the Low Enriched Uranium Bank of the International Atomic Energy Agency in the Republic of Kazakhstan.<sup>697</sup>

On 18 June 2015, the IAEA and the Russian Federation signed the Agreement between the International Atomic Energy Agency and the Government of the Russian Federation regarding the transit of low enriched uranium to the Low Enriched Uranium Bank of the International Atomic Energy Agency in the Republic of Kazakhstan and from the Low Enriched Uranium Bank of the International Atomic Energy Agency in the Republic of Kazakhstan, through the territory of the Russian Federation.<sup>698</sup>

**(f) IAEA legislative assistance activities**

In 2015, the Agency continued to provide legislative assistance to member States through its technical cooperation programme. Country specific bilateral legislative assistance was provided to 20 member States through written comments and advice on drafting national nuclear legislation. The Agency also reviewed the legislative framework of a number of newcomer countries as part of its Integrated Nuclear Infrastructure Review missions. Short-term scientific visits to Agency Headquarters were organized for a number of individuals, allowing fellows to gain further practical experience in nuclear law.

The Agency organized the fifth session of the Nuclear Law Institute in Baden, Austria, from 28 September to 9 October 2015. The comprehensive two-week course, which used modern teaching methods based on interaction and practice, was designed to meet the increasing demand by IAEA member States for legislative assistance and to enable participants to acquire a solid understanding of all aspects of nuclear law, as well as to draft, amend or review their national nuclear legislation. Sixty-three representatives from 51 IAEA member States participated in this year's 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 sponsoring participants through appropriate technical cooperation projects.

The fifth IAEA Treaty Event took place during the 59th 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

<sup>697</sup> IAEA document INFCIRC/916.

<sup>698</sup> For more information, see

<https://www.iaea.org/newscenter/news/iaea-and-russia-sign-transit-agreement-for-iaea-fuel-bank>.

deposited with the Director General, notably those related to nuclear safety, security and civil liability for nuclear damage. The special focus of this year's Treaty Event was the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM).<sup>699</sup> Representatives from several member States were also briefed on the conventions adopted under IAEA auspices.

### (g) Conventions

#### (i) *Convention on Nuclear Safety*

The Organisational Meeting to prepare for the Seventh Review Meeting of Contracting Parties to the Convention on Nuclear Safety took place on 15 October 2015 at IAEA Headquarters in Vienna. Sixty five contracting parties attended the Meeting, as well as the OECD/NEA as observer. The contracting parties, *inter alia*, elected the officers for the Seventh Review Meeting and established country groups.

#### (ii) *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention)*

The Fifth 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 (JC) was held in May 2015. Sixty one out of the 69 contracting parties participated in the Review Meeting. The contracting parties discussed in particular the progress made since the Fourth Review Meeting with regard to the management of disused sealed sources, the safety implications of very long storage periods and delayed disposal of spent fuel and radioactive waste, and international cooperation in finding solutions for the long term management and disposal of different types of radioactive waste and/or spent fuel.

A Topical Session on "Progress on Lessons Learnt from the Fukushima Daiichi Accident" was also organised during the Review Meeting. Finally, the contracting parties decided on a number of actions with a view to, *inter alia*, encourage adherence to the Joint Convention and active participation in the review process, and also to increase the effectiveness of the review process for contracting parties without a nuclear power programme. An Extraordinary Meeting would be held in 2017 prior to the Organisational Meeting for the Sixth Review Meeting to address some of these issues.

#### (iii) *The Convention on the Physical Protection of Nuclear Material (CPPNM)*

The first Technical Meeting of the Points of Contact and Central Authorities of States parties to the CPPNM was held at the IAEA headquarters in Vienna, from 14 to 16 December 2015. It gathered over one hundred participants from more than 70 member States. The meeting provided the first important opportunity for an exchange of national experiences regarding the implementation of the CPPNM, among others.

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<sup>699</sup> IAEA document INFCIRC/274/Rev.1/Mod.1.

(iv) *The Convention on Supplementary Compensation for Nuclear Damage*

The Convention on Supplementary Compensation for Nuclear Damage, which was adopted on 12 September 1997 at the same time as the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage, entered into force on 15 April 2015.

