International Law Association (American Branch)

Legal Developments at the United Nations

No.1 - Covering the period of 1 January to 30 June 2015

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Introduction

The following is a summary of various legal developments and activities, which took place at the United Nations, or under the auspices of the organization, during the first half of 2015. No attempt is made at providing a detailed account of each activity. Instead, this report seeks to provide the reader with a broad overview of activities during the period under review. The reader is provided with relevant hyperlinks to sites on the Internet for further research. This report will be supplemented in early 2016 by a further report covering the second half of 2015.

1. General Assembly

The Charter of the United Nations entrusts the General Assembly with a number of functions and powers including the power to initiate studies and make recommendations for the purpose, inter alia, of encouraging the progressive development of international law and its codification. While this is the primary mandate of the Assembly when coming to legal matters, it is not the only context in which law-related activities take place. Others provisions of the Charter, such as articles 11 (principles of disarmament) and 55(c) (human rights and fundamental freedoms) have also been the source of law-related activities. The second half of the year is typically the most active time for the Assembly, as it is then when it considers the reports and recommendations of its various subsidiary bodies.

1.1 Resolutions of the General Assembly

Of the nearly 50 resolutions adopted by the Assembly in the first half of 2015, two dealt directly with legal matters:

- Res. 69/279 of 8 May 2015 Report of the International Criminal Court: The Assembly, inter alia, "acknowledge[d] the role of the International Criminal Court in a multilateral system that aims to end impunity, promote the rule of law, promote and encourage respect for human rights, achieve sustainable peace and further the development of nations, in accordance with international law and the purposes and principles of the Charter of the United Nations".
- Res. 69/292 of 19 June 2015 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: the Assembly decided to develop an international legally-

binding instrument under the Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; and the Assembly established a preparatory process for the convention, to take place in 2016.

1.2 Activities of subsidiary bodies of the General Assembly

1.2.1 Intergovernmental bodies

- Human Rights Council²

28th session

The Human Rights Council held it 28th session from 2 to 27 March 2015, in Geneva.³ The Council adopted 34 resolutions on a range of subjects, including: ensuring the 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; and 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. The Council adopted a further 14 decisions dealing with the outcome of the universal periodic review of a number of countries (Italy, El Salvador, Bolivia, Fiji, San Marino, Kazakhstan, Angola, Islamic Rep. of Iran, Iraq, Madagascar, Slovenia, Egypt, Bosnia and Herzegovina, and Gambia).

29th session

The Human Rights Council held its 29th session from 15 June to 3 July 2015 in Geneva.⁴ The Council adopted 25 resolutions on such subjects as: protection of the human rights of migrants: migrants in transit; protection of human rights and fundamental freedoms while countering terrorism; and human rights and climate change. The Council adopted a further 14 decisions concerning the outcome of the universal periodic review of certain countries (Kyrgyzstan, Guinea, Lao People's Democratic Republic, Spain, Lesotho, Kenya, Armenia, Guinea-Bissau, Sweden, Grenada, Turkey, Kuwait, Kiribati and Guyana). The Council was scheduled to hold its 30th session from 24 September to 2 October 2015, in Geneva.

² http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx.

³ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/ResDecStat.aspx.

⁴ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/29RegularSession.aspx.

23rd Special Session

The Human Rights Council held its 23rd Special Session, on 1 April 2015, in Geneva, in light of the terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram.⁵ The Council adopted a resolution, inter alia, "[c]ondemn[ing] in the strongest terms the gross abuses of international human rights law and violations of international humanitarian law perpetrated by the terrorist group Boko Haram".

– Special Committee on the Charter and on the Strengthening of the Role of the $Organization^6$

The Special Committee on the Charter and on the Strengthening of the Role of the Organization held its annual session from 17 to 25 February 2015. The Special Committee continued its consideration of several proposals concerning the maintenance of international peace and security (relating to the role of the principal organs of the United Nations, as well as a proposal for the requesting of an advisory opinion from the International Court of Justice on the legality of the use of force), and the peaceful settlement of disputes. A new proposal on the pacific settlement of disputes and its impact on the maintenance of peace, was submitted by the non-aligned movement. Ghana circulated a concept paper on strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes.

- Committee on the Peaceful Uses of Outer Space⁷

Legal Subcommittee

The fifty-fourth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space was held from 13 to 24 April 2015, in Vienna. The SubCommittee discussed a number of issues, including: the status and application of the five United Nations treaties on outer space; the definition and delimitation of outer space and the character and utilization of the geostationary orbit; review and possible revision of the Principles Relevant to the Use of Nuclear Power Source in Outer Space; legal mechanisms relating to space debris mitigation measures; non-legally binding United Nations instruments on outer space; and international mechanisms for cooperation in the peaceful exploration and use of outerspace. The Subcommittee agreed to add the following topics to the agenda of its next session: "General exchange of views on the legal aspects of space traffic management" and

⁵ http://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session23/Pages/23rdSpecialSession.aspx.

⁶ http://legal.un.org/chartercomm/index.html.

⁷ http://www.unoosa.org/oosa/COPUOS/copuos.html.

⁸ http://www.unoosa.org/oosa/en/ourwork/copuos/lsc/2015/index.html.

"General exchange of views on the application of international law to small satellite activities". The fifty-fifth session of the Legal Subcommittee is scheduled to be held from 4 to 15 April 2016.

