In 2014, the International Law Commission continued to examine topics relating to the progressive development and codification of international law. It adopted a set of 31 draft articles on the expulsion of aliens, thus concluding its work on the topic. It also adopted a set of 21 draft articles on protection of persons in the event of disasters; provisionally adopted five draft conclusions on the identification of subsequent agreements and subsequent practice in relation to the interpretation of treaties, and two draft articles on immunity of State officials from foreign criminal jurisdiction; and took note of eight draft conclusions on identification of customary international law, provisionally adopted by its drafting committee. The Commission further adopted the final report on the obligation to extradite or prosecute (aut dedere aut judicatum) and concluded its consideration of the topic; included in its programme of work the topic of crimes against humanity, and reconstituted its study group on the most-favoured-nation clause which began consideration of its final report.

In December, the General Assembly welcomed the adoption of the draft articles on the expulsion of aliens and the conclusion of the Commission's work on the topic.

The General Assembly's Sixth (Legal) Committee in October established a working group with a view to finalizing the process on a draft comprehensive convention on international terrorism—on the basis of the work that had been pursued by the Ad Hoc Committee established by the Assembly in resolution 51/210 to elaborate the draft convention. In June, the Secretary-General reported on progress made in providing technical assistance to States for implementing the international conventions and protocols related to terrorism. In July, he reported on measures taken by States, UN system entities and international organizations to implement the 1994 General Assembly Declaration on Measures to Eliminate International Terrorism. In December, the Assembly condemned all acts, methods and practices of terrorism as criminal and unjustifiable, and called on Member States to implement the United Nations Global Counter-Terrorism Strategy in all its aspects. Also in December, the Assembly urged States to become parties to the international conventions and protocols against terrorism, and reiterated its request for the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States for the ratification and implementation of those instruments.

The United Nations Commission on International Trade Law completed its work on a draft convention on transparency in treaty-based investor-State arbitration and recommended its adoption by the General Assembly. It continued its work on arbitration and conciliation, online dispute resolution, electronic commerce, insolvency law, security interests and international trade law aimed at reducing the legal obstacles faced by micro-, small- and medium-sized enterprises throughout their life cycle, and considered possible future work, in particular in the area of public-private partnerships. In December, the Assembly adopted the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration and authorized its opening for signature on 17 March 2015.

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered, among other subjects, proposals relating to the maintenance of international peace and security, with a view to strengthening the Organization, and the implementation of Charter provisions on assistance to third States affected by the application of sanctions.

The Committee on Relations with the Host Country addressed several issues raised by permanent missions to the United Nations, including delays in issuing visas, privileges and immunities, and transportation and parking.

During 2014, the United Nations continued to provide rule-of-law assistance to Member States and ensure system-wide coordination and coherence in strengthening the rule of law and its linkages to peace and security, human rights and development. In response to the Declaration of the 2012 high-level meeting of the General Assembly on the rule of law at the national and international levels, the Secretary-General submitted to the Assembly proposals for enhancing those linkages.

Legal aspects of international political relations

The 34-member International Law Commission (ILC) held its sixty-sixth session in Geneva in two parts (5 May–6 June and 7 July–8 August) [A/69/10]. During the second part, the International Law Seminar held
its fiftieth session, which was attended by 24 young academics and diplomats from all regions of the world. The participants attended ilc meetings, specially arranged lectures, and participated in working groups on specific topics. On 22 July, the Commission held a special meeting to commemorate the Seminar’s fiftieth anniversary, attended by the President of the International Court of Justice, Judge Peter Tomka, and having as its theme “International Law as a Profession”. Since its inception in 1965, 1,139 participants representing 171 nationalities had taken part in the Seminar, and 699 participants had received fellowships.

Ilc carried out its work with the assistance of various working groups and a drafting committee. The Commission adopted on second reading the entire set of 31 draft articles on the expulsion of aliens (see p. 000), together with commentaries thereto, and recommended that the General Assembly take note of the draft articles, encourage their widest possible dissemination and consider elaborating a convention on their basis. On the topic of protection of persons in the event of disasters (see p. 000), the Commission adopted on first reading a set of 21 draft articles, together with commentaries thereto, and transmitted them to Governments for comments and observations. On the obligation to extradite or prosecute (aut dedere aut judicare) (see p. 000), ilc reconstituted its Working Group to continue the evaluation of work on the topic, particularly considering the Judgment by the International Court of Justice (icj) of 20 July 2012 in the case Belgium v. Senegal [YUN 2012, p. 1260]; it also adopted the final report and concluded its consideration of the topic. Concerning the topic of subsequent agreements and subsequent practice in relation to the interpretation of treaties (see p. 000), the Commission provisionally adopted five draft conclusions, together with commentaries thereto, relating to the identification of subsequent agreements and subsequent practice, their possible effects in interpretation, their weight as a means of interpretation, agreement of the parties regarding the interpretation of a treaty, and decisions adopted within the framework of a Conference of States Parties. On the topic of immunity of State officials from foreign criminal jurisdiction (see p. 000), ilc provisionally adopted two draft articles, together with commentaries thereto, on the definition of State official and on the persons enjoying immunity ratione materiae. It also took note of eight draft conclusions provisionally adopted by the Drafting Committee on the topic of identification of customary international law (see p. 000).

The Commission considered the first report of its Special Rapporteur on protection of the atmosphere (see p. 000), which addressed the topic’s scope and basic concepts and proposed guidelines defining the term “atmosphere” and its legal status. It also examined a preliminary report of its Special Rapporteur on protection of the environment in relation to armed conflicts (see p. 000), and held an exchange on the scope and methodology, use of terms, environmental principles, and human and indigenous rights. The Commission considered the second report by its Special Rapporteur on provisional application of treaties (see p. 000), which provided an analysis of the legal effects of such application, and reached broad agreement on the basic premise underlying the topic. Ilc also reconstituted the Study Group on the most-favoured-nation (mfn) clause (see p. 000), which began consideration of its final report on various factors that seemed to influence investment tribunals in interpreting mfn clauses.

The Commission decided to include in its programme of work the topic of crimes against humanity (see p. 000) and appoint a Special Rapporteur. Among its other decisions and conclusions, pursuant to General Assembly resolution 68/116 [YUN 2013, p. 1349] the Commission reiterated its commitment to the rule of law in all its activities and its contribution to the rule of law through consideration of such topics as expulsion of aliens, protection of persons in the event of disasters, the obligation to extradite or prosecute (aut dedere aut judicare) and immunity of State officials from foreign criminal jurisdiction.

The Planning Group established by ilc held three meetings and reconstituted the Working Group on the Long-term Programme of Work to consider possible topics for inclusion in the work programme. The Commission endorsed the inclusion of the topic “jus cogens” in its long-term programme of work. It also recommended that the Commission request the Secretariat to prepare, by the end of the present quinquennium, a list of potential topics for the Commission’s consideration (“survey”), based on the review of the 1996 list and accompanied by brief explanatory notes. Ilc decided that its sixty-seventh session would be held in Geneva from 4 May to 5 June and from 6 July to 7 August 2015.


Assistance to special rapporteurs. At its sixty-sixth session, the Commission reiterated its views expressed in its previous reports that General Assembly resolution 56/272 of 27 March 2002 [YUN 2002, p. 1402] affected the research work of ilc special rapporteurs. In December, the Assembly, in its resolution 69/118 (see p. 000), requested the Secretary-General to continue efforts to identify support options for the work of special rapporteurs, additional to those provided under its 2002 resolution.

Election of member. On 19 February [A/68/778], Ukraine informed the General Assembly President that it was relinquishing its seat on the Commission in
favour of Poland on the last day prior to the beginning of the forty-seventh session of the Commission, in July. On 26 March, by decision 68/417, the Assembly elected Poland as a member of ILC for the remaining term of office of Ukraine, beginning on the first day of the forty-seventh session of the Commission, in July.

Expulsion of aliens

ILC [A/69/10] had before it the ninth report of Special Rapporteur Maurice Kamto (Cameroon) on the expulsion of aliens [A/CN.4/670], containing his proposals for reformulating the draft articles adopted by ILC on first reading in 2012 [YUN 2012, p. 1294], in the light of the comments and observations received from Governments [A/CN.4/669 & Add.1].

On 6 June, the Commission considered the report of the Drafting Committee and adopted on second reading the set of 31 draft articles on the expulsion of aliens, concerning general provisions, including scope (Article 1), use of terms (Article 2), right of expulsion (Article 3), requirement for conformity with law (Article 4) and grounds for expulsion (Article 5); cases of prohibited expulsion, including rules relating to the expulsion of refugees (Article 6), rules relating to the expulsion of stateless persons (Article 7), deprivation of nationality for the purpose of expulsion (Article 8), prohibition of collective expulsion (Article 9), prohibition of disguised expulsion (Article 10), prohibition of expulsion for the purpose of confiscation of assets (Article 11) and prohibition of resort to expulsion in order to circumvent an ongoing extradition procedure (Article 12); protection of the rights of aliens subject to expulsion, including obligation to respect the human dignity and human rights of aliens subject to expulsion (Article 13), prohibition of discrimination (Article 14), vulnerable persons (Article 15), obligation to protect the right to life of an alien subject to expulsion (Article 16), prohibition of torture or cruel, inhuman or degrading treatment or punishment (Article 17), obligation to respect the right to family life (Article 18), detention of an alien for the purpose of expulsion (Article 19), protection of the property of an alien subject to expulsion (Article 20), departure to the State of destination (Article 21), State of destination of aliens subject to expulsion (Article 22), obligation not to expel an alien to a State where his or her life would be threatened (Article 23), obligation not to expel an alien to a State where he or she may be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 24) and protection in a transit State of the human rights of an alien subject to expulsion (Article 25); specific procedural rules, including procedural rights of aliens subject to expulsion (Article 26), suspensive effect of an appeal against an expulsion decision (Article 27) and international procedures for individual recourse (Article 28); and legal consequences of expulsion, including readmission to the expelling State (Article 29), responsibility of States in cases of unlawful expulsion (Article 30) and diplomatic protection (Article 31).

On 5 August, ILC adopted the commentaries to the draft articles and recommended to the General Assembly that it take note of the draft articles in a resolution, annex them to the resolution and encourage their widest possible dissemination; and that it consider elaborating a convention based on the draft articles.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/69/498], adopted resolution 69/119 without vote (agenda item 78).

Expulsion of aliens

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its sixty-sixth session, which contains the draft articles on the expulsion of aliens,

Noting that the International Law Commission decided to recommend to the General Assembly (a) to take note of the draft articles on the expulsion of aliens in a resolution, to annex the articles to the resolution, and to encourage their widest possible dissemination; and (b) to consider, at a later stage, the elaboration of a convention on the basis of the draft articles,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of the expulsion of aliens is of major importance in the relations of States,

Taking note of the comments of Governments and the discussion in the Sixth Committee at the sixty-ninth session of the General Assembly on the subject,

1. Welcomes the conclusion of the work of the International Law Commission on the expulsion of aliens and its adoption of the draft articles and a detailed commentary on the subject;

2. Expresses its appreciation to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

3. Takes note of the recommendation of the International Law Commission contained in paragraph 42 of its report on the work of its sixty-sixth session, and decides that the consideration of this recommendation shall be continued at the seventy-second session of the General Assembly;

4. Decides to include in the provisional agenda of its seventy-second session an item entitled “Expulsion of aliens”.

Protection of persons in the event of disasters

The Commission [A/69/10] considered the seventh report by Special Rapporteur Eduardo Valencia-Ospina (Colombia) on the protection of persons in the event of disasters [A/CN.4/668 & Corr.1 & Add.1], pro-
posing five draft articles dealing with the protection of relief personnel and their equipment and goods, as well as relationship with special rules of international law, matters related to disaster situations not regulated by the present draft articles, relationship to the UN Charter, and use of terms, which ILC referred to its Drafting Committee.

On 30 May, ILC considered the report of the Drafting Committee and adopted on first reading a set of 21 draft articles on the protection of persons in the event of disasters, concerning the scope (Article 1), purpose (Article 2), definition of disaster (Article 3), use of terms (Article 4), human dignity (Article 5), human rights (Article 6), humanitarian principles (Article 7), duty to cooperate (Article 8), forms of cooperation (Article 9), cooperation for disaster risk reduction (Article 10), duty to reduce the risk of disasters (Article 11), role of the affected State (Article 12), duty of the affected State to seek external assistance (Article 13), consent of the affected State to external assistance (Article 14), conditions on the provision of external assistance (Article 15), offers of external assistance (Article 16), facilitation of external assistance (Article 17), protection of relief personnel, equipment and goods (Article 18), termination of external assistance (Article 19), relationship to special or other rules of international law (Article 20), and relationship to international humanitarian law (Article 21).

On 5 and 6 August, the Commission adopted the commentaries to the draft articles and decided to transmit them, through the Secretary-General, to Governments for comments and observations, for submission by 1 January 2016.

**Obligation to extradite or prosecute**

The Commission [A/69/10] reconstituted its Working Group on the obligation to extradite or prosecute (*aut dedere aut judicare*), which continued the evaluation of work on the topic, particularly considering the ICJ Judgment of 20 July 2012 in the case concerning *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)* [YUN 2012, p. 1260] and comments made in the Assembly’s Sixth Committee at the sixty-eighth (2013) session.

The Working Group considered issues raised in the Sixth Committee that were partially or not covered by its 2013 report [YUN 2013, p. 1308], such as gaps in the existing conventional regime; the transfer of a suspect to an international or special court or tribunal as a potential third alternative to extradition or prosecution; the relationship between the obligation to extradite or prosecute and *erga omnes* obligations or *jus cogens* norms; the customary international law status of the obligation to extradite or prosecute; and other matters of continued relevance in the general framework for consideration of the topic which it established in 2009.