**(h) 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. At its 15th regular meeting held in April 2015, INLEX discussed, *inter alia*, the issue of liability and insurance provisions covering radioactive sources; the implications of the entry into force of the Convention on Supplementary Compensation for Nuclear Damage; a proposal to revise a paper issued by INLEX in 2013 on the benefits of joining the international nuclear liability regime and corresponding key messages; the revision of the model provisions on nuclear liability in the *Handbook on Nuclear Law: Implementing Legislation*; and outreach activities. As regards liability and insurance provisions covering radioactive sources, the Group recommended that licensees for at least Categories 1 and 2 sources include a requirement that the licensee take out insurance coverage or other financial security. However, in view of questions raised regarding the availability of such insurance in developing countries, the Group decided, at the same time, to keep the matter under review.

The Fourth Workshop on Civil Liability for Nuclear Damage was held in Vienna on 27 April 2015 and was attended by 65 participants from 38 member States. The purpose of the workshop was to provide diplomats and experts from Member States with an introduction to the international legal regime of civil liability for nuclear damage.

Joint IAEA/INLEX missions were conducted in Mexico and to raise awareness of the international legal instruments relevant for achieving a global nuclear liability regime. In addition, a Sub-regional Workshop for Caribbean Countries on Civil Liability for Nuclear Damage was held in Panama City, Panama, in June 2015 to provide participants with information on the existing international nuclear liability regime and to advise on the development of national implementing legislation. The event was attended by 31 participants from 14 member States.

## **15. Organization for the Prohibition of Chemical Weapons<sup>700</sup>**

### **(a) Membership**

In 2015, the number of States parties to the Chemical Weapons Convention (CWC) increased by two to 192. Myanmar deposited its instrument of ratification to the CWC with the Secretary-General of the United Nations on 8 July 2015, and Angola deposited its instrument of accession to the CWC on 16 September 2015. The CWC entered into force for Myanmar and Angola on 7 August 2015 and 16 October 2015, respectively, in accordance with article XXI of

<sup>700</sup> For official documents and more information on the Organisation for the Prohibition of Chemical Weapons, see <http://www.opcw.org>.

the CWC. Upon entry into force of the CWC for Myanmar and Angola, both States became members of the OPCW pursuant to paragraph 2 of article VIII of the CWC.

### **(b) Legal status, privileges and immunities and international agreements**

During 2015, the 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 approved a privileges and immunities agreement with Hungary. This agreement entered into force on 25 May 2016.<sup>701</sup>

During 2015, the OPCW also concluded a number of international agreements, including, *inter alia*, facility agreements, voluntary contribution agreements, exchange of letters, agreements regarding the conduct of workshops, exercises, seminars and trainings, and memoranda of understanding, that entail substantial undertakings at the policy level or that are intended to facilitate the day-to-day work of the Technical Secretariat in support of the objectives of the Convention.

Furthermore, the OPCW and the United Nations concluded a Memorandum of Understanding on Procedures for Safeguarding and Handling of the Certified True Copy of Physical and Electronic Records of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic; and a Supplementary Arrangement Concerning the Implementation of United Nations Security Council resolution 2235 (2015).

Additionally, a Tripartite Agreement was concluded between the OPCW, United Nations Office for Project Services (UNOPS) and the Syrian Arab Republic for the Provision of Medical Services and Emergency Medical Evacuation Services.

### **(c) Legislative assistance activities**

Throughout 2015, 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 tailor-made assistance on national implementation of the Convention to requesting States parties, pursuant to: (a) subparagraph 38(e) of article VIII of the Convention; (b) the decision on national implementation measures of article VII obligations adopted by the Conference of the States Parties at its Fourteenth Session;<sup>702</sup> and (c) 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 CWC.<sup>703</sup>

In its implementation support efforts, the Technical Secretariat of the OPCW also acted in accordance with the Conference's decisions regarding the implementation of article VII obligations.<sup>704</sup> These decisions focused on, amongst other things, the obligations of

<sup>701</sup> OPCW, document EC-79/DEC.5 of 9 July 2015.