Annual session of the Committee on the Peaceful Uses of Outer Space

The 58th session of COPUOS was held from 10-19 June 2015, in Vienna.⁹ It considered the reports of its Scientific and Technical Subcommittee and Legal Subcommittee, respectively, and discussed several other topics including: space and sustainable development; spin-off benefits of space technology; space and water; space and climate change; and the use of space technology in the United Nations system. The Committee is expected to hold its 59th session from 8 to 17 June 2016.

- Conference on Disarmament¹⁰

The Conference on Disarmament was established in 1979, following the first Special Session on Disarmament of the United Nations General Assembly, held in 1978, as a multilateral disarmament negotiating forum of the international community. The Conference meets in an annual session, which is divided in three parts of 10, 7 and 7 weeks, respectively. The first part of the 2015 session was held from 19 January 2015 to 27 March 2015. The second part was scheduled to be held from 25 May 2015 to 10 July 2015. The third part was scheduled be held from 3 August 2015 to 18 September 2015. The outcome of the work in 2015 will be recorded in the report for the second half of 2015.

- United Nations Disarmament Commission¹¹

The 2015 session of the Disarmament Commission was held from 6 to 24 April 2015, in New York. The Commission continued its work on two streams: recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons; and practical confidence-building measures in the field of conventional weapons. No recommendations were adopted.

- Special Committee on Peacekeeping Operations

 $\underline{http://www.unog.ch/80256EE600585943/(httpPages)/BF18ABFEFE5D344DC1256F3100311CE9?OpenDocument}$

⁹ http://www.unoosa.org/oosa/en/ourwork/copuos/2015/index.html.

¹¹ http://www.un.org/disarmament/HomePage/DisarmamentCommission/UNDiscom.shtml.

The annual session of the Special Committee on Peacekeeping Operations took place from 17 February to 13 March 2015, in New York. 12 The Special Committee considered such topics as restructuring, safety and security, conduct and discipline, strategies for complex peacekeeping operations, cooperation with police- and troop-contributing countries, cooperation with regional arrangements, enhancement of African peacekeeping capacities, among others.

- Open-ended informal consultative process on Oceans and Law of the Sea¹³

In 1999, the General Assembly decided to establish the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in order to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs and the law of the sea by considering the report of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced (resolution 54/33). The Sixteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea was held from 6-10 April 2015, focused on the topic "Oceans and sustainable development: integration of the three dimensions of sustainable development, namely, environmental, social and economic".

 Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction¹⁴

In resolution 68/70, the General Assembly requested the Secretary-General to convene three meetings of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, to take place from 1 to 4 April and 16 to 19 June 2014 and from 20 to 23 January 2015.

The Ad Hoc Open-ended Informal Working Group met and recommended that:

- The General Assembly decide to develop 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. ¹⁵ In addition;
- The General Assembly would decide that, prior to the holding of an intergovernmental conference, a preparatory committee would be established, open to all States Members of the United Nations, members of specialized agencies and parties to the Convention, with others invited as observers in accordance with past practice of the United Nations, to make substantive recommendations to the General

¹² http://www.un.org/press/en/2015/gapk222.doc.htm.

http://www.un.org/depts/los/consultative process/consultative process.htm.

http://www.un.org/Depts/los/biodiversityworkinggroup/biodiversityworkinggroup.htm.

¹⁵ http://www.un.org/ga/search/view_doc.asp?symbol=A/69/780.

Assembly on the elements of a draft text of an international legally binding instrument under the Convention;

- Before the end of the seventy-second session of the General Assembly (2017), and taking into account the aforementioned report of the preparatory committee, the General Assembly would decide on the convening and on the starting date of an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the preparatory committee on the elements and to elaborate the text of an international legally binding instrument under the Convention;
- The General Assembly would also decide that negotiations are to address the topics identified in the package agreed in 2011, namely the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology;
- The General Assembly is expected to take up the recommendations of the Ad Hoc Open-ended Informal Working Group later this year.
- Ad hoc Committee of the General Assembly on sovereign debt restructuring processes

The Ad Hoc Committee on Sovereign Debt Restructuring Processes, was established by the General Assembly in 2014, and mandated to to hold three working sessions in 2015, from 3 to 5 February, 28 to 30 April and 27 and 28 July, in order to consider the possibility of developing a multilateral legal framework for sovereign debt restructuring processes. The outcome of the work of the Ad Hoc Committee will be covered in the report for the second half of 2015.

– Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples¹⁶

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples held its 2015 session, on 19 February 2015 and from 15 to 26 June 2015, in New York. Among the issues discussed were the questions of: Gibraltar, Tokelau, American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands, the United States Virgin Islands, Western Sahara, the Falkland Islands/Malvinas, French Polynesia, and New Caledonia.

1.2.2 Expert bodies

¹⁶ http://www.un.org/en/decolonization/specialcommittee.shtml.

¹⁷ http://www.un.org/en/decolonization/session_2015.shtml.

- International Law Commission¹⁸

The International Law Commission was scheduled to hold its sixty-seventh session, from 4 May to 5 June and 6 July to 7 August 2015. The Commission had on its agenda for the session, the consideration of the topics: Immunity of State officials from foreign criminal jurisdiction; subsequent agreements and subsequent practice in relation to the interpretation of treaties; most-favoured-nation clause; provisional application of treaties; identification of customary international law; protection of the environment in relation to armed conflicts; protection of the atmosphere; and crimes against humanity. The Commission further decided to add the topic *jus cogens* to its work programme. A summary of the outcome of the 2015 session will be included in the report for the second half of 2015.