On 7 July, ILC took note of the report of the Working Group. On 7 August, the Commission adopted its final report on the obligation to extradite or prosecute (*aut dedere aut judicare*) and decided to conclude its consideration of the topic. In the final report, the Commission summarized and highlighted particular aspects of its work, including obligation to fight impunity in accordance with the rule of law; typology of provisions in multilateral instruments; implementation of the obligation to extradite or prosecute; gaps in the existing conventional regime and the “third alternative”; the priority between the obligation to prosecute and the obligation to extradite, and the scope of the obligation to prosecute; the relationship of the obligation to extradite or prosecute with *erga omnes* obligations or *jus cogens* norms; and the customary international law status of the obligation to extradite or prosecute.

**Subsequent agreements and subsequent practice in relation to the interpretation of treaties**

ILC [A/69/10] had before it the second report of Special Rapporteur Georg Nolte (Germany) on subsequent agreements and subsequent practice in relation to the interpretation of treaties [A/CN.4/67].

On 5 June, the Commission provisionally adopted five draft conclusions contained in the report, covering the identification of subsequent agreements and subsequent practice (Conclusion 6), possible effects of subsequent agreements and subsequent practice in interpretation (Conclusion 7), weight of subsequent agreements and subsequent practice as a means of interpretation (Conclusion 8), agreement of the parties regarding the interpretation of a treaty (Conclusion 9), and decisions adopted within the framework of a Conference of States Parties (Conclusion 10). On 6 August, the Commission adopted the commentaries to the draft conclusions.

**Protection of the atmosphere**

The Commission [A/69/10] considered the first report by Special Rapporteur Shinya Murase (Japan) on the protection of the atmosphere [A/CN.4/67]. The report focused on the general scope and the relevant basic concepts and presented three draft guidelines concerning the definition of the term “atmosphere”, the scope of the draft guidelines and the legal status of the atmosphere.

The Special Rapporteur stressed that the report was prepared in full compliance with the Commission’s 2013 understanding [YUN 2013, p. 1308] that his work would not interfere with relevant political negotiations or deal with specific polluting substances. He further noted that there was abundant evidence of State practice, including treaties, judicial precedents...
and other normative documents, that would enable the Commission to address the topic essentially as a legal question rather than a political one. He highlighted that the contemporary challenges to the atmosphere concerned tropospheric transboundary air pollution, stratospheric ozone depletion and climate change, and that there was no treaty regime covering all areas of atmospheric problems or treating the atmosphere as a global single unit. The draft guidelines therefore proposed the definition of “atmosphere” in both its substantive aspect as a layer of gases and its functional aspect as a medium within which the transport and dispersion of airborne substances occurs; the legal status of the atmosphere as a natural resource whose protection was a common concern of humankind, distinguishing it from “airspace”; and the scope of the draft guidelines addressing anthropogenic degradation caused by anthropogenic activities that introduced deleterious substances or energy into the atmosphere and altered its composition.

Commission members acknowledged that the protection of the atmosphere was extremely important for humankind, echoing the concerns posed by air pollution, ozone depletion and climate change, but noted the intractable difficulties pertaining to the topic and appearing in discussions among States. Some members called for a more cautious approach and expressed concern that the 2013 understanding was not fully considered by the Special Rapporteur, and that focusing on air pollution, ozone depletion and climate change would interfere with political negotiations on those subjects. According to another view, the application of the 2013 understanding required a flexible approach as practically all of the treaty practice on which the report was based could be subsumed among the subjects excluded under the understanding; other members stated that there was enough flexibility within the 2013 understanding for the Special Rapporteur to pursue a modest goal of identifying existing general principles of international environmental law and their applicability to the protection of the atmosphere. Discussions also focused on methodological approaches, use of terms, the scope of the guidelines and the legal status of the atmosphere, with some members questioning the proposed definitions and the approach focusing on the atmosphere per se as a single unit instead of addressing the “rights and obligations” of State and non-State actors whose activities affected the atmosphere and could be regulated.

Acknowledging the wide-ranging opinions on the 2013 understanding, the Special Rapporteur indicated his intention to reformulate parts of his report and organize in 2015 a briefing session with the scientific community. At the Special Rapporteur’s request, the referral of the draft guidelines to the Drafting Committee was deferred until 2015.

**Immunity of State officials**

The Commission [A/69/10] had before it the third report on the immunity of State officials from foreign criminal jurisdiction [A/69/10] by Special Rapporteur Concepción Escobar Hernández (Spain), addressing the normative elements of immunity *ratione materiae*, the general concept of a “State official” and the substantive criteria that could be used to identify such persons, as well as the choice of the most suitable term for designating persons who enjoy immunity. The Special Rapporteur proposed two draft articles relating to the definition of State official and the subjective scope of immunity *ratione materiae*.

Following a debate in plenary, the Commission, on 11 July, referred the two draft articles to the Drafting Committee. On 25 July, the Commission received the report of the Drafting Committee and provisionally adopted draft article 2 (e) on the definition of State official and draft article 5 on the persons enjoying immunity *ratione materiae*. On 6 and 7 August, the Commission adopted the commentaries to the draft articles.

**Identification of customary international law**

The Commission [A/69/10] considered the second report on identification of customary international law [A/69/10] by Special Rapporteur Michael Wood (United Kingdom), which provided an analysis of the scope and outcome of the topic, the basic approach, the two constituent elements of rules of customary international law—namely “a general practice” and “accepted as law”—and proposed eleven draft conclusions concerning the scope, use of terms, basic approach, assessment of evidence, role of practice, attribution of conduct, forms of practice, weighing evidence of practice, the principle that practice must be general and consistent, role of acceptance as law, and evidence of acceptance as law.

The Special Rapporteur recalled that the objective of the topic was not to determine the substance of the rules of customary international law but rather to address the methodological question of the identification of the existence and content of rules of customary international law. The proposed two-element approach to the identification of rules of customary international law was followed in the practice of States and in the decisions of international courts and tribunals, including ICJ; however, there could be differences in the application of the approach in different fields or with respect to different types of rules. The Special Rapporteur drew attention to six points relating to “manifestations of practice”: first, practice could consist of verbal acts as well as physical acts; second, the usefulness of an indicative list of the forms of practice; third, many types of general practice could also serve as evidence of acceptance as
law; fourth, practice embodied in treaties and resolutions of international organizations constituted two important forms of practice; fifth, the practical importance of inaction, or silence; sixth, the importance of the practice of certain international organizations. As for the evidence of acceptance of law, according to the Special Rapporteur, such acceptance could be indicated by or inferred from practice. He also indicated that the issues of “special” or “regional” customary international law, including “bilateral custom”, as well the questions of the “persistent objector”, resolutions of international organizations and the relationship between customary international law and treaties would be covered in his third report in 2015.

Members welcomed the two-element approach and expressed broad support for the overall direction and approach of the Special Rapporteur. It was agreed that the outcome of the work should be a practical guide for practitioners who are not specialists in international law, in the form of comprehensive draft conclusions that should be read together with the commentaries thereto. There was also general agreement that the draft conclusions should not be unduly prescriptive and should reflect the flexibility of customary international law. The Special Rapporteur emphasized the importance of submissions by States on their practice in relation to customary international law. The Special Rapporteur suggested supplementing it by the common term “opinio juris”; he also recognized the need to further address the issue of “double-counting” the same act as both evidence of practice and opinio juris, and to study questions relating to the lawfulness of a practice, and the applicability in the present context of rules on attribution adopted for the purpose of States responsibility.

Following debate, the Commission, on 18 July, referred the eleven draft conclusions to the Drafting Committee. On 7 August, the Commission took note of the interim report of the Chairman of the Drafting Committee, including eight draft conclusions provisionally adopted by the Committee.

**Protection of the environment in relation to armed conflict**

ILC [A/69/10] had before it the preliminary report of Special Rapporteur Marie G. Jacobsson (Sweden) on the protection of the environment in relation to armed conflicts [A/CN.4/674 & Corr.1], which provided an introductory overview of phase I of the topic, namely the environmental rules and principles applicable to a potential armed conflict (“peacetime obligations”), without addressing measures to be taken during an armed conflict or post-conflict (phases II and III, respectively). The report also summarized the results of informal consultations and opinions expressed in the Assembly’s Sixth Committee, practice of States and international organizations, scope and methodology, use of terms, environmental principles, and issues relating to human and indigenous rights.

The debate in the plenary addressed, among other issues, scope and methodology, use of terms, environmental principles, and human and indigenous rights. There was broad recognition of the importance of the topic and its overall purpose, and general agreement that the work should focus on clarifying the rules and principles of international environmental law applicable in relation to armed conflicts. Some members agreed with the Special Rapporteur that the Commission should not modify the law of armed conflict; others were of the view that, considering the minimal treatment of the environment in the law of armed conflict, further elaboration of environmental obligations in armed conflict might be warranted. It was suggested that the legal entity to be protected under the topic was the environment itself, and that the work on the topic should attempt to systematize the norms applicable in all three phases.

Most members supported the temporal, three-phase approach proposed by the Special Rapporteur, as opposed to a thematic one. Regarding the proposed limitations of the scope, some members were against excluding general issues concerning weapons, which were also addressed under the law of armed conflict, and the possibility of a without prejudice clause was welcomed. There was broad agreement to consider non-international conflicts under the topic, with some members proposing to include in the definition of armed conflict conflicts between organized armed groups or between such groups within a State; according to others, limiting conflicts to groups that showed a minimum level of organization would be too restrictive. There was a divergence of views on addressing the issue of refugees and internally displaced persons under the topic’s human rights dimension, as well as on the treatment of cultural heritage, in particular the landscape, given the existing gap in the protection of cultural property and heritage in relation to armed conflict. There were also divergent views on the advisability of according separate treatment to indigenous rights. It was noted that further examination of the linkages between environmental principles, human rights law and armed conflict was necessary, based on additional information on the practice of States as well as international and regional organizations.
Provisional application of treaties

The Commission [A/69/10] considered the second report on the provisional application of treaties [A/CN.4/675] by Special Rapporteur Juan Manuel Gómez-Robledo (Mexico), which provided an analysis of the legal effects of the provisional application of treaties, including rights and obligations, source of obligations, termination of obligations and legal consequences of the breach of a treaty applied provisionally.

The Special Rapporteur pointed out that the question of the legal effects of the provisional application of treaties was central to the Commission’s approach to the topic and that analysis of those effects invariably took place in the light of domestic practice of States. He observed that the source of the legal obligations in question could be traced either to a clause in the treaty itself or arose from a separate agreement adopted in parallel to the main treaty, and identified four ways in which article 25, paragraph 1, of the 1969 Vienna Convention on the Law of Treaties [YUN 1969, p. 730] could be manifested: (1) when a treaty established that it would apply provisionally from the moment of its adoption; (2) when the treaty established that it would be applied provisionally by the signatory States; (3) when the treaty left open the possibility for each State to decide whether or not it wished to provisionally apply the treaty from the moment of the treaty’s adoption; and (4) when the treaty was silent on its provisional application and States applied article 25, paragraph 1. The obligations under the provisional application of treaties could therefore take a contractual form or the form of one or more unilateral acts, while the rights established by the provisional application also depended on how such application had been enshrined in the treaty or agreed to. The Special Rapporteur further maintained that the regime that applied to the termination of treaties applied mutatis mutandis to the provisional application of treaties, and reiterated the applicability of the existing regime of the responsibility of States, as provided for in the 2001 articles on the responsibility of States for internationally wrongful acts [YUN 2001, p. 1218], to the breach of a treaty being applied provisionally.

The debate revealed broad agreement that the basic premise underlying the topic was that, subject to the specificities of the treaty in question, the rights and obligations of a State which had decided to provisionally apply the treaty, or parts thereof, were the same as if the treaty were in force for that State. Additional observations were made concerning the impact of the provisional application on the content of a treaty, provisional application by States or international organizations which had not participated in the negotiation of the treaty, and the legal regime from the provisional application not being separate from that of the treaty. It was observed that a State’s resort to provisional application was not only a matter of international law but was also to be determined in the light of the applicable domestic law, and an analysis of domestic provisions relating to the provisional application of treaties was therefore necessary for a proper consideration of the topic. A difference of opinion was expressed as to the applicability of the rules on the termination of treaties or the rules on the unilateral acts of States to the termination of provisional application, as well as concerning the assertion that such termination could not be undertaken arbitrarily. A view was also expressed that the question of the applicability of the rules on responsibility for internationally wrongful acts required further reflection.

Suggestions for further consideration included examining whether provisional application always extended to the entire treaty and whether the rules of customary international law on the provisional application of treaties were the same as those in the Vienna Convention; analysing further the relationship between the provisional application of treaties and their entry into force, as well as the modalities for the termination of provisional application; studying the applicability of the regime on the reservations to treaties; and considering the difference in consequences arising from the provisional application of bilateral as opposed to multilateral treaties. Support was also expressed for the Special Rapporteur’s intention to deal with the provisional application of treaties by international organizations and to propose draft guidelines or conclusions, although the possibility of developing draft articles, as the Commission had done in its work on the effects of armed conflicts on treaties, was not to be ruled out.

On 8 August, ilc requested from the Secretariat a memorandum on the Commission’s previous work on that subject in the travaux préparatoires of the relevant provisions of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006].

Most-favoured-nation clause

The Commission reconstituted the Study Group on the Most-Favoured-Nation (mfn) clause [A/69/10], which continued examining the various factors that seemed to influence investment tribunals in interpreting mfn clauses, and began consideration of its draft final report, to be presented for consideration at the sixty-seventh session of the Commission in 2015.

The Study Group undertook a substantive and technical review of the draft final report comprised of three parts focusing on the background; the contemporary relevance of and issues concerning mfn clauses including the different approaches in the case-law to the interpretation of mfn provisions in investment agreements; and policy considerations in investment

On 25 July, the Commission took note of the oral report on the work of the Study Group.

**Crimes against humanity**

Further to its 2013 decision on its long-term programme of work [YUN 2013, p. 1305], the Commission [A/69/10], on 18 July 2014, included the topic of crimes against humanity in its work programme and appointed Sean D. Murphy (United States) as Special Rapporteur.

**GENERAL ASSEMBLY ACTION**

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/498], adopted resolution 69/118 without vote (agenda item 78).