<sup>702</sup> OPCW, document C-14/DEC.12 of 4 December 2009.

<sup>703</sup> OPCW, document RC 3/3\* of 19 April 2013.

<sup>704</sup> OPCW, documents C-8/DEC.16 of 24 October 2003; C-10/DEC.16 of 11 November 2005; C-11/DEC.4 of 6 December 2006; C12/DEC.9 of 9 November 2007; C-13/DEC.7 of 5 December 2008;

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.

In the course of 2015, the number of National Authorities increased to 189, meaning only three States parties 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, 137 States parties (71 per cent) had submitted the text of their implementing legislation. Furthermore, regarding legislation covering all the initial measures required under the CWC, as at the end of 2015, 116 States parties (61 per cent) 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 programmes and consultations. A number of draft laws as well as existing legislation were reviewed by the Technical Secretariat upon request by States parties in the process of developing or updating their legal framework.

In addition to the assistance provided to individual States parties, the Technical Secretariat participated and/or organised events to promote national legislative and/or administrative implementation of the Convention, such as global and regional annual meetings for National Authorities, legal workshops, and the Internship Programme for Legal Drafters and National Authorities' Representatives in which experts from eight States parties participated during the year. In 2015, the Secretariat also piloted a new initiative called the Influential Visitors Programme aimed at ensuring national-level political support for the adoption of implementing legislation.

## **16. World Trade Organization<sup>705</sup>**

### **(a) Membership**

Two new members formally joined the World Trade Organization (WTO) in 2015: Seychelles (26 April 2015) and Kazakhstan (30 November 2015). As of 31 December 2015, the WTO membership counted 162 members.

In December 2015, the Tenth Ministerial Conference adopted the Decisions on the Accession of Liberia and the Islamic Republic of Afghanistan. Formal membership would occur following ratification of their Accession Protocol by their respective parliaments and the subsequent notification and deposit with the WTO Director-General of the Instruments of Acceptance of their Protocols.

Applications for WTO membership are examined in individual Accession Working Parties, which are established by the Ministerial Conference/General Council. The legal

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and C-14/DEC.12 of 4 December 2009.

<sup>705</sup> For official documents and more information on the World Trade Organization, see <http://www.wto.org>.



framework of WTO accessions is set out in article XII of the Marrakesh Agreement Establishing the World Trade Organization.<sup>706</sup> As a result of bilateral and multilateral negotiations with WTO members, acceding States/separate customs territories undertake trade liberalizing commitments on market access; specific commitments on WTO rules; and agree to comply with the WTO Agreement.

(i) *On-going accessions in 2015*

In 2015, the following States/separate customs territories were in the process of acceding to the WTO (in alphabetical order):

- |                                       |   |
|---------------------------------------|---|
| 1. Afghanistan <sup>°</sup>           | 12. Iraq                                |
| 2. Algeria                            | 13. Kazakhstan <sup>°°</sup>            |
| 3. Andorra                            | 14. Lebanese Republic                   |
| 4. Azerbaijan                         | 15. Liberia, Republic of <sup>°°°</sup> |
| 5. Belarus                            | 16. Libya                               |
| 6. Bhutan <sup>*</sup>                | 17. Sao Tomé and Príncipe <sup>*</sup>  |
| 7. Bosnia and Herzegovina             | 18. Serbia                              |
| 8. Comoros, Union of the <sup>*</sup> | 19. Sudan <sup>*</sup>                  |
| 9. Equatorial Guinea <sup>*</sup>     | 20. Syrian Arab Republic                |
| 10. Ethiopia <sup>*</sup>             | 21. The Bahamas                         |
| 11. Islamic Republic of Iran          | 22. Uzbekistan                          |

<sup>\*</sup> Least developed countries (LDCs) (8)

<sup>°</sup> The accession Working Party completed its mandate on 11 November 2015. The Decision on the Accession of the Islamic Republic of Afghanistan was adopted by the Tenth Ministerial Conference on 17 December 2015. The Islamic Republic of Afghanistan would become a WTO member 30 days after notifying the WTO Director General of the domestic ratification of its Protocol of Accession.