Other activities:

• Mr. Roman Kolodkin was elected to fill a casual vacancy in the membership of the Commission following the resignation of Mr. Krill Gevorigian, following his election to the International Court of Justice.

- United Nations Commission on International Trade Law (UNCITRAL)¹⁹

The work of UNCITRAL during the first half of 2015 focused on the activities of its six Working Groups. The annual session of UNCITRAL itself was scheduled to be held from 29 June to 16 July 2015, in Vienna. A summary of the outcome of the 2015 session will be included in the report for the second half of 2015.

Working Group I: Micro, Small and Medium-sized Enterprises²⁰

Working Group I on micro, small and medium-sized enterprises, held its 24th session from 13 to 17 April 2015, in New York. Its agenda included the question of the preparation of legal standards in respect of micro, small and medium-sized enterprises (Legal questions surrounding the simplification of incorporation). It considered, inter alia, a draft model law on a simplified business entity. The Working Group was expected to hold its 25th meeting from 19 to 23 October 2015, in Vienna.

¹⁸ http://legal.un.org/ilc/.

¹⁹ http://www.uncitral.org/uncitral/en/index.html.

²⁰ http://www.uncitral.org/uncitral/en/commission/working_groups/1MSME.html.

Working Group II: Arbitration and Conciliation²¹

Working Group II on arbitration and conciliation held its 62nd session in New York, from 2 to 6 February 2015. The Working Group discussed the enforcement of settlement agreements resulting from international commercial conciliation/mediation, and the revision of the UNCITRAL Notes on Organizing Arbitral Proceedings. The Working Group requested that the Secretariat prepare a draft of revised UNCITRAL Notes on Organizing Arbitral Proceedings, based on the deliberations and decisions of the Working Group, for consideration by the Commission at its 48th session. The Working Group was scheduled to hold its 63rd session from 7 to 11 September 2015, in Vienna.

Working Group III: Online Dispute Resolution²²

Working Group III on online dispute resolution held its 31st session from 9 to 13 February 2015, in New York. No agreement was achieved on the proposed draft procedural rules on online dispute resolution for cross-border electronic commerce transactions. The idea of terminating the mandate of the Working Group was floated. The 32nd session of the Working Group is tentatively scheduled to take place from 5 to 9 October 2015, in Vienna.

Working Group IV: Electronic Commerce²³

Working Group IV, dealing with electronic commerce, held its 51st session from 18 to 22 May 2015, in New York. The Working Group continued its consideration of a set of draft provisions on electronic transferable records. Reference was also made to possible topics for discussion in the Working Group in the future, including mobile commerce and mobile payments, identity management and cloud computing. The 52nd session of the Working Group is tentatively scheduled to take place from 9 to 13 November 2015, in Vienna.

Working Group V: Insolvency Law²⁴

Working Group V, dealing with insolvency law, held its 47th session from 26 to 29 May 2015, in New York. The Working Group continued its discussion of three topics: the obligations of directors of enterprise group members in the period approaching insolvency; cross-border insolvency of multinational enterprise groups; and the recognition and enforcement of insolvency-derived judgements. The Working Group is tentatively scheduled to hold its 48th session from 14 to 18 December 2015, in Vienna.

*Working Group VI: Security Interests*²⁵

²¹ http://www.uncitral.org/uncitral/en/commission/working_groups/2Arbitration.html.

http://www.uncitral.org/uncitral/commission/working groups/3Online Dispute Resolution.html.

http://www.uncitral.org/uncitral/en/commission/working_groups/4Electronic_Commerce.html.

²⁴ http://www.uncitral.org/uncitral/en/commission/working_groups/5Insolvency.html.

Working Group VI on security interests, held its 27th session from 20 to 24 April 2015, in New York. The Working Group continued its work on a Draft Model Law on Secured Transactions. It considered a note by the Secretariat entitled "Draft Model Law on Secured Transactions", and the Secretariat was requested to revise the draft Model Law to reflect the deliberations and decisions of the Working Group. The 28th session of the Working Group was tentatively scheduled to be held from 12 to 16 October 2015, in Vienna.

2. Security Council

2.1 Resolutions²⁶

During the period under review, the Security Council adopted the following 34 resolutions:

- 2196 (2015) Central Africa Republic
- 2197 (2015) Cyprus
- 2198 (2015) Democratic Republic of the Congo
- 2199 (2015) Threats to international peace and security caused by terrorist acts
- 2200 (2015) Reports of the Secretary-General on the Sudan and South Sudan
- 2201 (2015) Middle East (Yemen)
- 2202 (2015) Letter from the Permanent Representative of the Russian Federation (Ukraine)
- 2203 (2015) Guinea-Bissau
- 2204 (2015) Middle East (Yemen)
- 2205 (2015) Reports of the Secretary-General on the Sudan and South Sudan
- 2206 (2015) Reports of the Secretary-General on the Sudan and South Sudan
- 2207 (2015) Non-proliferation/Democratic People's Republic of Korea
- 2208 (2015) Libya
- 2209 (2015) Middle East (Syria)
- 2210 (2015) Afghanistan
- 2211 (2015) Democratic Republic of the Congo
- 2212 (2015) Central African Republic
- 2213 (2015) Libya
- 2214 (2015) Libya
- 2215 (2015) Liberia
- 2216 (2015) Middle East (Yemen)
- 2217 (2015) Central African Republic (CAR)

²⁵ http://www.uncitral.org/uncitral/en/commission/working_groups/6Security_Interests.html.