**Report of the International Law Commission on the work of its sixty-sixth session**

_The General Assembly,
Having considered the report of the International Law Commission on the work of its sixty-sixth session,
Emphasizing the importance of furthering the progressive development and codification of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,
Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development and codification of international law,
Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,
Recalling also the role of Member States in submitting proposals for new topics for the consideration of the International Law Commission, and noting in this regard the recommendation of the Commission that such proposals be accompanied by a statement of reasons,

Reaffirming the importance for the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,
Recognizing the importance of the work of the special rapporteurs of the International Law Commission,
Welcoming the holding of the International Law Seminar, which commemorated its fiftieth anniversary in 2014, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the Yearbook of the International Law Commission and of eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in General Assembly resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the Assembly,

1. Takes note of the report of the International Law Commission on the work of its sixty-sixth session;
2. Expresses its appreciation to the International Law Commission for the work accomplished at its sixty-sixth session, and notes in particular:
   (a) The completion of the second reading of the draft articles on the expulsion of aliens;
   (b) The completion of the first reading of the draft articles on the protection of persons in the event of disasters;
   (c) The completion of the work on the topic “The obligation to extradite or prosecute (aut dedere aut judicare)” by the adoption of the final report on the topic;
3. Takes note of the final report on the topic “The obligation to extradite or prosecute (aut dedere aut judicare)” contained in paragraph 65 of the report of the International Law Commission, and encourages its widest possible dissemination;
4. Recommends that the International Law Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;
5. Draws the attention of Governments to the importance for the International Law Commission of having their views by 31 January 2015 on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:
   (a) Subsequent agreements and subsequent practice in relation to the interpretation of treaties;
   (b) Protection of the atmosphere;
   (c) Immunity of State officials from foreign criminal jurisdiction;
   (d) Identification of customary international law;
Protection of the environment in relation to armed conflicts;  
Provisional application of treaties; Crimes against humanity;  
Also draws the attention of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2016 on the draft articles on the topic "Protection of persons in the event of disasters", adopted on first reading by the Commission at its sixty-sixth session;  
Takes note of the decision of the International Law Commission to include the topic “Crimes against humanity” in its programme of work, and encourages the Commission to continue the examination of the topics that are in its long-term programme of work;  
Also takes note of paragraphs 267 to 272 of the report of the International Law Commission, and notes in particular the inclusion of the topic “jus cogens” in the long-term programme of work of the Commission and the request of the Commission that the Secretariat review the list of possible future topics established in 1996 and prepare for its consideration a list of potential topics accompanied by brief explanatory notes, by the end of the present quinquennium;  
Further takes note of paragraph 281 of the report of the International Law Commission, and requests the Secretary-General to continue his efforts to identify concrete options for support for the work of special rapporteurs, additional to those provided under General Assembly resolution 56/272 of 27 March 2002;  
Welcomes the efforts of the International Law Commission to improve its methods of work, and encourages the Commission to continue this practice;  
Recalls that the seat of the International Law Commission is at the United Nations Office at Geneva;  
Notes that the International Law Commission is considering the possibility of holding part of its future sessions in New York, underlines, to that purpose, the importance of the Commission taking into account estimated costs and relevant administrative, organizational and other factors, and calls upon the Commission to deliberate thoroughly the feasibility of holding part of its sixty-eighth session in New York;  
Decides, without prejudice to the output of those deliberations, to revert to the consideration of the recommendation contained in paragraph 388 of the report of the International Law Commission on the work of its sixty-third session during the seventeenth session of the General Assembly;  
Invites the International Law Commission to continue to take measures to enhance its efficiency and productivity and to consider making proposals to Member States to that end;  
Encourages the International Law Commission to continue to take cost-saving measures at its future sessions, without prejudice to the efficiency and effectiveness of its work;  
Takes note of paragraph 291 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 4 May to 5 June and from 6 July to 7 August 2015;  
Stresses the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee at the seventieth session of the General Assembly, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the seventieth session of the Assembly;  
Encourages delegations, during the debate on the report of the International Law Commission, to continue to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;  
Encourages Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;  
Requests the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;  
Takes note of paragraphs 293 to 297 of the report of the International Law Commission with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of articles 16 (a), 25 and 26 of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;  
Notes that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;  
Reaffirms its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memoranda and studies on topics on the agenda of the Commission;  
Also reaffirms its previous decisions concerning the documentation and summary records of the International Law Commission;  
Welcomes the institutionalization of the practice of the Secretariat to include the provisional summary records on the website relating to the work of the International Law Commission;  
Takes note of paragraph 282 of the report of the International Law Commission, underlines the importance of the publications of the Codification Division to the work of the Commission, and reiterates its request that the Secretary-General continue to publish the Work of the International Law Commission in all six official languages at the beginning of each quinquennium, the Reports of International Arbitral Awards in English or French and the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice in all six official languages every five years;  
Stresses the need to expedite the preparation of the summary records of the International Law Commission,
and welcomes the continuation of the experimental measures taken to streamline the processing of summary records during the sixty-fifth session of the Commission, which have led to a more rational use of resources and expresses its satisfaction that the summary records of the Commission, constituting travaux préparatoires in the progressive development and codification of international law, will not be subject to arbitrary length restrictions;

28. Takes note of paragraph 286 of the report of the International Law Commission, stresses the unique value of the Yearbook of the International Law Commission, and requests the Secretary-General to ensure its timely publication in all official languages;

29. Also takes note of paragraph 286 of the report of the International Law Commission, expresses its appreciation to Governments that have made voluntary contributions to the trust fund on the backlog relating to the Yearbook of the International Law Commission, and encourages further contributions to the trust fund;

30. Further takes note of paragraph 288 of the report of the International Law Commission, expresses its satisfaction with the remarkable progress achieved in the past few years in reducing the backlog of the Yearbook of the International Law Commission in all six languages, and welcomes the efforts made by the Division of Conference Management of the United Nations Office at Geneva, especially its Editing Section, in effectively implementing relevant resolutions of the General Assembly calling for the reduction of the backlog;

31. Takes note of paragraph 288 of the report of the International Law Commission, encourages the Division of Conference Management to provide continuous necessary support to the Editing Section in advancing the Yearbook of the International Law Commission, and requests that updates on progress made on this respect be provided to the Commission on a regular basis;

32. Welcomes the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission, expresses its satisfaction with the remarkable progress achieved in the past few years in reducing the backlog of the Yearbook of the International Law Commission in all six languages, and expresses its satisfaction that the summary records of the International Law Commission are available in due time in all official languages;

33. Expresses the hope that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants representing the principal legal systems of the world, including in particular those from developing countries, will be given the opportunity to attend the Seminar, as well as delegates to the Sixth Committee, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

34. Takes note with appreciation of paragraph 312 of the report of the International Law Commission and of the organization by the Commission of a meeting in July 2014 to commemorate the fiftieth anniversary of the International Law Seminar;

35. Requests the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue to consider ways to improve the structure and content of the Seminar;

36. Underlines the importance of the records and topical summary of the debate in the Sixth Committee for the deliberations of the International Law Commission, and in this regard requests the Secretary-General to forward to the Commission, for its attention, the records of the debate on the report of the Commission at the sixty-ninth session of the General Assembly, together with such written statements as delegations may circulate in connection with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

37. Requests the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

38. Also requests the Secretariat to make the complete report of the International Law Commission available as soon as possible after the conclusion of the session of the Commission for the consideration of Member States with due anticipation and no later than the prescribed time limit for reports in the General Assembly;

39. Encourages the International Law Commission to continue to consider ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

40. Recommends that the debate on the report of the International Law Commission at the seventieth session of the General Assembly commence on 2 November 2015.

International State relations
and international law

Principle of universal jurisdiction

In response to General Assembly resolution 68/117 [YUN 2013, p. 1311], the Secretary-General issued a July report [A/69/174] on the scope and application of the principle of universal jurisdiction, based on information and observations received from seven Member States and four observers.

Working Group. Pursuant to resolution 68/117, the Sixth Committee, on 7 October, established a working group to discuss the scope and application of the principle of universal jurisdiction [A/69/503]. The Working Group held three meetings (16, 17 and 23 October). The Chair of the Working Group delivered an oral report to the Sixth Committee on 7 November [A/C.6/69/SR.28].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/503], adopted resolution 69/124 without vote [agenda item 83].
The scope and application of the principle of universal jurisdiction

The General Assembly,
Reaffirming its commitment to the purposes and principles of the Charter of the United Nations, to international law and to an international order based on the rule of law, which is essential for peaceful coexistence and cooperation among States,
Taking into account the comments and observations of Governments and observers and the discussions held in the Sixth Committee at the sixty-fourth to sixty-ninth sessions of the General Assembly on the scope and application of universal jurisdiction,
Recognizing 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,
Reiterating its commitment to fighting impunity, and noting the views expressed by States that the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application consistent with international law,
1. Takes note with appreciation of the report of the Secretary-General prepared on the basis of comments and observations of Governments and relevant observers;
2. Decides that the Sixth Committee shall continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations, and for this purpose decides to establish, at its seventieth session, a working group of the Sixth Committee to continue to undertake a thorough discussion of the scope and application of universal jurisdiction;
3. Invites Member States and relevant observers, as appropriate, to submit, before 30 April 2015, information and observations on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and their national legal rules and judicial practice, and requests the Secretary-General to prepare and submit to the General Assembly at its seventieth session a report based on such information and observations;
4. Decides that the working group shall be open to all Member States and that relevant observers to the General Assembly will be invited to participate in the work of the working group;
5. Also decides to include in the provisional agenda of its seventieth session the item entitled “The scope and application of the principle of universal jurisdiction”.

Effects of armed conflicts on treaties

By its resolution 66/99 [YUN 2011, p. 1276], the General Assembly took note of the articles on the effects of armed conflicts on treaties, adopted by the International Law Commission (ILC) in 2011 [ibid.], and included the item in the provisional agenda of its sixty-ninth (2014) session. The Assembly's Sixth Committee discussed the item on 23 October [A/C.6/69/SR.18] and on 5 and 7 November 2014 [A/C.6/69/SR.27 & 28].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/504], adopted resolution 69/125 without vote [agenda item 84].

Effects of armed conflicts on treaties

The General Assembly,
Recalling its resolution 66/99 of 9 December 2011, in which it took note of and commended to the attention of Governments the articles on the effects of armed conflicts on treaties contained in the annex to that resolution,
Recalling also that the International Law Commission decided to recommend to the General Assembly that it take note of the draft articles on the effects of armed conflicts on treaties in a resolution and annex them to that resolution, and that it consider, at a later stage, the elaboration of a convention on the basis of the draft articles,
Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,
Noting that the subject of the effects of armed conflicts on treaties is of major importance in the relations of States,
Taking note of the comments of Governments and the discussion in the Sixth Committee at the sixty-ninth session of the General Assembly on this topic,
1. Commends once again the articles on the effects of armed conflicts on treaties to the attention of Governments without prejudice to the question of their future adoption or other appropriate action;
2. Requests the Secretary-General to invite Governments to submit written comments on any future action regarding the articles;
3. Decides to include in the provisional agenda of its seventy-second session the item entitled “Effects of armed conflicts on treaties”, with a view to examining, inter alia, the question of the form that might be given to the articles.

Responsibility of international organizations

By its resolution 66/100 [YUN 2011, p. 1268], the General Assembly took note of the articles on responsibility of international organizations, adopted by the ILC in 2011 [ibid.], and included the item on responsibility of international organizations in the provisional agenda of its sixty-ninth (2014) session. The Assembly's Sixth Committee discussed the item on 23 October 2014 [A/C.6/69/SR.18].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/505], adopted resolution 69/126 without vote [agenda item 85].
Responsibility of international organizations

The General Assembly,

Recalling its resolution 66/100 of 9 December 2011, in which it took note of the articles on the responsibility of international organizations, contained in the annex to that resolution, and commended them to the attention of Governments and international organizations,

Recalling also that the International Law Commission decided to recommend to the General Assembly that it take note of the draft articles on the responsibility of international organizations in a resolution and annex them to that resolution, and that it consider, at a later stage, the elaboration of a convention on the basis of the draft articles,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of responsibility of international organizations is of major importance in the relations of States and international organizations,

Taking note of the comments of Governments and the discussion in the Sixth Committee at the sixty-ninth session of the General Assembly on this topic,

1. Takes note once again of the articles on the responsibility of international organizations and commends them to the attention of Governments and international organizations without prejudice to the question of their future adoption or other appropriate action;

2. Requests the Secretary-General to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments and international organizations to submit information on their practice in this regard, as well as written comments on any future action regarding the articles, and further requests the Secretary-General to submit this material well in advance of its seventy-second session;

3. Decides to include in the provisional agenda of its seventy-second session the item entitled “Responsibility of international organizations”, with a view to examining, inter alia, the question of the form that might be given to the articles.

Law of treaties


Special missions

The General Assembly, by resolution 2530(XXIV) [YUN 1960, p. 750], adopted the Convention on Special Missions and its Optional Protocol on the compulsory settlement of disputes. The Convention, which entered into force in 1985, had 38 States parties as at 31 December 2014.

Treaties involving international organizations

The 1975 Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character [YUN 1975, p. 879], which would enter into force when ratified by 35 parties, had 34 States parties as at 31 December 2014.

The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006] had 43 parties, including 12 international organizations, with the accession of Albania on 8 May. It would enter into force when ratified by 35 States.

Succession of states


The 1983 Vienna Convention on Succession of States in Respect of State Property, Archives and Debts [YUN 1983, p. 1119], which would enter into force when ratified by 15 parties, had 7 States parties.

Jurisdictional immunities of states and their property

The General Assembly, by resolution 59/38 [YUN 2004, p. 1304], adopted the Convention on Jurisdictional Immunities of States and Their Property. As at 31 December, the Convention had 16 States parties with the accession of Latvia on 14 February and Finland on 23 April. The Convention would enter into force when ratified by 30 parties.