<sup>°°</sup> The accession Working Party completed its mandate on 22 June 2015. The Decision on the Accession of Kazakhstan was adopted by the General Council on 27 July 2015. Kazakhstan became a WTO member on 30 November 2015.

<sup>°°°</sup> The accession Working Party completed its mandate on 6 October 2015. The Decision on the Accession of Liberia was adopted by the Tenth Ministerial Conference on 16 December 2015. Liberia will become a WTO member 30 days after notifying the WTO Director General of the domestic ratification of its Protocol of Accession.

In the year under review, progress in various accession processes was registered as follows:

- draft Reports were revised and circulated by the Secretariat for the Working Parties on the Accessions of Afghanistan (one revision); Azerbaijan (one revision); Kazakhstan (two revisions); and Liberia (three revisions);

<sup>706</sup> United Nations, *Treaty Series*, vol. 1867, p. 3.

- three draft Accession Packages were prepared by the Secretariat and circulated on the Accessions of Kazakhstan, Liberia and Afghanistan<sup>707</sup>; and
- three Accession Working Parties (Kazakhstan, Liberia and Afghanistan) completed their mandates. The Decisions on their Accessions were adopted on: 27 July 2015<sup>708</sup> (Kazakhstan) by the General Council; on 16 December 2015<sup>709</sup> (Liberia) and on 17 December 2015<sup>710</sup> (Afghanistan) by the Tenth Ministerial Conference in Nairobi, Kenya.

### (b) Dispute settlement

The General Council convenes as the Dispute Settlement Body (DSB) to deal with disputes arising under the Marrakesh Agreement Establishing the World Trade Organization; the multilateral trade agreements covering trade in goods, trade in services, and trade-related aspects of intellectual property rights; and, under a specific decision, the plurilateral trade agreement on government procurement. The DSB has the sole authority to establish dispute settlement panels, adopt panel and Appellate Body reports, maintain surveillance over the implementation of recommendations and rulings contained in such reports, and authorize suspension of concessions in the event of non-compliance with those recommendations and rulings.<sup>711</sup>

#### (i) *Requests for consultations received and panels established*

During 2015, the DSB received 13 requests for consultations (the first formal step in dispute settlement proceedings) pursuant to article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU). The DSB established 16 new panels to adjudicate 18 new cases. The DSB established panels in the following disputes:

- European Union and its member States—Certain Measures Relating to the Energy Sector (DS476), complaint by Russia;
- Indonesia—Importation of Horticultural Products, Animals and Animal Products (DS477), complaint by Indonesia;
- Indonesia—Importation of Horticultural Products, Animals and Animal Products (DS478), complaint by the United States;
- European Union—Anti-Dumping Measures on Biodiesel from Indonesia (DS480), complaint by Indonesia;
- Canada—Anti-Dumping Measures on Imports of Certain Carbon Steel Welded Pipe from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (DS482), complaint by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu;

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<sup>707</sup> The Draft Accession Package of the Islamic Republic of Afghanistan, initially circulated on 3 March 2014, was updated and re-circulated to all members of the Working Party on 19 October 2015.

<sup>708</sup> WT/ACC/KAZ/93 and Add.1–2; WT/L/957.

<sup>709</sup> WT/ACC/LBR/23 and Add.1–2; WT/L/973.

<sup>710</sup> WT/ACC/AFG/36 and Add.1–2; WT/L/974.

<sup>711</sup> Further information on WTO dispute settlement in 2015 can be found in the WTO Annual Report 2015.