²⁶ http://www.un.org/en/sc/documents/resolutions/2015.shtml.

- 2218 (2015) Western Sahara
- 2219 (2015) Côte d'Ivoire
- 2220 (2015) Small arms
- 2221 (2015) Somalia
- 2222 (2015) Protection of civilians in armed conflict
- 2223 (2015) Reports of the Secretary-General on the Sudan and South Sudan
- 2224 (2015) Non-proliferation
- 2225 (2015) Children and armed conflict
- 2226 (2015) Côte d'Ivoire
- 2227 (2015) Mali
- 2228 (2015) Reports of the Secretary-General on the Sudan and South Sudan
- 2229 (2015) The situation in the Middle East (UNDOF)

The following resolutions were of particular interest:

- Resolution 2209 (2015), adopted on 6 March 2015, on Syria, in which the Council, after recalling the first widespread use of chlorine gas a weapon at the battle of Ypres in 1915, noted that the use of chlorine in Syria constituted "the first ever documented instance of the use of toxic chemicals as weapons within the territory of a State Party to the [Chemical Weapons Convention]";
- Resolution 2220 (2015), adopted on 22 May 2015, dealing with small arms, in which the Council, *inter alia*, "reiterate[d] 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...[and] reiterate[d] 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 stresse[d] the need for parties to take all required measures to avoid civilian casualties, respect and protect the civilian population";
- Resolution 2225 (2015), adopted on 18 June 2015, concerning children and armed conflict, in which the Council, inter alia, "call[ed] on all parties to conflict to respect the civilian character of schools as such in accordance with international humanitarian law" and "strongly condemn[ed] all violations of applicable international law involving the recruitment and use of children by parties to armed conflict as well as their re-recruitment, killing and maiming, rape and other forms of sexual violence, abductions, attacks against schools and hospitals as well as denial of humanitarian access by parties to armed conflict and all other violations of international law, including international humanitarian law, human rights law and

refugee law, committed against children in situations of armed conflict and demands that all relevant parties immediately put an end to such practices and take special measures to protect children".

2.2. Presidential statements²⁷

During the period under review, 13 Presidential statements were issued, as follows:

- 8 Jan 2015 Democratic Republic of the Congo
- 14 Jan 2015 Post-conflict peacebuilding
- 19 January 2015 Maintenance of international peace and security
- 19 January 2015 Threats to international peace and security caused by terrorist acts
- 6 February 2015 Mali
- 18 February 2015 Burundi
- 19 March 2015 Middle East
- 22 March 2015 Middle East
- 24 March 2015 Reports of the Secretary-General on the Sudan and South Sudan
- 24 April 2015 The situation in the Middle East
- 29 May 2015 Threats to international peace and security caused by terrorist acts
- 11 June 2015 Central African region
- 26 June 2015 Burundi

Of interest is the depiction in a number of the Presidential Statements of specific acts, committed by Boko Haram (19 January) as well as atrocities committed in South Sudan (24 march), as constituting crimes against humanity or war crimes. Furthermore, in his statement of 29 May, the President of the Council indicated that the "Security Council reaffirms that Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law, underscores that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism, and notes that failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of the factors contributing to increased radicalization and fosters a sense of impunity".

²⁷ http://www.un.org/en/sc/documents/statements/2015.shtml.

3. ECOSOC

3.1 Functional Commissions

- Commission on Crime Prevention and Criminal Justice²⁸

The Commission on Crime Prevention and Criminal Justice held its 24th regular session from 18 to 22 May 2015. The Commission considered the integration and coordination of efforts by the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice, including issues related to the ratification and implementation of the United Nations Convention against Transnational Organized Crime, the United Nations Convention against Corruption, the international instruments to prevent and combat terrorism, as well as other crime prevention and criminal justice matters, and the follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice. Furthermore, the Commission considered the use and application of United Nations standards and norms, as well as world crime trends and emerging issues and responses, in the field of crime prevention and criminal justice. The Commission, inter alia, recommended to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly: (a) "Thirteenth United Nations Congress on Crime Prevention and Criminal Justice", which included in an annex the "the 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", adopted at the high-level segment of the Thirteenth Congress; (b) "United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)"; (c) "Taking action against gender-related killing of women and girls"; and (d) "Technical assistance for implementing the international conventions and protocols related to counter-terrorism".

3.2 Other Bodies

- The United Nations Permanent Forum on Indigenous Issues²⁹

The United Nations Permanent Forum on Indigenous Issues is an advisory body to the Economic and Social Council (ECOSOC), with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health

²⁸ http://www.unodc.org/unodc/en/commissions/CCPCJ/index.html.

²⁹ http://undesadspd.org/IndigenousPeoples.aspx.

and human rights. The 14th session of the Permanent Forum on Indigenous Issues was held from 20 April to 1 May 2015, in New York.

- The United Nations Forum on Forests³⁰

In October 2000, the Economic and Social Council of the United Nations (ECOSOC), in its Resolution 2000/35 established the United Nations Forum on Forests (UNFF), a subsidiary body with the main objective of promoting "... the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end..." based on the Rio Declaration, the Forest Principles, Chapter 11 of Agenda 21 and the outcome of the IPF/IFF Processes and other key milestones of international forest policy. The Forum is composed of all Member States of the United Nations and specialized agencies. The 11th session of the Forum took place from 4 to 15 May, 2015, in New York.