International terrorism

Convention on international terrorism

Working Group. On 7 October [A/69/506], pursuant to General Assembly resolution 68/119 [YUN 2013, p. 1332], the Sixth Committee established a working group to finalize the process on a draft comprehensive convention on international terrorism as well as discussions on convening a high-level conference to formulate a collective response to terrorism in all its forms and manifestations. The Working Group held three meetings and informal consultations on 24 October and 4 and 5 November. The Chair of the Working Group provided an oral report to the Sixth Committee on 7 November [A/C.6/69/SR.28].

The Working Group had before it the report of the Ad Hoc Committee established by Assembly resolution 51/210 [YUN 1996, p. 1208] at its sixteenth (2013) session [YUN 2013, p. 1331]. Delegations stressed the importance of concluding the draft convention. Concerning the outstanding issues surrounding the draft
convention, some delegations emphasized the need to distinguish acts of terrorism from the legitimate struggle of peoples under foreign occupation and colonial or alien domination in the exercise of their right to self-determination, while others stressed that no cause could legitimize terrorist acts and it was improper to draw a dichotomy between self-determination and terrorism. Some delegations expressed the view that the convention should also address State terrorism and cover acts by the armed forces of a State or irregular paramilitary groups when those acts were not covered by international humanitarian law; others reiterated that the convention should be a law-enforcement instrument focusing on individual criminal responsibility. It was recalled that provisions relating to the obligations of States were included in the accompanying draft resolution.

On the proposed convening of a high-level conference, Egypt, as sponsor delegation, recalled that it had initially submitted the proposal in 1999. The proposed conference would provide an opportunity for adopting an action plan and a forum for addressing all issues related to the fight against terrorism. Egypt recalled that the proposal had been supported by the Movement of Non-Aligned Countries, the Organization of the Islamic Conference, the African Union and the League of Arab States. Egypt further stressed that the issue should be discussed on its own merits and should not be linked to the discussions on the draft comprehensive convention.

In his oral report, the Chair of the Working Group noted that, despite overwhelming support for the conclusion of the draft convention, a lack of the necessary political will had resulted in continued impasse. Noting that more time was required to achieve substantive progress on the outstanding issues, the Working Group recommended that the Sixth Committee, at the General Assembly’s seventieth (2015) session, establish a working group to finalize the process on the draft convention and discussions on convening a high-level conference.

Measures to eliminate international terrorism

In accordance with General Assembly resolution 50/53 [YUN 1995, p. 1330] and resolution 68/119 [YUN 2013, p. 1332], the Secretary-General in July issued his annual report [A/69/209] on measures taken by 16 States, 4 UN system entities and 3 international organizations to implement the 1994 Declaration on Measures to Eliminate International Terrorism, adopted by Assembly resolution 49/60 [YUN 1994, p. 1293]. The report listed 41 international instruments pertaining to terrorism, including 19 universal and 22 regional, and provided information on workshops and training courses on combating terrorism by one State.

In another report [A/69/94], issued in June in response to Assembly resolution 68/187 [YUN 2013, p. 1252], the Secretary-General provided information on the progress made by the United Nations Office on Drugs and Crime (UNODC) in delivering technical assistance for implementing the international conventions and protocols related to terrorism. From mid-2013 to May 2014, UNODC provided legislative assistance to 21 States, resulting in 23 new ratifications of the international legal instruments and 16 new or revised counter-terrorism laws. UNODC also provided capacity-building training to 2,107 national criminal justice officials through 86 national, regional and international workshops. Terrorism prevention programmes were implemented in the Sahel region, the Horn of Africa, Nigeria, the Middle East and North Africa, Yemen, Afghanistan, Central Asia, South Asia, South-East Asia and the Pacific, and Latin America and the Caribbean. UNODC supported national training institutes in developing counter-terrorism training modules and conducting train-the-trainer programmes, and continued to develop specialized knowledge and tools in such areas as countering the financing of terrorism and the use of the Internet for terrorist purposes; tackling chemical, biological, radiological and nuclear terrorism; countering transport-related terrorist offences; assisting victims of acts of terrorism; and strengthening human rights while preventing and combating terrorism. In the framework of the United Nations Global Counter-Terrorism Strategy [YUN 2006, p. 65], UNODC contributed to the work of the Counter-Terrorism Implementation Task Force and cooperated with the UN Security Council’s Counter-Terrorism Committee and its Executive Directorate.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/506], adopted resolution 69/127 without vote [agenda item 107].

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming, in all its aspects, the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006, which enhances the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations, and recalling the first, second, third and fourth biennial reviews of the Strategy, on 4 and 5 September 2008, 8 September 2010, 28 and 29 June 2012 and 12 and 13 June 2014, respectively, and the debates that were held on those occasions,

Recalling its 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,
Recalling also its resolution 66/10 of 18 November 2011, Recalling further the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,
Recalling the United Nations Millennium Declaration, Recalling also the 2005 World Summit Outcome, and reaffirming, in particular, the section on terrorism,
Recalling further the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210 of 17 December 1996,
Recalling all General Assembly resolutions on measures to eliminate international terrorism and Security Council resolutions on threats to international peace and security caused by terrorist acts,
Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,
Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,
Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368(2001) of 12 September 2001, 1373(2001) of 28 September 2001 and 1377(2001) of 12 November 2001, and those that have occurred since,
Reaffirming also its strong condemnation of the atrocious and deliberate attacks that have occurred against United Nations offices in various parts of the world,
Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and must adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,
Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional and subregional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,
Noting the role of the Security Council Committee established pursuant to resolution 1373(2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,
Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,
Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and effectively suppress international terrorism in all its forms and manifestations,
Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,
Emphasizing that tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,
Reaffirming that no terrorist act can be justified in any circumstances,
Recalling Security Council resolution 1624(2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,
Noting recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism,
Noting also regional and subregional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,
Recalling also that, in the Final Document of the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Tehran on 31 August 2012, the Heads of State or Government reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed its previous initiative calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,
Having examined the report of the Secretary-General and the oral report of the Chair of the Working Group of
Chapter III: International legal questions

the Sixth Committee on its work during the sixty-ninth session,
1. **Strongly condemns** all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;
2. **Calls upon** all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy, as well as the resolutions relating to the first, second, third and fourth biennial reviews of the Strategy, in all its aspects at the international, regional, subregional and national levels without delay, including by mobilizing resources and expertise;
3. **Recalls** the pivotal role of the General Assembly in following up the implementation and the updating of the United Nations Global Counter-Terrorism Strategy, looks forward to the fifth biennial review, in 2016, and in this regard recalls its invitation to the Secretary-General to contribute to the future deliberations of the Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counterterrorism efforts of the United Nations system;
4. **Reiterates** that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes, and any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;
5. **Reiterates its call upon** all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the implementation of the measures set out in paragraphs 3 (a) to (f) of General Assembly resolution 51/210;
6. **Also reiterates its call upon** all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;
7. **Reiterates its call upon** States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;
8. **Expresses concern** at the increase in incidents of kidnapping and hostage-taking with demands for ransom and/ or political concessions by terrorist groups, and expresses the need to address this issue;
9. **Expresses grave concern** over the acute and growing threat posed by foreign terrorist fighters, namely, individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or providing or receiving terrorist training, including in connection with armed conflict, emphasizes the need for States to address this issue, including through the implementation of their international obligations, and underlines the importance of United Nations capacity-building and facilitation of capacity-building in accordance with existing mandates to assist States, including those in the most affected regions, upon their request;
10. **Emphasizes** the need for States to cooperate resolutely against international terrorism by taking speedy and effective measures to eliminate this scourge, and in this regard calls upon all States, in accordance with their obligations under applicable international law and the Charter, to deny safe haven and bring to justice or, where appropriate, extradite, on the basis of the principle of extradite or prosecute, the perpetrators of terrorist acts or any person who supports, facilitates or participates or attempts to participate in the financing, planning or preparation of terrorist acts;
11. **Urges States to** ensure that their nationals or other persons and entities within their territory that willfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;
12. **Reminds** States of their obligations under relevant international conventions and protocols, and Security Council resolutions, including Council resolution 1373(2001), to ensure that perpetrators of terrorist acts are brought to justice, and recalls the General Assembly resolutions on measures to eliminate international terrorism;
13. **Reaffirms** that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;
14. **Recalls the adoption of** the International Convention for the Suppression of Acts of Nuclear Terrorism, the Amendment to the Convention on the Physical Protection of Nuclear Material, the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and urges all States to consider, as a matter of priority, becoming parties to these instruments;
15. **Urges all States** that have not yet done so to consider, as a matter of priority and in accordance with Security Council resolution 1373(2001) and Council resolution 1566(2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the national legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international, regional and subregional organizations to that end;
16. **Urges States to** cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and
implementing the conventions and protocols referred to in paragraph 15 above;

17. Notes with appreciation and satisfaction that, consistent with the call contained in paragraphs 12 and 13 of General Assembly resolution 68/119 of 16 December 2013, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

18. Reaffirms the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210, and calls upon all States to implement them;

19. Calls upon all States to cooperate to prevent and suppress terrorist acts;

20. Urges all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

21. Notes that the United Nations Counter-Terrorism Centre is performing its duties within the Counter-Terrorism Implementation Task Force in New York and that the Centre is supporting the implementation of the United Nations Global Counter-Terrorism Strategy, and encourages all Member States to collaborate with the Centre and to contribute to the implementation of its activities within the Task Force;

22. Requests the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1537(2000), its role in assisting States in becoming parties to and implementing the relevant International conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

23. Invites regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

24. Decides, taking into account the recommendation of the Working Group of the Sixth Committee that more time was required to achieve substantive progress on the outstanding issues, to recommend that the Sixth Committee, at the seventieth 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 Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

25. Recognizes the efforts of Member States towards resolving any outstanding issues, and encourages all Member States to redouble their efforts during the interessional period;

26. Decides to include in the provisional agenda of its seventieth session the item entitled “Measures to eliminate international terrorism”.

In its resolution 69/197 of 18 December (see p. 000), the Assembly called on States to become parties to the International conventions and protocols against terrorism, and to develop strategies and effective measures to address terrorism. It requested UNODC to enhance its technical assistance to Member States in preventing and combating terrorism by facilitating the ratification and implementation of the conventions and protocols related to terrorism, in close consultation with the Security Council’s Counter-Terrorism Committee and its Executive Directorate, as well as to continue contributing to the work of the Counter-Terrorism Implementation Task Force. The Assembly also urged UNODC to provide technical assistance in combating money-laundering and the financing of terrorism.

**Protocols Additional to the 1949 Geneva Conventions**

Pursuant to Assembly resolution 67/93 [YUN 2012, p. 1305], the Secretary-General in July reported [A/69/184] on the status of the two 1977 Protocols Additional to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts [YUN 1977, p. 705]. The report included information submitted by eight States and the International Committee of the Red Cross (ICRC) on measures taken to strengthen the dissemination and implementation of humanitarian law at the national level. Annexed to the report was a list of 174 States parties to one or both Protocols as at 2 June 2014. An addendum [A/69/184/Add.1] provided information submitted by six other States and ICRC, as well as a list of 68 States parties to Additional Protocol III of 8 December 2005 as at 23 September 2014.

**GENERAL ASSEMBLY ACTION**

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/499], adopted resolution 69/120 without vote [agenda item 79].

**Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**

The General Assembly,

Recalling its biennial resolutions on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, including its resolution 67/93 of 14 December 2012,

Having considered the report of the Secretary-General,

Reaffirming the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international
instruments, pending the earliest possible termination of such conflicts,

Stressing the need to consolidate the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions of 1949 and the Additional Protocols,

Calling upon Member States to disseminate knowledge of international humanitarian law as widely as possible, and calling upon all parties to armed conflict to apply international humanitarian law,

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meetings of representatives of those bodies organized by the International Committee of the Red Cross, together with relevant partners such as national Red Cross and Red Crescent societies, to facilitate the sharing of concrete experience and the exchange of views on their roles and on the challenges they face,

Stressing the possibility of making use of the International Humanitarian Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I to the Geneva Conventions,

Stressing also the possibility for the International Humanitarian Fact-Finding Commission to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I,

Taking note of the fact that, in paragraphs 8 and 9 of its resolution 1894(2009) of 11 November 2009 on the protection of civilians in armed conflict, the Security Council noted the range of existing methods used, on a case-by-case basis, for gathering information on alleged violations of applicable international law relating to the protection of civilians, underlined the importance in that regard of receiving information that is timely, objective, accurate and reliable, and considered the possibility, to that end, of using the International Humanitarian Fact-Finding Commission established by article 90 of Protocol I,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the Additional Protocols,

Noting the special responsibilities of national Red Cross and Red Crescent societies, as auxiliaries to the public authorities of their respective States in the humanitarian field, to cooperate with and assist their Governments in the promotion, dissemination and implementation of international humanitarian law,

Welcoming the universal acceptance of the Geneva Conventions of 1949, particularly in the year of the 150th anniversary of the adoption of the original Geneva Convention,

Recalling the undertakings of the Thirty-First International Conference of the Red Cross and Red Crescent, held in Geneva from 28 November to 1 December 2011, at which the Conference reaffirmed the need to reinforce the implementation of and respect for international humanitarian law,

Welcoming the launch of the initiative by Switzerland, in collaboration with the International Committee of the Red Cross, to facilitate a process aimed at exploring and identifying concrete ways and means to strengthen the application of international humanitarian law, including ensuring the effectiveness of mechanisms of compliance and reinforcing dialogue on issues of international humanitarian law,

Noting the initiative by the International Committee of the Red Cross to facilitate a process regarding the legal protection of all persons deprived of their liberty in relation to armed conflict,

Noting also the work undertaken by the International Committee of the Red Cross in its Health Care in Danger project regarding the protection of the provision of and access to health care,

Calling upon States to respect and protect the wounded and sick, as well as health-care personnel and facilities, and medical vehicles in armed conflict in accordance with their obligations under international humanitarian law,

Noting the serious concern expressed by States regarding the humanitarian impact caused by cluster munitions, and noting the entry into force of the Convention on Cluster Munitions on 1 August 2010,