- China—Anti-Dumping Measures on Imports of Cellulose Pulp from Canada (DS483), complaint by Canada;
- Indonesia—Measures Concerning the Importation of Chicken Meat and Chicken Products (DS484), complaint by Brazil;
- Russia—Tariff Treatment of Certain Agricultural and Manufacturing Products (DS485), complaint by the European Union;
- European Union—Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan (DS486), complaint by Pakistan;
- United States—Conditional Tax Incentives for Large Civil Aircraft (DS487), complaint by the European Union;
- United States—Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea (DS488), complaint by Korea;
- China—Measures Related to Demonstration Bases and Common Service Platforms Programmes (DS489), complaint by United States;
- Indonesia—Safeguard on Certain Iron or Steel Products (DS490), complaint by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu;
- United States—Anti-Dumping and Countervailing Measures on Certain Coated Paper from Indonesia (DS491), complaint by Indonesia;
- European Union—Measures Affecting Tariff Concessions on Certain Poultry Meat Products (DS492), complaint by China;
- Korea—Import Bans, and Testing and Certification Requirements for radionuclides (DS495), complaint by Japan;
- Indonesia—Safeguard on Certain Iron or Steel Products (DS496), complaint by Viet Nam;
- Brazil—Certain Measures Concerning Taxation and Charges (DS497), complaint By Japan.

(ii) *Appellate Body and Panel reports adopted by the DSB*

In 2015, the DSB adopted the following nine panel reports covering 11 disputes and seven Appellate Body reports covering nine disputes:

- United States—Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from Viet Nam (WT/DS429) (Panel and Appellate Body reports);
- India—Measures Concerning the Importation of Certain Agricultural Products (DS430) (Panel and Appellate Body reports);
- United States—Countervailing Duty Measures on Certain Products from China (WT/DS437);
- Argentina—Measures Affecting the Importation of Goods (DS438, DS444, DS445) (Panel and Appellate Body reports);
- United States—Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina (DS447) (Panel report);

- China—Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (“HP-SSST”) from Japan (DS454) (Panel and Appellate Body reports);
- Peru—Additional Duty on Imports of Certain Agricultural Products (DS457) (Panel and Appellate Body reports);
- China—Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (“HP-SSST”) from the European Union (DS460) (Panel and Appellate Body reports);
- Ukraine—Definitive Safeguard Measures on Certain Passenger Cars (DS468) (Panel report);

**(c) Acceptances of the protocols amending the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Government Procurement Agreement (GPA)**

The amended TRIPS Agreement incorporating a decision on patents and public health would enter into force when two thirds of the WTO members had accepted the change. During 2015, Brunei Darussalam, Grenada, Iceland, Kenya, Lao People’s Democratic Republic, Malaysia, Moldova, Myanmar, Saint Kitts and Nevis, and Sri Lanka accepted the amended agreement.

The amended GPA, which streamlines and modernizes the 1994 WTO Agreement on Government Procurement, entered into force on 6 April 2014. During 2015, the following members deposited instruments of acceptance of the amended agreement: Armenia, Montenegro, and New Zealand.

**(d) Protocol Amending the Marrakesh Agreement establishing the World Trade Organization**

On 27 November 2014, WTO members adopted a Protocol of Amendment to insert the Trade Facilitation Agreement into the WTO Agreement Establishing the World Trade Organization (document WT/L/940) and opened it for acceptance by members. As stipulated in the Protocol, it should enter into force in accordance with article X:3 of the WTO Agreement. Specifically, the Protocol should take effect upon acceptance by two thirds of the members for those members that had accepted the Protocol; thereafter, the Protocol should take effect for each other member upon acceptance by that member. During 2015, 35 instruments of acceptance were deposited for this Protocol, bringing to the number of acceptances to 36.

**(e) Tenth WTO Ministerial Conference, Nairobi, 2015**

The “Nairobi Package” was adopted at the WTO’s Tenth Ministerial Conference, held in Nairobi, Kenya, from 15 to 19 December 2015. It contained a series of six Ministerial Decisions on agriculture, cotton and issues related to least-developed countries (LDCs). These included a commitment to eliminate export subsidies for farm exports, an undertaking

to find a permanent solution regarding public stockholding for food security purposes, an agreement to continue negotiations on a special safeguard mechanism that would allow developing countries to temporarily increase tariffs on agriculture products in cases of import surges or price declines, and measures related to duty free and quota free market access for cotton produced by LDCs, export subsidies and domestic support for cotton. Decisions were also made regarding preferential treatment for LDCs in the area of services and the criteria for determining whether exports from LDCs may benefit from trade preferences.

## **17. International Criminal Court<sup>712</sup>**

### **(a) Rome Statute**

On 2 January 2015, Palestine acceded to the Rome Statute of the International Criminal Court.