4. Courts and Tribunals

4.1 International Court of Justice³¹

The following is an overview of the main events that took place at the International Court of Justice during the period under review:

- On 3 February 2015, the International Court of Justice delivered its Judgment in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia);
- By an Order dated 22 April 2015, the International Court of Justice decided to grant Australia's request for the modification of the Order indicating provisional measures rendered on 3 March 2014 in the case concerning Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia), by which it authorized the return, still sealed, of all the documents and data seized on 3 December 2013 by Australia, and any copies thereof, under the supervision of a representative of Timor-Leste appointed for that purpose;
- The case brought by the Democratic Republic of Timor-Leste against Australia on 17
 December 2013 before the International Court of Justice, in respect of a dispute
 concerning the seizure, on 3 December 2013, and the subsequent detention, by
 "agents of Australia of documents, data and other property which belongs to Timor-

³⁰ http://www.un.org/esa/forests/.

http://www.icj-cij.org/presscom/index.php?p1=6&p2=1.

Leste and/or which Timor-Leste has the right to protect under international law", was removed from the Court's List on 11 June 2015 at the request of Timor-Leste.

The Court held hearings in the following cases:

- Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica);
- Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)

Other activities:

- On 6 February 2015, Judge Ronny Abraham (France) was elected President of the International Court of Justice, and Judge Abdulqawi Ahmed Yusuf (Somalia) was elected Vice-President, each for a term of three years.
- On 6 February 2015, Mr. Patrick Lipton Robinson (Jamaica), Mr. James Richard Crawford (Australia), and Mr. Kirill Gevorgian (Russian Federation) were sworn in as judges, to serve a term of nine years each.

4.2 International Tribunal for the Law of the Sea (ITLOS)³²

The following is an overview of the main events that took place at ITLOS during the period under review:

- On 12 January 2015, ITLOS formed a Special Chamber to deal with a dispute concerning the delimitation of the maritime boundary between the Republic of Ghana and the Republic of Côte d'Ivoire. The representatives of the two parties had previously agreed to transfer the dispute – initially submitted to arbitration under Annex VII to the United Nations Convention on the Law of the Sea – to a special chamber of the Tribunal, consisting of three Members of the Tribunal and two Judges ad hoc;
- On 27 February 2015 the Special Chamber of the International Tribunal for the Law of the Sea formed to deal with the dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean received a request for the prescription of provisional measures, submitted by Côte d'Ivoire under article 290, paragraph 1, of the United Nations Convention on the Law of the Sea;
- On 2 April 2015, the International Tribunal for the Law of the Sea delivered its Advisory Opinion on the Request submitted to the Tribunal by the Sub-Regional Fisheries Commission (SRFC) under article 138 of the Rules of the Tribunal, dealing

³² https://www.itlos.org/press-media/press-releases/press-releases-2015/.

with the obligations of the Flag State with regard to vessels flying its flag in relation to the laws and regulations enacted by the SRFC Member States concerning marine living resources within their exclusive economic zones for purposes of conservation and management of these resources; and

• On 25 April 2015, the Special Chamber of the International Tribunal for the Law of the Sea formed to deal with the dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean delivered its Order on a Request for provisional measures filed by Côte d'Ivoire, inter alia, requiring Ghana to cease activities in the disputed area.

Other activities:

• On 18 May 2015, Judge Vicente Marotta Rangel (Brazil) resigned as a Member of the International Tribunal for the Law of the Sea

4.2.1 International Criminal Tribunals

- International Criminal Tribunal for the Former Yugoslavia (ICTY)

The following is an overview of the main events that took place at the ICTY during the period under review:

- 30 January 2015 the Appeals Chamber delivered its Judgement in the case of Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Radivoje Miletić, and Vinko Pandurević. The Appeals Chamber dismissed, unanimously or by majority, most of the Appellants' challenges;
- 8 April 2015 the Appeals Chamber upheld the conviction of Zdravko Tolimir for genocide and his sentence to life imprisonment;
- 13 April 2015 the Appeals Chamber granted the Appeal of Goran Hadžić and ordered his provisional release to Serbia;
- 14 May 2015 the Appeals chamber denied Valentin Čorić's motion for provisional release; and
- 21 May 2015 the Appeals Chamber Chamber granted Goran Hadžić's request from 28 April for provisional release. Hadžić was first granted provisional release in April for health and humanitarian reasons and returned to the Tribunal in early May for a further medical examination.

Other activities:

 On 27 January 2015, the ICTY begin the transfer of its records to the Mechanism for International Criminal Tribunals (MICT) which was established by Resolution 1966 (2010) of the United Nations Security Council, and assigned responsibility for the continuation of essential functions of the ICTY and the International Criminal Tribunal for Rwanda, and the preservation of their legacy.