Noting also the adoption of the Arms Trade Treaty in 2013,

Welcoming the significant debate generated by the publication in 2005 of the study by the International Committee of the Red Cross on customary international humanitarian law and recent initiatives by the Committee, and looking forward to further constructive discussion on the subject,

Acknowledging the fact that the Rome Statute of the International Criminal Court covers the most serious crimes of international concern under international humanitarian law and that the Rome Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Noting the amendments to article 8 of the Rome Statute of the International Criminal Court, relating to war crimes under the Rome Statute, adopted at the Review Conference of the Rome Statute, held in Kampala on 10 June 2010,

Acknowledging the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

1. Welcomes the universal acceptance of the Geneva Conventions of 1949, and notes the trend towards a similarly wide acceptance of the two Additional Protocols of 1977;

2. Calls upon all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols at the earliest possible date;

3. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol and to consider making use, where appropriate, of the services of the International Humanitarian Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I;
4. Calls upon all States that have not yet done so to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. Calls upon States to consider becoming parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

6. Calls upon all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

7. Affirms the necessity of making the implementation of international humanitarian law more effective, and supports its further strengthening and development;

8. Notes with appreciation the adoption at the Thirty-eighth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007, of resolution 3 entitled “Reaffirmation and implementation of international humanitarian law: preserving human life and dignity in armed conflict”, in which the Conference, inter alia, reiterated the obligation of States to take national measures to implement international humanitarian law, including training the armed forces and making this law known among the general public, as well as adopting legislation to punish war crimes in accordance with their international obligations;

9. Also notes with appreciation the adoption at the Thirty-first International Conference of the Red Cross and Red Crescent of resolution 1 entitled “Strengthening legal protection for victims of armed conflicts”, in which the Conference, inter alia, stressed that greater compliance with international humanitarian law is an indispensable prerequisite for improving the situation of victims of armed conflict and reaffirmed the obligation of all States and all parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances;

10. Recognizes, taking into account questions raised by States during the preparation for the Thirty-first International Conference of the Red Cross and Red Crescent and during the debates at the Conference, the importance of exploring ways to enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law, with a view to strengthening legal protection for all victims of armed conflict, and in this regard welcomes the launch of the initiative by Switzerland, in collaboration with the International Committee of the Red Cross, on strengthening compliance with international humanitarian law;

11. Calls upon Member States to actively participate in the Thirty-second International Conference of the Red Cross and Red Crescent, to be held in Geneva in 2015;

12. Welcomes the activities of the Advisory Service on International Humanitarian Law of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments, and reminds Member States of the availability of the manual on domestic implementation of international humanitarian law;

13. Also welcomes the increasing number of national commissions or committees for the implementation of international humanitarian law and their work in promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

14. Requests the Secretary-General to submit to the General Assembly at its seventy-first session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

15. Encourages Member States and the International Committee of the Red Cross, in transmitting information to the Secretary-General, to focus on new developments and activities during the reporting period;

16. Encourages Member States to explore ways of facilitating the submission of information for future reports of the Secretary-General and, in this context, to consider the convenience of using a questionnaire as drafted by Member States, with the assistance of the International Committee of the Red Cross and, as appropriate, in consultation with the Secretariat, for submission to the General Assembly at its seventy-first session;

17. Decides to include in the provisional agenda of its seventy-first session the item entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.

**Diplomatic relations**

**Protection of diplomatic and consular missions and representatives**

As at 31 December, the States parties to the following conventions relating to the protection of diplomatic and consular relations numbered: 190 States parties to the 1961 Vienna Convention on Diplomatic Relations [YUN 1961, p. 512], 51 parties to the Optional Protocol concerning the acquisition of nationality [ibid., p. 516] and 70 parties to the Optional Protocol concerning the compulsory settlement of disputes [ibid.].


**Report of Secretary-General.** In a July report and later addendum [A/69/185 & Add.1], the Secretary-General summarized information received from 14 States, pursuant to Assembly resolution 67/94 [YUN 2012, p. 1307], on serious violations of the protection and security of diplomatic and consular missions and representatives. Fourteen additional States became parties to the instruments relevant to the protection, security
and safety of diplomatic and consular missions and representatives since the 2012 report [ibid.].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/500], adopted resolution 69/121 without vote [agenda item 80].

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,
Having considered the report of the Secretary-General,
Conscious of the need to develop and strengthen friendly relations and cooperation among States,
Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfillment of the purposes and principles of the Charter of the United Nations,
Alarmed by the new and recurring acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,
Expressing sympathy for the victims of such illegal acts,
Noting that diplomatic and consular missions may maintain archives and documents in various forms, that official correspondence may take a variety of forms and that diplomatic and consular missions may use a variety of means of communication,
Recalling that the archives and documents of diplomatic and consular missions shall be inviolable at any time and wherever they may be and that the official correspondence of diplomatic and consular missions shall be inviolable,
Recalling also that States shall permit and protect free communication of diplomatic and consular missions for all official purposes and that diplomatic and consular missions may employ all appropriate means in communicating with their Governments and other diplomatic and consular missions of their State, wherever situated,
Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,
Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,
Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,
Emphasizing the duty of States to take all appropriate measures, as required by international law, in a timely manner, for the protection of diplomatic and consular missions and representatives as well as missions and representatives to international intergovernmental organizations and officials of such organizations, including measures of a preventive nature, and to bring offenders to justice,
Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established pursuant to General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. Welcomes the report of the Secretary-General;
2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;
3. Urges States to strictly observe, implement and enforce all the applicable principles and rules of international law governing diplomatic and consular relations, including during a period of armed conflict, and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prevent and prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;
4. Also urges States to take all appropriate measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, including during a period of armed conflict, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;
5. Recommends that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives, including measures of a preventive nature, and with regard to the timely exchange of information on the circumstances of all serious violations thereof;
6. Urges States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;
7. Recommends that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its jurisdictional authorities in order to bring offenders to justice;
8. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;
9. Calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good of-
fices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. "Urges:
   (a) All States to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General, serious violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;
   (b) The State in which the violation took place—and, to the extent possible, the State where the alleged offender is present—to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General, on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

11. Requests the Secretary-General:
   (a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 10 above;
   (b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 10 above, unless the reporting State requests otherwise;
   (c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 10 above, when a serious violation has been reported pursuant to paragraph 10 (a) above;
   (d) To address reminders to States where such violations have occurred if reports pursuant to paragraph 10 (a) above or follow-up reports pursuant to paragraph 10 (b) above have not been made within a reasonable period of time;

12. Also requests the Secretary-General to invite States, in the circular note referred to in paragraph 11 (a) above, to inform him of their views with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

13. Further requests the Secretary-General to submit to the General Assembly at its seventy-first session a report containing:
   (a) Information on the state of ratification of and accessions to the instruments referred to in paragraph 8 above;
   (b) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;

14. Invites the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 13 above;

15. Decides to include in the provisional agenda of its seventy-first session the item entitled “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives”.

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**Treaties and agreements**

**UN registration and publication of treaties**

During 2014, 779 original treaties and international agreements were registered and 3 filed and recorded with the United Nations Secretariat in accordance with Article 102 of the Charter and relevant General Assembly regulations.

The United Nations published the *Monthly Statement of Treaties and International Agreements*, which provided a summary of the treaties registered with the Secretariat under Article 102 of the Charter during each month. The United Nations Treaty Collection website provided access to the *United Nations Treaty Series*, which contained all treaties and international agreements registered or filed and recorded by the Secretariat since 1945, and to up-to-date information on the status of all multilateral treaties deposited with the Secretary-General.

The 2014 Treaty Event entitled “Towards Universal Participation and Implementation” (New York, 23–25 and 30 September and 1 October) resulted in 81 treaty actions undertaken by 52 States with respect to 30 treaties deposited with the Secretary-General.

**Multilateral treaties deposited with the Secretary-General**

The United Nations received treaty actions—such as signatures, ratifications, acceptances, approvals, accessions, declarations, reservations, objections and notifications—for deposit with the Secretary-General, resulting in the issuance of 821 depositary notifications.

The Secretary-General was performing depositary functions for more than 560 multilateral treaties.

The following multilateral treaties, conventions, protocols and amendments deposited with the Secretary-General were among those that came into force in 2014:

—Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, adopted in New York on 19 December 2011 and which entered into force on 14 April 2014;


—Amendment to the Convention on Environmental Impact Assessment in a Transboundary Context, adopted in Sofia, Bulgaria, on 27 February 2001 and which entered into force on 26 August 2014;

—Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, adopted in Nagoya, Japan, on 29 October 2010;
2010 and which entered into force on 12 October 2014; and


Advice and capacity-building in treaty law and practice

Advice and assistance on treaty law and practice were provided to Member States, the specialized agencies, the regional commissions, UN bodies, treaty bodies and other entities. Two seminars on treaty law and practice (8–9 April and 13–14 November) were conducted at UN Headquarters for legal advisors from Member States and other officials.

Capacity-building training was delivered to government officials as part of two regional seminars on the Law of Treaties (Lesotho, 10–14 February and Addis Ababa, Ethiopia, 10 April).

International economic law

In 2014, legal aspects of international economic law continued to be considered by the United Nations Commission on International Trade Law (UNCITRAL) and by the Sixth Committee of the General Assembly.

Commission on International Trade Law

At its forty-seventh session (New York, 7–18 July [A/69/17]), the Commission completed its work on a draft convention on transparency in treaty-based investor-State arbitration and recommended its adoption by the General Assembly as the United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration, which the Assembly did in December (see p. 000).

UNCITRAL continued its work on arbitration and conciliation, online dispute resolution, electronic commerce, insolvency law, security interests and international trade law aimed at reducing the legal obstacles faced by micro-, small- and medium-sized enterprises throughout their life cycle, and considered possible future work, especially in the area of public-private partnerships. The Commission reviewed the implementation of the New York Convention and agreed on the publication of the UNCITRAL Secretariat Guide on the New York Convention; it also reviewed the work on the collection and dissemination of case law on UNCITRAL texts (CLOUT), as well as training and technical assistance activities.

Pursuant to General Assembly resolution 68/116 [YUN 2013, p. 1349], the Commission continued to comment on its role in promoting the rule of law and held a panel discussion on “Sharing States’ national practices in strengthening the rule of law through access to justice”, further to consideration of that subtopic in the Assembly’s Sixth Committee. It confirmed its role in strengthening the rule of law, including by facilitating access to justice, noting that UNCITRAL work was relevant to all dimensions of such access (normative protection, capacity to seek remedy and capacity to provide effective remedies). The Commission also reiterated its belief that the implementation and effective use of modern private law standards in international trade were essential for advancing good governance, sustained economic development and the eradication of poverty and hunger, and that the promotion of the rule of law in commercial relations should be an integral part of the broader UN agenda to promote the rule of law at the national and international levels. The Secretary-General was encouraged to devise effective practical mechanisms to achieve such integration.

Arbitration and conciliation

UNCITRAL [A/69/17] had before it the reports of Working Group II (Arbitration and Conciliation) on its fifty-ninth (Vienna, 16–20 September 2013 [A/CN.9/7794 & Corr.1] and sixtieth (New York, 3–7 February 2014) [A/CN.9/799] sessions, together with a Secretariat note [A/CN.9/812] transmitting a draft convention on transparency in treaty-based investor-State arbitration, completed by the Working Group in its second reading, and a compilation of comments on the draft convention [A/CN.9/813 & Add.1]. After consideration and further revision of the draft convention on transparency, the Commission, on 9 July, decided to submit it to the General Assembly and recommended that the Assembly, at its sixty-ninth session, consider adopting a United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration, authorizing its opening for signature on 17 March 2015 in Port Louis, Mauritius, and recommending that the Convention be known as the “Mauritius Convention on Transparency” in English and “La Convention de l’Ile Maurice sur la Transparence” in French. The Commission requested the Secretary-General to publish the Convention, including electronically, and to disseminate it broadly to Governments and other interested bodies.

The Commission was informed of the steps taken by the Secretariat for the establishment of a repository of published information under the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, adopted in 2013 [YUN 2013, p. 1337], further to its 2013 opinion that the UNCITRAL Secretariat should fulfill the role of the transparency repository [ibid., p. 1338]. It expressed its appreciation for the establishment of a transparency registry website and reiterated its mandate to the Secretariat to establish and operate
the Transparency Registry, initially as a pilot project, and to seek any necessary funding to that end.

**UNCITRAL** also considered a note [A/CN.9/822] by the Secretariat on possible future work in the enforcement of international settlement agreements, containing a proposal by the United States to develop a multilateral convention on the enforceability of international commercial settlement agreements reached through conciliation. The Commission agreed that Working Group II should consider the issue of enforcement of international settlement agreements resulting from conciliation proceedings and report in 2015 on the feasibility of work in that area. It further agreed that the Working Group should consider at its next sessions the revision of the **UNCITRAL** Notes on Organizing Arbitral Proceedings (1996) [*YUN* 1996, p. 1240], focusing on the matters of substance, and requested the Secretariat to explore further the issue of concurrent proceedings in investment treaty arbitrations and to report to the Commission at a future session.

The Commission also took note of an oral report on a joint project between the **UNCITRAL** Secretariat and the Organization for Economic Cooperation and Development (OECD) to promote the culture of commercial and investment arbitration in the Middle East and North Africa region.

At its sixty-first session (Vienna, 15–19 September) [A/CN.9/826], Working Group II commenced its revision of the Notes on Organizing Arbitral Proceedings, based on the notes prepared by the Secretariat [A/CN.9/WG.II/WP.183 & A/CN.9/WG.II/WP.184]. Based on the deliberations and decisions of the Working Group, the Secretariat was requested to prepare a revised draft version of the Notes.

**Implementation of the 1958 New York Convention**

**UNCITRAL,** at its forty-seventh session [A/69/17], was informed of the progress made by the Secretariat in promoting the uniform application of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention) [*YUN* 1958, p. 391] through the preparation of a **UNCITRAL** guide.