### **(b) Amendment to the Rome Statute**

The Assembly of States Parties, by resolution ICC-ASP/14/Res.2 of 26 November 2015, decided to amend the Rome Statute by deleting article 124.

### **(c) Ratification/acceptance of the 2010 amendments to the Rome Statute**

In 2015, Costa Rica, Finland, Georgia, Lithuania, Malta and Switzerland ratified and the Czech Republic accepted the amendments to article 8 of the Rome Statute.

In the same year, Costa Rica, Finland, Lithuania, Malta and Switzerland ratified and the Czech Republic accepted the amendments on the crime of aggression to the Rome Statute.

### **(d) Relationship Agreement between the ICC and the United Nations**

The Relationship Agreement between the ICC and the United Nations, 2004, outlines the relationship between the two institutions.

In 2015, the Assembly of States Parties (ASP) to the Rome Statute issued the following resolutions regarding the Court's relationship with the United Nations:

In resolution ICC-ASP/14/Res.3,<sup>713</sup> entitled resolution on cooperation, the ASP: emphasized the importance of timely and effective cooperation and assistance from States parties and other States under an obligation or encouraged to cooperate fully with the Court pursuant to Part 9 of the Rome Statute or a United Nations Security Council resolution, as the failure to provide such cooperation in the context of judicial proceedings affected the efficiency of the Court and stressed that the non-execution of cooperation requests had a negative impact on the ability of the Court to execute its mandate, in particular when

<sup>712</sup> For official documents and more information on the International Criminal Court, see <http://www.icc-cpi.int>.

<sup>713</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court*, Fourteenth session, The Hague, 18–26 November 2015 (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.3.

it concerned the arrest and surrender of individuals subject to arrest warrants (para. 1); and urged States parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council referred situations to the Court, ensuring diplomatic and financial support; cooperation by all United Nations member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions (para. 23).

In resolution ICC-ASP/14/Res.4,<sup>714</sup> entitled strengthening the International Criminal Court and the Assembly of States Parties, the ASP stated that it was "deeply concerned by the ongoing lack of effective follow up by the Security Council to its resolutions referring situations to the Court and its consequences, despite efforts by States Parties" (p. 32); welcomed the memorandum of understanding between the Court and the United Nations Office on Drugs and Crime to strengthen the capacity of States in the area of witness protection" (para. 14); and recalled the role of the Assembly of States Parties and the Security Council with respect to non-cooperation as provided for by articles 87, paragraph 5, and 87, paragraph 7, of the Rome Statute, welcomed the efforts of States parties to strengthen the relationship between the Court and the Council, called upon States parties to continue their efforts to ensure that the Security Council address the communications received from the Court on non-cooperation pursuant to the Rome Statute, encouraged the President of the Assembly and the Bureau to continue consulting with the Security Council and also encouraged both the Assembly and the Security Council to strengthen their mutual engagement on this matter (para. 16).

In resolution ICC-ASP/14/Res.4, section E, entitled relationship with the United Nations, the ASP recognized the need for enhancing the institutional dialogue with the United Nations, including on Security Council referrals (para. 19). It also recognized the Security Council's call regarding the importance of State cooperation with the Court and encouraged further strengthening of the Security Council's relationship with the Court by a series of measures set out in subparagraphs (a) to (e) (para. 20); encouraged all United Nations Offices, funds and programmes to strengthen their cooperation with the Court, and to collaborate effectively with the Office of Legal Affairs as Focal Point for cooperation between the United Nations system and the Court (para. 22); noted with concern that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council had been borne exclusively by States parties, and urged States parties to begin discussions on a possible way forward on this issue, including the implementation of article 115, paragraph (b), of the Rome Statute also taking into account that article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations stated that the conditions under which any funds might be provided to the Court by a decision of the General Assembly of the United Nations should be subject to separate arrangements (para. 26); and encouraged the Court to further engage with the relevant Sanctions Committees of the United Nations Security Council with a view to improving their cooperation and achieving better coordination on matters pertaining to areas of mutual concern (para. 27).

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<sup>714</sup> *Ibid.*, ICC-ASP/14/Res.4.