- International Criminal Tribunal for Rwanda (ICTR)³³

The following is an overview of the main events that took place at the ICTY during the period under review:

- Only one major case remained for the ICTR to complete after which it was expected
 to close permanently after over twenty years in operation. In the Butare case,
 involving 6 accused persons among whom was Pauline Nyiramasuhuko, the only
 woman that the ICTR has tried for genocide, the Appeals Chamber held oral
 arguments in Arusha during April 2015 and the judgement was expected to be
 delivered not before August 2015.
- The UN Security Council established the International Residual Mechanism for Criminal Tribunals (the Mechanism) to take over the remaining functions of the Tribunal and that of its sister Tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY). The Mechanism has already taken over some of the ongoing functions of the ICTR, including the enforcement of sentences of those convicted and sentenced by the Tribunal, the tracking, arrest and prosecution of the three fugitives earmarked for trial at the Mechanism, and the care and protection of witnesses.

- International Residual Mechanism for Criminal Tribunals (UNMICT)³⁴

The MICT was established by the Security Council, in resolution 1966 (2010), to undertake the remaining work of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia after the completion of their respective mandates. The MICT has two branches, in Arusha, Tanzania, and in The Hague, Netherlands, respectively.

The following is an overview of the main events that took place at the MICT during the period under review:

- 9 April 2015 the President of the MICT, Ted Meron, granted early release to Vinko Pandurević;
- 29 May 2015 the President of the MICT, Ted Meron, denied the request by Sreten Lukić for determination of the time he had served so far;

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³³ http://www.unictr.org/en/news/news-archive/2015.

³⁴ http://www.unmict.org/en/news.

• 23 June 2015, the President of the MICT, Ted Meron, issued a public version of his decision, issued confidentially on 5 December 2014, denying early release to Stanislav Galić. Galić had been sentenced to life imprisonment on 30 November 2006 by the Appeals Chamber of the ICTY for his role in the campaign of sniping and shelling against civilians in Sarajevo from September 1992 to August 1994. Galić was transferred to Germany to serve the remainder of his sentence on 15 January 2009. Under German law, convicts sentenced to life imprisonment are eligible for early release after 15 years. In the first decision of the MICT to address the question of the eligibility for early release of an individual sentenced to life imprisonment, President Meron explained that those sentenced to life imprisonment by the ICTR, the ICTY or the MICT should not be 'barred' from being considered for early release. He proceeded to hold that Galić would be considered eligible for early release by the MICT upon having served more than two-thirds of the highest fixed-term sentence imposed by the ICTR, the ICTY, or the MICT, which amounted to more than 30 years of Galic's sentence. Given that Galic had served 15 years of his sentence, as of 18 December 2014, the President denied him early release.

- Special Tribunal for Lebanon³⁵

The following is an overview of the main events which took place at the Special Tribunal for Lebanon during the period under review:

 23 January 2015 - The Appeals Panel in the case against Ibrahim Mohamed Ali Al Amin and Al Akhbar Beirut S.A.L. (Case STL-14-06) unanimously decided that the Tribunal did have jurisdiction to hear cases of obstruction of justice against legal persons.

Other activities:

 19 February 2015 - Judge Ivana Hrdličková of the Czech Republic was elected President of the Special Tribunal for Lebanon, succeeding Judge Sir David Baragwanath of New Zealand. Judge Ralph Riachy of Lebanon was re-elected as Vice-President.

5. Treaty bodies

- 5.1 Human Rights Treaty Bodies
- Human Rights Committee³⁶

³⁵ http://www.stl-tsl.org/en/news-and-press/press-releases.

³⁶ http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx.

During the period under the review, the Committee held its 113th session,³⁷ from 16 March 2015 to 2 April 2015, in Geneva. The main outcomes of the session were:

- The Committee published its concluding observations and recommendations on the reports of Russia, Cambodia, Côte d'Ivoire, Cyprus, Croatia and Monaco;
- The Committee agreed on the agenda for future discussions on its working methods, including lists of issues prior to reporting and the use of amicus curiae in the discussion of individual communications;
- The Committee adopted 31 communications, in 14 of which it found violations of the International Covenant on Civil and Political Rights. It found no violations in two communications, found 10 inadmissible and discontinued its consideration of five;
- A note on the forthcoming General Comment N°6 was adopted.

The 114th session is scheduled to take place from 29 June 2015 to 24 July 2015, in Geneva, during which it is scheduled to consider the reports of Canada, France, Spain, the Former Yugoslav Republic of Macedonia, the United Kingdom (including the Crown Dependencies and Overseas Territory), Uzbekistan and Venezuela (Bolivarian Republic of).

- Committee on Economic, Social and Cultural Rights³⁸

The Committee held its 54th session,³⁹ from 23 February 2015 to 6 March 2015, in Geneva. The main outcomes of the session were:

- The Committee adopted concluding observations and recommendations on the reports of Gambia, Paraguay and Tajikistan on their implementation of the International Covenant on Economic, Social and Cultural Rights;
- The Committee also discussed two draft general comments, on The Right to Sexual and Reproductive Health (Article 12 of the Covenant) and on The Right to Just and Favourable Conditions of Work (Article 7 of the Covenant);
- The Committee's fifty-fifth session will be held from 1 to 19 June 2015 during which it is scheduled to consider the reports of Chile, Ireland, Kyrgyzstan, Mongolia, Thailand, Uganda, Venezuela (Bolivarian Republic of)

The Committee held its 55th session,⁴⁰ from 1 to 19 June 2015 in Geneva. The main outcomes of the session were:

• The Committee adopted its concluding observations and recommendations on the reports of Kyrgyzstan, Venezuela, Mongolia, Thailand, Ireland, Chile and Uganda on

³⁷ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=897&Lang=en.

http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx.