Further to its 2013 consideration of an excerpt of the **UNCITRAL** guide on the Convention [*YUN* 2013, p. 1338], during which concerns were expressed that a guide would not reflect an international consensus on the Convention’s interpretation and the question of the form of its publication was raised, the Commission had before it a **SECRETARIAT** note [A/CN.9/814 & Add.1–3 & Add.5] containing additional excerpts of the guide. The Commission agreed to include a disclaimer in the guide. It further agreed that the guide should be entitled “**UNCITRAL** Secretariat Guide on the New York Convention” and requested the Secretariat to publish it, including electronically, in the six official languages of the United Nations. The Commission also took note with appreciation of the performance of the website, which was launched in 2012 [*YUN* 2012, p. 1311] to make available information collected in preparation of the **UNCITRAL** Secretariat Guide on the New York Convention.

**GENERAL ASSEMBLY ACTION**

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/496], adopted resolution 69/116 without vote [agenda item 76].


_The General Assembly._

Recalling its resolution 2205(XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade in the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolution 68/109 of 16 December 2013, in which it recommended the use of the United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (as revised in 2010, with new article 1, paragraph 4, as adopted in 2013),

Recognizing the need for provisions on transparency in the settlement of treaty-based investor-State disputes to take account of the public interest involved in such arbitrations,

Believing that the Rules on Transparency contribute significantly to the establishment of a harmonized legal framework for a fair and efficient settlement of international investment disputes, increase transparency and accountability and promote good governance,

Recalling that, at its forty-sixth session, in 2013, the Commission recommended that the Rules on Transparency be applied through appropriate mechanisms to investor-State arbitration initiated pursuant to investment treaties concluded before the coming into effect of the Rules on Transparency, to the extent that such application is consistent with those investment treaties, and that the Commission decided to prepare a convention that was intended to give those States that wished to make the Rules on Transparency applicable to their existing investment treaties concluded before 1 April 2014 an efficient mechanism to do so, without creating any expectation that other States would use the mechanism offered by the convention,

Acknowledging that the Rules on Transparency might be made applicable to investor-State arbitration initiated pursuant to investment treaties concluded before 1 April 2014, the date of coming into effect of the Rules on Transparency, by means other than a convention,

Recognizing that all States and interested international organizations were invited to participate in the preparation of the draft convention either as members or as observers during the forty-seventh session of the Commission, with full opportunity to speak and make proposals,

Noting that the preparation of the draft convention was the subject of due deliberation in the Commission
and that the draft convention benefited from consultations with Governments and interested intergovernmental and international non-governmental organizations.

Noting with satisfaction that the text of the draft convention was circulated for comment to all States Members of the United Nations and intergovernmental organizations invited to attend the meetings of the Commission as observers, and that the comments received were before the Commission at its forty-seventh session,

Taking note with satisfaction of the decision of the Commission at its forty-seventh session to submit the draft convention to the General Assembly for its consideration,

Taking note of the draft convention approved by the Commission,

Expressing its appreciation to the Government of Mauritius for its offer to host a signing ceremony for the Convention in Port Louis,

1. Commends the United Nations Commission on International Trade Law for preparing the draft convention on transparency in treaty-based investor-State arbitration;


3. Authorizes a ceremony for the opening for signature of the Convention to be held in Port Louis on 17 March 2015, and recommends that the Convention be known as the “Mauritius Convention on Transparency”;

4. Calls upon those Governments and regional economic integration organizations that wish to make the United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration applicable to arbitrations under their existing investment treaties to consider becoming a party to the Convention.

ANNEX


Preamble

The Parties to this Convention,

Recognizing the value of arbitration as a method of settling disputes that may arise in the context of international relations, and the extensive and wide-ranging use of arbitration for the settlement of investor-State disputes,

Also recognizing the need for provisions on transparency in the settlement of treaty-based investor-State disputes to take account of the public interest involved in such arbitrations,

Believing that the Rules on Transparency in Treaty-based Investor-State Arbitration adopted by the United Nations Commission on International Trade Law on 11 July 2013 (“UNCITRAL Rules on Transparency”), effective as of 1 April 2014, would contribute significantly to the establishment of a harmonized legal framework for a fair and efficient settlement of international investment disputes,

Noting the great number of treaties providing for the protection of investments or investors already in force, and the practical importance of promoting the application of the UNCITRAL Rules on Transparency to arbitration under those already concluded investment treaties,

Noting also article 1(2) and (9) of the UNCITRAL Rules on Transparency,

Have agreed as follows:

Scope of application

Article 1

1. This Convention applies to arbitration between an investor and a State or a regional economic integration organization conducted on the basis of an investment treaty concluded before 1 April 2014 (“investor-State arbitration”).

2. The term “investment treaty” means any bilateral or multilateral treaty, including any treaty commonly referred to as a free trade agreement, economic integration agreement, trade and investment framework or cooperation agreement, or bilateral investment treaty, which contains provisions on the protection of investments or investors and a right for investors to resort to arbitration against contracting parties to that investment treaty.

Application of the UNCITRAL Rules on Transparency

Article 2

Bilateral or multilateral application

1. The UNCITRAL Rules on Transparency shall apply to any investor-State arbitration, whether or not initiated under the UNCITRAL Arbitration Rules, in which the respondent is a Party that has not made a relevant reservation under article 3(1)(a) or (b), and the claimant is of a State that is a Party that has not made a relevant reservation under article 3(1)(a).

Unilateral offer of application

2. Where the UNCITRAL Rules on Transparency do not apply pursuant to paragraph 1, the UNCITRAL Rules on Transparency shall apply to an investor-State arbitration, whether or not initiated under the UNCITRAL Arbitration Rules, in which the respondent is a Party that has not made a reservation relevant to that investor-State arbitration under article 3(1), and the claimant agrees to the application of the UNCITRAL Rules on Transparency.

Applicable version of the UNCITRAL Rules on Transparency

3. Where the UNCITRAL Rules on Transparency apply pursuant to paragraph 1 or 2, the most recent version of those Rules as at the date of the respondent has made a reservation pursuant to article 3(2) shall apply.

Article 1(7) of the UNCITRAL Rules on Transparency

4. The final sentence of article 1(7) of the UNCITRAL Rules on Transparency shall not apply to investor-State arbitrations under paragraph 1.

Most favoured nation provision in an investment treaty

5. The Parties to this Convention agree that a claimant may not invoke a most favoured nation provision to seek to apply, or avoid the application of, the UNCITRAL Rules on Transparency under this Convention.

Reservations

Article 3

1. A Party may declare that:

(a) It shall not apply this Convention to investor-State arbitration under a specific investment treaty, identified by title and name of the contracting parties to that investment treaty;
(6) Article 2(1) and (2) shall not apply to investor-State arbitration conducted using a specific set of arbitration rules or procedures other than the UNCITRAL Arbitration Rules, and in which it is a respondent;

(c) Article 2(2) shall not apply in investor-State arbitration in which it is a respondent.

2. In the event of a revision of the UNCITRAL Rules on Transparency, a Party may, within six months of the adoption of such revision, declare that it shall not apply that revised version of the Rules.

3. Parties may make multiple reservations in a single instrument. In such an instrument, each declaration made:

(a) In respect of a specific investment treaty under paragraph (1)(a);

(b) In respect of a specific set of arbitration rules or procedures under paragraph (1)(b);

(c) Under paragraph (1)(c); or

(d) Under paragraph (2);

shall constitute a separate reservation capable of separate withdrawal under article 4(6).

4. No reservations are permitted except those expressly authorized in this article.

Formulation of reservations

Article 4

1. Reservations may be made by a Party at any time, save for a reservation under article 3(2).

2. Reservations made at the time of signature shall be subject to confirmation upon ratification, acceptance or approval. Such reservations shall take effect simultaneously with the entry into force of this Convention in respect of the Party concerned.

3. Reservations made at the time of ratification, acceptance or approval of this Convention or accession thereto shall take effect simultaneously with the entry into force of this Convention in respect of the Party concerned.

4. Except for a reservation made by a Party under article 3(2), which shall take effect immediately upon deposit, a reservation deposited after the entry into force of the Convention for that Party shall take effect twelve months after the date of its deposit.

5. Reservations and their confirmations shall be deposited with the depositary.

6. Any Party that makes a reservation under this Convention may withdraw it at any time. Such withdrawals are to be deposited with the depositary, and shall take effect upon deposit.

Application to investor-State arbitrations

Article 5

This Convention and any reservation, or withdrawal of a reservation, shall apply only to investor-State arbitrations that are commenced after the date when the Convention, reservation, or withdrawal of a reservation, enters into force or takes effect in respect of each Party concerned.

Depository

Article 6

The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.

Signature, ratification, acceptance, approval, accession

Article 7

1. This Convention is open for signature in Port Louis, Mauritius, on 17 March 2015, and thereafter at United Nations Headquarters in New York by any (a) State; or (b) regional economic integration organization that is constituted by States and is a contracting party to an investment treaty.

2. This Convention is subject to ratification, acceptance or approval by the signatories to this Convention.

3. This Convention is open for accession by all States or regional economic integration organizations referred to in paragraph 1 which are not signatories as from the date it is open for signatures.

4. Instruments of ratification, acceptance, approval or accession are to be deposited with the depositary.

Participation by regional economic integration organizations

Article 8

1. When depositing an instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall inform the depositary of a specific investment treaty to which it is a contracting party, identified by title and name of the contracting parties to that investment treaty.

2. When the number of Parties is relevant in this Convention, a regional economic integration organization does not count as a Party in addition to its member States which are Parties.

Entry into force

Article 9

1. This Convention shall enter into force six months after the date of deposit of the third instrument of ratification, acceptance, approval or accession.

2. When a State or a regional economic integration organization ratifies, accepts, approves or accedes to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention enters into force in respect of that State or regional economic integration organization six months after the date of deposit of its instrument of ratification, acceptance, approval or accession.

Amendment

Article 10

1. Any Party may propose an amendment to the present Convention by submitting it to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the Parties to this Convention with a request that they indicate whether they favour a conference of Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

2. The conference of Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus are exhausted and no consensus is reached, the
amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the Parties present and voting at the conference.

3. An adopted amendment shall be submitted by the Secretary-General of the United Nations to all the Parties for ratification, acceptance or approval.

4. An adopted amendment enters into force six months after the date of deposit of the third instrument of ratification, acceptance or approval. When an amendment enters into force, it shall be binding on those Parties which have expressed consent to be bound by it.

5. When a State or a regional economic integration organization ratifies, accepts or approves an amendment that has already entered into force, the amendment enters into force in respect of that State or that regional economic integration organization six months after the date of the deposit of its instrument of ratification, acceptance or approval.

6. Any State or regional economic integration organization which becomes a Party to the Convention after the entry into force of the amendment shall be considered as a Party to the Convention as amended.

**Denunciation of this Convention**

**Article 11**

1. A Party may denounce this Convention at any time by means of a formal notification addressed to the depositary. The denunciation shall take effect twelve months after the notification is received by the depositary.

2. This Convention shall continue to apply to investor-State arbitrations commenced before the denunciation takes effect.

**DONE in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.**

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.

**Micro-, small- and medium-sized enterprises**

Recalling its 2013 decision to entrust Working Group I with work aimed at reducing the legal obstacles faced by micro-, small- and medium-sized enterprises (MSMEs) throughout their life cycle, especially in developing economies [YUN 2013, p. 1344], the Commission [A/69/17] had before it the Working Group’s report on its twenty-second session (New York, 10–14 February) [A/CN.9/800].

The Working Group had engaged in preliminary discussions regarding the development of a legal text on simplified incorporation and registration regimes for MSMEs. The discussions focused on issues raised in a working paper prepared by the Secretariat [A/CN.9/WG.1/WP.82], including limited liability, legal personality, the protection of third parties and creditors dealing with the enterprise, registration of the business, sole ownership, minimum capital requirements, transparency in respect of beneficial ownership, internal governance issues and freedom of contract, as well as the possible forms that the proposed legal text could take. Based on the deliberations and decisions of the Working Group, the Secretariat was requested to prepare a document setting out best practices on business registration, as well as a template on simplified incorporation and registration in order to provide the basis for drafting a possible model law. The Commission reaffirmed the Working Group’s mandate.

At its twenty-third session (Vienna, 17–21 November) [A/CN.9/825 & Corr.1], Working Group I continued discussing the preparation of legal standards aimed at creating an enabling legal environment for MSMEs, in particular the simplification of incorporation and related matters. It considered best practices in business registration, based on the Secretariat’s note [A/CN.9/WG.1/WP.85], as well as issues concerning transparency and beneficial ownership, alternative legislative models for micro and small businesses, legal questions surrounding the simplification of incorporation, and future work in the area of business registration.

**Online dispute resolution**

UNCITRAL [A/69/17] welcomed the progress made by Working Group III (Online Dispute Resolution) on the draft procedural rules on dispute resolution for cross-border electronic transactions, at its twenty-eighth (Vienna, 18–22 November 2013) [A/CN.9/795] and twenty-ninth (New York, 24–28 March 2014) [A/CN.9/801] sessions, in particular regarding Track II that provided for online dispute resolution (ODR) proceedings which did not end in arbitration.

The Commission agreed that there were many common elements between Track I and Track II of the draft rules and that the Working Group should consider at its next session the text of Track I (providing for proceedings which ended in arbitration), as well as address the effects of online dispute resolution on consumer protection in developing and developed countries and countries in post-conflict situations, including when the consumer was the respondent party; explore means of effectively implementing ODR outcomes, including possible alternatives to arbitration; and consider how the draft rules would respond to the needs of developing countries and those facing post-conflict situations. It noted that some of those issues were addressed in the proposal by Colombia, Honduras, Kenya and the United States [A/CN.9/817] requesting that the Working Group consider the needs of developing countries and small and medium-sized enterprises, in particular the need for an unconstrained online binding arbitration procedure to be available for the resolution of cross-border trade disputes. The Commission reaffirmed the Working Group’s mandate in respect to low-value, high-volume cross-border electronic transactions, and encouraged it to continue to conduct its work in the most efficient
manner possible. The Commission also considered the preparation of guidelines for cloud providers and platforms as a possible topic for the Working Group’s future work.