³⁹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=965&Lang=en.

⁴⁰ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=967&Lang=en.

their implementation of the International Covenant on Economic, Social and Cultural Rights;

- The Committee held a half-day general discussion on a draft General Comment on Article 7 on the right to just and favourable conditions of work; and
- The Committee also considered communications under the Optional Protocol, and adopted its first Views on an individual communication.

The Committee is scheduled to hold its 56th session from 21 September to 9 October 2015, in Geneva, during which time it will consider the reports of Burundi, Greece, Guyana, Iraq, Italy, Morocco and Sudan.

- Committee on the Elimination of Racial Discrimination⁴¹

The Committee held its 86th session,⁴² from 27 April 2015 to 15 May 2015, in Geneva. The main outcomes of the session were:

- The Committee adopted its concluding observations and recommendations on the reports of Sudan, Germany, Guatemala, France, Bosnia and Herzegovina and Denmark on how those countries implement the provisions of the Convention on the Elimination of Racial Discrimination;
- The Committee also considered two cases under the communications procedure, and situations under its early warning and urgent action procedure. It also adopted a declaration on the crisis of migrants in the Mediterranean with a massive loss of life and suffering.

The Committee is scheduled to hold its 87th session from 21 September to 9 October 2015, in Geneva, during which time it will consider the reports of Colombia, Costa Rica, Czech Republic, the Netherlands, Niger, Norway, Suriname, and the Former Yugoslav Republic of Macedonia.

- Committee on the Elimination of Discrimination against Women⁴³

The Committee held its 60th session,⁴⁴ from 16 February 2015 to 6 March 2015, in Geneva. The main outcomes of the session were:

• The Committee adopted concluding observations and recommendations on the implementation of the provisions of the Convention on the Elimination of All Forms

⁴¹ http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx.

⁴² http://tbinternet.ohchr.org/layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=977&Lang=en.

http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx.

⁴⁴ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=901&Lang=en.

of Discrimination against Women by Gabon, Azerbaijan, Ecuador, Tuvalu, Denmark, Kyrgyzstan, Eritrea and Maldives;

- The Committee undertook first reading of General Recommendation No. 33 on women's access to justice; and
- The Committee adopted three decisions on individual communications.

The Committee's 61st session is scheduled to be held from 6 to 24 July 2015, in Geneva, during which time it will consider the reports of Bolivia (Plurinational State of), Croatia, Gambia, Namibia, Saint Vincent and the Grenadines, Senegal, Spain and Viet Nam. The 62nd session is scheduled to be held from 26 October to 20 November, in Geneva.

- Committee against Torture⁴⁵

The Committee held its 54th session,⁴⁶ from 20 April 2015 to 15 May 2015, in Geneva. The main outcome of the session was the publication of the Committee's observations on: New Zealand, Republic of the Congo, Romania, Luxembourg, Spain, Serbia, Colombia, and The Former Yugoslav Republic of Macedonia.

The Committee's 55th session is scheduled to be held from 27 July 2015 to 14 August 2015, in Geneva, during which time it will consider the reports of Iraq, Slovakia, and Switzerland. The 56th session is scheduled to be held from 9 November 2015 to 9 December 2015.

– The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)⁴⁷

During the period under review, the Subcommittee held its 25th session from 16 to 20 February 2015, in Geneva. During the period under review, the Subcommittee was scheduled to undertake the following visits:

- Visit to Azerbaijan: 16 to 24 April 2015;
- Visit to Nauru: 4 to 6 May 2015;
- Visit to Guatemala: 11 to 20 May 2015; and
- Visit to the Philippines: 25 May 3 June 2015

The Subcommittee is scheduled to hold its 26th session from 15 to 19 June 2015, and 27th session from 16 to 20 November 2015, both in Geneva.

⁴⁵ http://www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=961&Lang=en.

⁴⁷ http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx.

- Committee on the Rights of the Child⁴⁸

The Committee held its 68th session⁴⁹ from 12 to 30 January 2015, in Geneva. The main outcomes of the session were:

- The Committee considered the reports of Cambodia, Colombia, Dominican Republic, The Gambia, Iraq, Jamaica, Mauritius, Sweden, Switzerland, Turkmenistan, Tanzania and Uruguay;
- The Committee discussed the organization of its future work and methods of work, especially those concerning the Optional Protocol on a communications procedure; and the work of its focal group on the treaty-body strengthening process;
- The Committee continued work on three general comments on public spending to realize children's rights; adolescents; and children in street situations; and
- The Committee adopted the recommendations of the day of general discussion on "Digital media and children's rights", held during the sixty-seventh session at the Palais des Nations, Geneva, on 12 September 2014.

The Committee held its 69th session⁵⁰ from 18 May 2015 to 5 June 2015, in Geneva. The main outcomes of the session were:

- The Committee adopted concluding observations and recommendations on the reports of Eritrea, Mexico, Ghana, Honduras, Ethiopia, Netherlands, Lao People's Democratic Republic and Israel under the Convention on the Rights of the Child and its Optional Protocols;
- It accepted Nepal's request to postpone the review of its combined third to fifth periodic report and its initial report under the Optional Protocol on Children in Armed Conflict because of the devastating earthquake that struck the country on 25 April 2015;
- The Committee continued its work on three general comments on public spending to realize children's rights; adolescents; and children in street situations;
- The Committee also decided to consider the elaboration of a new joint general comment, together with the Committee on the Protection of Migrant Workers and their Families (CMW) on Children in the context of migration; and
- The Committee reviewed its first communication under the Optional Protocol under a communications procedure. It decided that this communication was inadmissible under article 7 (g) of the Optional Protocol.

⁴⁸ http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx.

⁴⁹ http://tbinternet.ohchr.org/ layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=825&Lang=en.

⁵⁰ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=829&Lang=en.

The Committee is scheduled to hold its 70th session from 14 September 2015 to 2 October 2015, in Geneva.

 Committee on the Protection of the Rights of All Migrant Workers and Members of their Families⁵¹

The Committee held its 22nd session⁵² from 13 April 2015 to 24 April 2015, in Geneva. The Committee published its concluding observations on the reports of Kyrgyzstan, Peru and Uganda.

The Committee is scheduled to hold its 23rd session from 31 August to 9 September 2015, in Geneva, at which time it will consider the reports of Cape Verde, Guinea, Seychelles and Timor-Leste.

The 25th anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, will be celebrated on 18 December 2015.

- Committee on the Rights of Persons with Disabilities⁵³

The Committee held its 13th session⁵⁴ from 25 March 2015 to 17 April 2015, in Geneva. The main outcomes of the session were:

- The Committee adopted concluding observations and recommendations on the reports of Cook Islands, Croatia, Czech Republic, Dominican Republic, Germany, Mongolia and Turkmenistan;
- The Committee discussed the challenges of implementing an inclusive education system. Proposals were made for a draft General Comment on the subject; and
- The Committee adopted concluding observations and recommendations on the seven country reports reviewed, as well as views on communication Number 9 and an inadmissibility decision on communication Number 12.

The Committee is scheduled to hold its 14th session from 17 August 2015 to 4 September 2015, in Geneva, at which time it will consider the reports of Brazil, the European Union, Gabon, Kenya, Mauritius, Qatar, and Ukraine.

⁵¹ http://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx.

⁵² http://tbinternet.ohchr.org/ layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=962&Lang=en.

http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx.

⁵⁴ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=982&Lang=en.

- Committee on Enforced Disappearances⁵⁵

The Committee held its 8th session⁵⁶ from 2 to 13 February 2015, in Geneva. The main outcomes of the session were:

- The Committee adopted its concluding observations and recommendations on the reports of Mexico, Armenia and Serbia, on their implementation of the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance;
- The Committee declared admissible the first communication submitted on the basis of Article 31.

The Committee is scheduled to hold its 9th session from 7 to 18 September 2015, in Geneva, at which time it will consider the reports of Iraq and Montenegro.

5.2 Bodies established by the United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea establishes three subsidiary bodies: the Commission on the limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea (ITLOS). The International Seabed Authority was established as an international organization separate from the United Nations and its activities are accordingly outside the scope of this report. The activities of the International Tribunal for the Law of the Sea, during the period under review, are discussed above.

- Commission on the limits of the Continental Shelf⁵⁷

The Commission held its 37th session, from 2 February 2015 to 20 March 2015, in New York. The Commission undertook work on the submissions made by: Uruguay; the Cook Islands, in respect of the Manihiki Plateau; Argentina; Iceland, in respect of the Ægir Basin area and the western and southern parts of the Reykjanes Ridge; Pakistan; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; jointly by the Federated States of Micronesia, Papua New Guinea and Solomon Islands, concerning the Ontong Java Plateau; jointly by France and South Africa, in the area of the Crozet Archipelago and the Prince Edward Islands; and Mauritius, in the region of Rodrigues Island. Presentations were further made

⁵⁵ http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=972&Lang=en.

⁵⁷ http://www.un.org/Depts/los/clcs_new/clcs_home.htm.

to the Commission by Pakistan pursuant to paragraph 15(1) *bis* of annex III to the rules of procedure of the Commission, and by Tonga concerning its submission in respect of the western part of the Lau-Colville Ridge.

The Commission is scheduled to hold its 38th session from 20 July 2015 to 4 September 2015, and the 39th session, from 12 October 2015 to 27 November 2015, both in New York.

6. Meetings of States Parties to Treaties

During the period under review, the following meetings took place:

- The 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was held from 27 April 2015 to 22 May 2015, in New York;
- The 25th meeting of the States parties to the United Nations Convention on the Law of the Sea, was held from 8 to 12 June 2015, held in New York;
- The 8th session of the States Parties to the Convention on the Rights of Persons with Disabilities, was held from 9 to 11 June 2015 in New York;
- The 44th session of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, was held from 18 to 19 June 2015, in Vienna;
- The 3rd meeting of the States parties to the International Convention for the Protection of All Persons from Enforced Disappearances, was held on 23 June 2015, in New York;
- The Assembly of States Parties to the Rome Statute of the International Criminal Court held its resumed thirteenth session on 24 and 25 June 2015, in The Hague;
- The 26th meeting of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, was held on 25 June 2015, in New York:
- The 7th meeting of the States parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was held on 30 June 2015, in New York

7. Other activities

• On 11 February 2015 the UN Human Rights Office launched a public online database,⁵⁸ containing all the case law issued by the UN human rights expert committees and Treaty Bodies;

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⁵⁸ http://juris.ohchr.org.

 The United Nations Archives and Records Management section launched the United Nations online Archives Search Engine.⁵⁹

⁵⁹ <u>http://search.archives.un.org</u>.