At its thirtieth session (Vienna, 20–24 October) [A/CN.9/797], the Working Group considered Track I of the Rules for online dispute resolution, taking into consideration the importance of different outcomes and enforcement mechanisms—including arbitration—particularly for developing countries and those facing post-conflict situations, and issues of consumer protection. While progress was made on the draft text of Track I, differences remained between those States that allowed binding pre-dispute agreements to arbitrate and those that did not.

**Electronic commerce**

**UNCITRAL** [A/69/17] noted the progress made by Working Group IV (Electronic Commerce) in preparing draft provisions on electronic transferable records at its forty-eighth (Vienna, 9–13 December 2013) [A/CN.9/797] and forty-ninth (New York, 28 April–2 May 2014) [A/CN.9/804] sessions. The Commission also noted the Working Group’s discussion on technical assistance and coordination activities in the field of electronic commerce, including continued cooperation with the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), United Nations Economic and Social Commission for Asia and the Pacific, the Asia-Pacific Economic Cooperation, the European Commission and the World Customs Organization. It further noted the Commission Chairperson’s participation in the conference on “Facilitating Trade in the Digital Economy—Enhancing Interaction Between Business and Government” (Geneva, 8–9 April), which highlighted the contribution of UNCITRAL texts to facilitating the use of electronic communications at the national and international levels. The Commission was informed that the Russian Federation and Congo had become States parties to the United Nations Convention on the Use of Electronic Communications in International Contracts (Electronic Communications Convention) [YUN 2005, p. 1459].

Regarding possible future work, the Commission took note of a proposal by Canada concerning legal issues on cloud computing [A/CN.9/823], aimed at identifying potential risks from current practices in relation to conflict of laws, the lack of supporting legislative framework and the possible disparities of domestic laws. It recognized the implication of cloud computing, particularly for small- and medium-sized enterprises, as well as for related issues such as data protection, privacy and intellectual property, and agreed consider it as a possible topic at a future session.

Noting that the current work of the Working Group would greatly assist in facilitating electronic commerce in international trade, the Commission reaffirmed the Working Group’s mandate to develop a legislative text on electronic transferable records, and requested the Secretariat to continue reporting on relevant developments relating to electronic commerce. The Secretariat was also requested to compile information on cloud computing, identity management, use of mobile devices in electronic commerce and single window facilities, including by organizing or participating in colloquia, workshops and other meetings, and to report to the Commission at a future session.

At its fiftieth session (Vienna, 10–14 November) [A/CN.9/828], Working Group IV continued discussions on the draft provisions on electronic transferable records, and was informed of the recent developments in technical assistance and coordination activities, including the ratification by Montenegro of the Electronic Communications Convention which brought to six the number of States parties, the entry into force of the Regulation on Electronic Identification and Trust Services for Electronic Transactions in the Internal Market (eIDAS Regulation), and a research project on the use of electronic transferable records for supply chain financing at the University of Göteborg (Sweden).

**Insolvency law**

**UNCITRAL** [A/69/17] considered the reports by Working Group V (Insolvency Law) on its forty-fourth (Vienna, 16–20 December 2013) [A/CN.9/798] and forty-fifth (New York, 21–25 April 2014) [A/CN.9/803] sessions, as well as the report of the Fourth International Insolvency Law Colloquium (Vienna, 16–18 December 2013) [A/CN.9/815] held as part of the Working Group’s forty-fourth session to discuss its work on enterprise group issues and consider future topics, including insolvency issues specific to MSMEs, further to the Commission’s 2013 decision [YUN 2013, p. 1341].

The Commission noted that the Working Group had commenced discussions on the cross-border insolvency of multinational enterprise groups and that it had established an open-ended informal group to consider the feasibility of developing a convention on international insolvency issues and to study the issues facing States with respect to adoption of the UNCITRAL Model Law on Cross-Border Insolvency [YUN 1997, p. 1379]. With regard to the insolvency of MSMEs, the Commission made reference to the Working Group’s conclusion that the mechanisms provided by the Legislative Guide were not sufficient to address all of the needs of such enterprises but solutions for them should be developed in light of the Legislative Guide’s key principles, and that a study of insolvency regimes for MSMEs should commence without delay.
The Commission approved the Working Group’s mandate with regard to facilitating the cross-border insolvency of multinational enterprise groups, addressing the obligations of directors of enterprise group companies in the period approaching insolvency, and developing model legislative provisions for the recognition and enforcement of insolvency-derived judgements. The Working Group was also urged to continue its study on the feasibility of developing a convention on selected international insolvency issues and on exploring the potential for further adoption of the Model Law on Cross-Border Insolvency.

At its forty-sixth session (Vienna, 15–19 December) [A/CN.9/829], Working Group V commenced its deliberations based on text concerning the obligations of directors of enterprise group members in the period approaching insolvency [A/CN.9/WG.V/WP.125], the cross-border insolvency of multinational enterprise groups [A/CN.9/WG.V/WP.124] and the recognition and enforcement of insolvency-derived judgements [A/CN.9/WG.V/WP.126]. It considered draft recommendations on directors’ obligations; goals and key elements of a cross-border insolvency regime for groups; as well as judgements to be covered by a recognition and enforcement regime, jurisdiction of the originating court, procedures for obtaining recognition and enforcement, and grounds to refuse recognition.

Security interests

The Commission [A/69/17] noted that Working Group VI (Security Interests), at its twenty-fourth (Vienna, 2–6 December 2013) [A/CN.9/796] and twenty-fifth (New York, 31 March–4 April) [A/CN.9/802] sessions, had completed the first reading of a concise draft model law on secured transactions, based on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions adopted by UNCITRAL in 2007 [YUN 2007, p. 1378] and the General Assembly in 2008 [YUN 2008, p. 1474], and consistent with all texts prepared by UNCITRAL on secured transactions. The Commission also had before it a Secretariat note entitled “Draft Model Law on Secured Transactions: Security Interests in Non-Intermediated Securities” [A/CN.9/811], which contained the definitions and draft provisions proposed by the Working Group for inclusion in the draft model law. While noting that non-intermediated securities, an important source of business credit particularly for MSMEs, were not addressed in the Secured Transactions Guide or other international instruments, the Commission agreed with the Working Group’s proposal.

Acknowledging the importance of modern secured transactions law for the availability and cost of credit, as well as the need for urgent guidance to States, in particular those with developing economies and economies in transition, the Commission expressed its satisfaction for the progress achieved by the Working Group, and requested it to complete the draft model law, including the definitions and provisions on non-intermediated securities, and to submit it, together with a guide to enactment, for adoption by the Commission.

The Commission noted the coordination efforts of the UNCITRAL Secretariat in the field of security interests, including the revision of the World Bank Insolvency and Creditor Rights Standard. The Commission also reiterated its call to the European Commission to ensure a coordinated approach to the issue of the law applicable to third-party effects of assignments of receivables. Taking note of the statement of the International Institute for the Unification of Private Law (Unidroit) on the status of the Convention on International Interests in Mobile Equipment (the Cape Town Convention) and its protocols, it renewed the Secretariat’s mandate to continue cooperation with Unidroit in the area of security interests.

At its twenty-sixth session (Vienna, 8–12 December) [A/CN.9/830], Working Group VI continued the preparation of a model law on secured transactions consistent with relevant UNCITRAL texts. The Working Group considered a Secretariat note entitled “Draft Model Law on Secured Transactions” [A/CN.9/WG.VI/ WP.61 & Add.1–3]. The Secretariat was requested to revise the draft Model Law based on the Working Group’s deliberations and decisions.

Public-private partnerships

The Commission [A/69/17] had before it a report of the UNCITRAL colloquium on possible future work in the area of public-private partnerships (PPPs) (Vienna, 3–4 March) [A/CN.9/821], organized in response to its 2013 request [YUN 2013, p. 1345]. The colloquium considered a discussion paper proposing recommendations [A/CN.9/819] and key topics for inclusion in a legislative text on PPPs [A/CN.9/820], prepared by the Secretariat following studies and consultations organized since 2013. The colloquium endorsed the conclusion that effective and efficient PPPs would be crucial for sustainable economic and social development, and agreed that a main issue for consideration was the potential contribution of an UNCITRAL legislative text to enabling effective PPPs. The Commission noted that the colloquium identified 15 topics for consideration in developing some legislative text on PPPs, and agreed to discuss further the possibility of future work in PPPs at its forty-eighth (2015) session.

Case law on UNCITRAL texts

The Commission [A/69/17] considered a Secretariat note on the promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts [A/CN.9/810], which provided information on the status of the case law on UNCITRAL texts.

The Commission noted the increasing number of UNCITRAL legal texts represented in the CLOUT system. As at 5 May, 143 issues of compiled case-law abstracts from the CLOUT system had been prepared for publication, dealing with 1,351 cases related to, inter alia, the United Nations Sales Convention, the Model Law on Arbitration, the New York Convention [YUN 1958, p. 391], the 1974 Convention on the Limitation Period in the International Sale of Goods [YUN 1974, p. 853] and the Convention on the Limitation Period in the International Sale of Goods as amended by the Protocol of 11 April 1980 [YUN 1980, p. 1132]. The Commission was informed that the network of national correspondents, which began its five-year mandate in 2012 [YUN 2012, p. 1314], was composed of 64 correspondents representing 31 countries.

UNCITRAL was also informed of the progress in preparing the digest of case law on the Model Law on Cross-Border Insolvency and work to update the current version of the digest on the Model Law on International Commercial Arbitration, and noted the translation of the third revision of the digest on the United Nations Sales Convention into all UN official languages. It welcomed progress made in upgrading the UNCITRAL website to facilitate the functioning of the CLOUT database, and reiterated its appeal to States to assist the Secretariat in the search for additional funding to ensure proper maintenance and development of CLOUT.

**Technical cooperation and assistance**

UNCITRAL [A/69/17] considered a Secretariat note [A/CN.9/818] describing technical cooperation and assistance activities undertaken since 2013. The Commission noted that the number of activities remained limited due to lack of resources, and reiterated its appeal for either multi-year or specific-purpose contributions to the UNCITRAL Trust Fund for Symposia to enable the Secretariat to meet the increasing number of requests from developing countries and economies in transition. The Secretariat was requested to continue exploring alternative sources of extrabudgetary funding, and was encouraged to seek cooperation with international organizations and bilateral partners in the provision of technical assistance.

The Commission also considered a Secretariat note [A/CN.9/808] on the activities undertaken by the UNCITRAL Regional Centre for Asia and the Pacific, which were aimed at promoting international trade norms and standards in commercial transactions, in particular those elaborated by UNCITRAL; providing technical assistance to States with respect to the adoption and uniform interpretation of UNCITRAL texts; ensuring coordination with international and regional organizations active in trade law reform projects in the region; and functioning as a channel of communication between States in the region and UNCITRAL. With the growing number of initiatives and requests, the Regional Centre expanded its activities both geographically, to South Asia and the Persian Gulf region, and thematically, to cross-border insolvency and PPPs. The Commission stressed the importance of the mandate assigned to the Regional Centre and requested the Secretariat to pursue consultations regarding the possible establishment of other UNCITRAL regional centres.

**Coordination and cooperation**

UNCITRAL [A/69/17] considered a Secretariat note [A/CN.9/809] prepared pursuant to General Assembly resolution 34/142 [YUN 1979, p. 1132] and providing information on the activities of other international organizations active in the field of international trade law in which the UNCITRAL Secretariat had participated since 2013. The Commission noted that the Secretariat had engaged in activities with several organizations, including the UN/CEFACT, the United Nations Conference on Trade and Development, the United Nations Economic Commission for Europe, the United Nations Environment Programme, the United Nations Inter-Agency Cluster on Trade and Productive Capacity, the Hague Conference on Private International Law (the Hague Conference), OECD, UNIDROIT, the World Bank and the World Trade Organization. The Secretariat participated in expert groups, working groups and plenary meetings of those organizations to share information and expertise and avoid duplication of work.

The Commission took note of the statements made on behalf of UNIDOIT, the Organization of American States (oAS), the International Maritime Organization, the World Bank, the International Development Law Organization and the Office of the High Commissioner for Human Rights. The importance of joint projects with oAS and the World Bank in the area of security interests for countries in the Latin American and Caribbean region was particularly highlighted, as was the need for a closer and more substantive cooperation with the Hague Conference and UNIDROIT.

**Future work**

future UNCITRAL activities in legislative development and activities designed to support the implementation, use and understanding of UNCITRAL texts, as well as proposed prioritization and allocation of UNCITRAL resources. It agreed that prevailing resource constraints necessitated prioritization of activities, confirmed that the Working Groups would continue to develop legislative texts and associated guidance in existing subject areas until its forty-eighth (2015) session, and agreed not to express itself on future work extending beyond its forty-eighth session.

The Commission reaffirmed its decisions to hold a colloquium to recognise the thirty-fifth anniversary of the United Nations Sales Convention in 2015 and a colloquium to explore possible future work in the field of electronic commerce, addressing identity management, trust services, electronic transfers and cloud computing (see p. 0000). It also reaffirmed its support for formal working methods as the primary method of legislative development. Emphasizing the importance of support activities, the Commission encouraged the Secretariat to build partnerships and alliances with relevant international organizations as well as bilateral and multilateral donors and non-governmental organizations, and reaffirmed the Secretariat’s mandate to explore alternative sources of financing.

UNCITRAL approved the holding of its forty-eighth session in Vienna from 29 June to 16 July 2015. It also approved the schedule of meetings for its working groups between its forty-seventh and forty-eighth sessions.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/496], adopted resolution 69/115 without vote [agenda item 76].


The General Assembly, Recalling its resolution 2205(XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

Having considered the report of the Commission,

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

2. Commends the Commission for the finalization of the draft convention on transparency in treaty-based investor-State arbitration;
3. Notes with appreciation that the secretariat of the Commission has taken steps to establish and operate the repository of published information under the Rules on Transparency in Treaty-based Investor-State Arbitration (“transparency repository”), in accordance with article 8 of the Rules on Transparency, as a pilot project temporarily funded by voluntary contributions, and in this regard requests the Secretary-General to keep the General Assembly informed of developments regarding the funding and budgetary situation of the transparency repository;
4. Takes note with interest of the decisions taken by the Commission as regards its future work and the progress made by the Commission in its work in the areas of arbitration and conciliation, online dispute resolution, electronic commerce, insolvency law, security interests and international trade law aimed at reducing the legal obstacles faced by micro-, small- and medium-sized enterprises throughout their life cycle, endorses the Commission’s decision to compile information on cloud computing, identity management, the use of mobile devices in electronic commerce and single window facilities, including by organizing, co-organizing or participating in colloquia, workshops and other meetings within available resources, also endorses the Commission’s decision to hold a colloquium and other events in 2015 to celebrate the thirty-fifth anniversary of the United Nations Convention on Contracts for the International Sale of Goods within available resources, and commends the efforts undertaken by the Commission to improve the management of its resources while maintaining and increasing its current levels of activity, including through avoiding overlap of work and the use of informal working methods where appropriate, with due regard to the formal negotiation process;
5. Notes with appreciation the projects of the Commission aimed at promoting the uniform and effective application of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York
Convention), done at New York on 10 June 1958, including the preparation of a guide entitled “UNCITRAL Secretariat Guide on the New York Convention”, in close cooperation with international experts;

6. Endorses the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

7. Reaffirms the importance, in particular for developing countries, of the work of the Commission concerning technical cooperation and assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, and in that respect encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation of legal standards resulting from its work;

(b) Expresses its appreciation to the Commission for carrying out technical cooperation and assistance activities and for providing assistance with legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical cooperation and assistance activities to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, in order to enable renewal of the provision of that assistance and to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in those countries to put in place a regulatory and enabling environment for business, trade and investment;

11. Decides, in order to ensure full participation of all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixty-ninth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

12. Endorses the conviction of the Commission that the implementation and effective use of modern private law standards in international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger and that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General;

13. Notes the rule of law briefing and the rule of law panel discussion held at the forty-seventh session of the Commission and the comments transmitted by the Commission highlighting its role in promoting the rule of law, in particular through facilitating access to justice, pursuant to paragraph 14 of General Assembly resolution 68/116;

14. Notes with satisfaction that, in paragraph 8 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, adopted by consensus as resolution 67/1 of 24 September 2012, Member States recognized the importance of fair, stable and predictable legal frameworks for generating account the summary of conclusions as reproduced in annex III to the report on the work of its forty-third session, requests the Secretariat to issue, prior to meetings of the Commission and of its working groups, a reminder of those rules of procedure and methods of work with a view to ensuring the high quality of the work of the Commission and encouraging the assessment of its instruments, and in this regard recalls its previous resolutions related to this matter;
inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship and, in this regard, commended the work of the Commission in modernizing and harmonizing international trade law and that, in paragraph 7 of the declaration, Member States expressed their conviction that the rule of law and development were strongly interrelated and mutually reinforcing;

15. Reiterates its request to the Secretary-General, in conformity with resolutions of the General Assembly on documentation-related matters, which, in particular, emphasize that any invitation to limit, where appropriate, the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and functions of the Commission in the progressive development and codification of international trade law when implementing page limits with respect to the documentation of the Commission;

16. Requests the Secretary-General to continue the publication of Commission standards and the provision of summary records of the meetings of the Commission, including committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts, and takes note of the Commission’s decision to continue the trial use of digital recordings, in parallel with summary records where applicable, with a view to assessing the experience of using digital recordings and, on the basis of that assessment, taking a decision at a future session regarding the possible replacement of summary records by digital recordings;

17. Recalls paragraph 48 of its resolution 66/246 of 24 December 2011 regarding the rotation scheme of meetings between Vienna and New York;

18. Notes with appreciation the work of the Secretariat on the system for the collection and dissemination of case law on Commission texts in the six official languages of the United Nations (the CLOUT system), notes the resource-intensive nature of the system, acknowledges the need for further resources to sustain and expand it, and in this regard welcomes efforts by the Secretariat towards building partnerships with interested institutions, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to assist the secretariat of the Commission in raising awareness as to the availability and usefulness of the CLOUT system in professional, academic and judiciary circles and in securing the funding required for the coordination and expansion of the system and the establishment, within the secretariat of the Commission, of a pillar focused on the promotion of ways and means of interpreting Commission texts in a uniform manner;

19. Stresses the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to conventions, enacting model laws and encouraging the use of other relevant texts;

20. Welcomes the continued work of the Secretariat on digests of case law related to Commission texts, including their wide dissemination, as well as the continuing increase in the number of abstracts available through the CLOUT system, in view of the role of the digests and the CLOUT system as important tools for the promotion of the uniform interpretation of international trade law, in particular by building local capacity of judges, arbitrators and other legal practitioners to interpret those standards in the light of their international character and the need to promote uniformity in their application and the observance of good faith in international trade;

21. Recalls its resolutions affirming the importance of high-quality, user-friendly and cost-effective United Nations websites and the need for their multilingual development, maintenance and enrichment, commends the fact that the website of the Commission is published in the six official languages of the United Nations, and welcomes the efforts of the Commission to maintain and improve its website, including by developing new social media features, in accordance with the applicable guidelines.

Other questions

Rule of law at the national and international levels

In July, pursuant to the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, adopted by the Assembly in resolution 67/1 [YUN 2012, p. 1319], the Secretary-General submitted a report [A/68/213/Add.1] which addressed the linkages between the rule of law, human rights, peace and security and development, and identified key institutions for developing such linkages further. The Secretary-General recalled that at its high-level meeting, the Assembly had decided to pursue its work in developing further the linkages between the rule of law and the three pillars of the United Nations—peace and security, human rights and development—and requested him to propose ways and means in that respect.

Following consultations which involved all regional groups and yielded responses from more than 70 Member States and 20 UN entities, the report analysed how the rule of law relates to and furthers each of the three pillars, which were framed around three fundamental freedoms that the United Nations must promote: freedom from fear to address peace and security challenges; freedom from want to further development; and freedom to live in dignity to promote human rights and the rule of law. The Secretary-General pointed out that the rule of law was the vehicle for the promotion and protection of the common normative framework underpinning the three pillars, which required that legal processes, institutions and substantive norms are consistent with human rights, including the core principles of equality under the law, accountability before the law and fairness in the protection and vindication of rights.
The report examined the relationship between the rule of law and each of the three pillars through the intergovernmental process and provided evidence of their interdependence in such areas as ensuring due process and equality before the law, advancing economic, social and cultural rights and the right to development, and dealing with a legacy of serious violations of humanitarian law and gross human rights violations; the rule of law in conflict prevention, in armed conflict and in post-conflict situations; transnational threats such as terrorism and organized crime; as well as protection of land and property, and exploitation of natural resources. It emphasized the importance of respect for the United Nations Charter, enhancing access to justice and strengthening sound legal frameworks, with a particular focus on the role of legal identity and on transparency and accountability to counter corruption. The report further outlined institutional means of strengthening those linkages through international adjudicative mechanisms (such as ICJ and the International Tribunal for the Law of the Sea) and international financial institutions (including the World Bank Group, the International Monetary Fund, the World Trade Organization and regional development banks), as well as the United Nations and national institutions.

The Secretary-General recommended that the high-level meeting on the rule of law at the national and international levels and the present report be followed up with periodic consideration of the rule of law and its linkages with the three pillars of the United Nations, for example through a comprehensive discussion in plenary meeting, in a Main Committee or through the establishment of a subsidiary body. He further proposed that the Assembly consider a closer interaction with the existing subsidiary bodies such as the United Nations Commission on International Trade Law or the International Law Commission; developing a plan of action or a strategy on the subject; elaborating guidance, principles of standards on specific issues related to the rule of law; as well as pursuing further stakeholder consultations.

Also in July, pursuant to General Assembly resolution 68/116 [YUN 2013, p. 1349], the Secretary-General submitted his annual report [A/69/181] on strengthening and coordinating UN rule-of-law activities, which highlighted developments in strengthening the rule of law at the national and international levels over the preceding year and provided information on the measures taken to enhance coordination and coherence within the United Nations with regard to the rule of law. The report also outlined UN activities to enhance access to justice, in view of the General Assembly’s focus during its sixty-ninth session on the subtopic “Sharing States’ national practices in strengthening the rule of law through access to justice”.

The report summarized activities to foster the rule of law at the international level relating to codification, development, promotion and implementation of an international framework of norms and standards; action by international and hybrid courts and tribunals; and non-judicial dispute resolution and accountability mechanisms such as commissions of inquiry and fact-finding missions. The Secretary-General noted that UN support in conflict and post-conflict situations at the national level involved progressive restoration of the rule of law, including security institutions capable of protecting the lives and rights of all persons, as well as the functioning of justice systems that address serious violations of human rights and provide redress to victims.

Efforts continued to enhance coordination and coherence within the UN system and to improve the effectiveness of system-wide responses to crisis situations through the establishment of the Rights up Front mechanism. The Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General, was expanded to include 20 entities and continued to ensure a strategic approach to the broader rule-of-law work of the United Nations, by supporting Member States’ deliberations on incorporating the rule of law in the post-2015 development agenda, facilitating exchanges on a wide range of activities through inter-agency coordination mechanisms, and engaging the business community in mobilizing support for the rule of law under the Secretary-General’s “Business for the Rule of Law” initiative launched in September 2013.

Its efforts were complemented by the global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations—a Headquarters-based field support mechanism coordinated by the Department of Peacekeeping Operations and the United Nations Development Programme and including 12 UN entities and 4 international organizations. Rule-of-law support was provided to host country authorities in 19 countries, including joint assessment visits, joint planning and partnerships, deployment of personnel and advice on programme structures and funding streams. The global focal point deployed 13 joint missions and 8 technical experts, and supported joint planning efforts in 11 countries, including Burundi, Chad, Côte d’Ivoire, the Democratic Republic of the Congo and Sierra Leone. Rule-of-law initiatives supported by the global focal point led to a comprehensive national sector-wide reform programme in Somalia; a justice and rule-of-law workplan in Afghanistan; a multi-annual programme to support the justice sector in the Democratic Republic of the Congo; and a rule-of-law strategy in Burundi.
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GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the Assembly, on the recommendation of the Sixth Committee [A/69/502], adopted resolution 69/123 without vote [agenda item 82].

The rule of law at the national and international levels

The General Assembly,
Recalling its resolution 68/116 of 16 December 2013,
Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,
Reaffirming that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,
Reaffirming also 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, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,
Bearing in mind that the activities of the United Nations carried out in support of efforts of Governments to promote and consolidate the rule of law are undertaken in accordance with the Charter, and stressing the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building,
Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,
Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,
Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and its Member States,
Recalling paragraph 134 (c) of the 2005 World Summit Outcome,
1. Recalls the high-level meeting of the General Assembly on the rule of law at the national and international levels, held during the high-level segment of its sixty-seventh session, and the declaration adopted at that meeting, takes note of the report of the Secretary-General submitted pursuant to paragraph 41 of the declaration, and requests the Sixth Committee to continue its consideration of ways and means of further developing the linkages of the rule of law and the three pillars of the United Nations;
2. Acknowledges the efforts to strengthen the rule of law through voluntary pledges, encourages States that have not done so to consider making pledges, individually or jointly, based on their national priorities, and also encourages those States that have made pledges to exchange information, knowledge and best practices in this regard;
3. Takes note of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;
4. Reaffirms the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;
5. Also reaffirms the imperative of upholding and promoting the rule of law at the international level in accordance with the principles of the Charter of the United Nations;
6. Welcomes the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General with Member States on the topic “Promoting the rule of law at the international level”, and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;
7. Stresses the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building;
8. Reiterates its request to the Secretary-General to ensure greater coordination and coherence among the United Nations entities and with donors and recipients, and reiterates its call for greater evaluation of the effectiveness of such activities, including possible measures to improve the effectiveness of those capacity-building activities;
9. Calls, in this context, for dialogue to be enhanced among all stakeholders with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership, while recognizing that rule of law activities must be anchored in a national context and that States have different national experiences in the development of their systems of the rule of law, taking into account their legal, political, socioeconomic, cultural, religious and other local specificities, while also recognizing that there are common features founded on international norms and standards;
10. Calls upon the Secretary-General and the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, including the participation of women in rule of law related activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;
11. Expresses full support for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit, under the leadership of the Deputy Secretary-General;
12. Requests the Secretary-General to submit, in a timely manner, his next annual report on United Nations rule of law activities, in accordance with paragraph 5 of its resolution 63/128 of 11 December 2008;

13. Recognizes the importance of restoring confidence in the rule of law as a key element of transitional justice;

14. Recalls the commitment of the Member States to take all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid, encourages further dialogue and the sharing of national practices in strengthening the rule of law through access to justice, including with regard to legal aid, where appropriate, in both criminal and civil proceedings, and in this regard stresses the need to intensify the assistance extended to Governments upon their request;

15. Stresses the importance of promoting the sharing of national practices and of inclusive dialogue, and invites the Secretary-General to propose ways for Member States to voluntarily exchange best national practices on the rule of law and to include, in his annual report to the General Assembly at its seventieth session, an analytical summary of the thematic debates held pursuant to resolutions 61/39 of 4 December 2006; 62/70 of 6 December 2007; 63/128 of 11 December 2008; 64/116 of 16 December 2009; 65/32 of 6 December 2010; 66/102 of 9 December 2011 and 67/97 of 14 December 2012;

16. Encourages the Secretary-General and the United Nations system to accord high priority to rule of law activities;

17. Invites the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

18. Invites the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue to interact with Member States in a regular, transparent and inclusive manner, in particular in informal briefings;

19. Stresses the need for the Rule of Law Unit to carry out its tasks in an effective and sustainable manner and the need to provide it with reasonable means required to that effect;

20. Decides to include in the provisional agenda of its seventieth session the item entitled “The rule of law at the national and international levels”, and invites Member States to focus their comments in the upcoming Sixth Committee on the subtopic “The role of multilateral treaty processes in promoting and advancing the rule of law”.

On 16 July, the Economic and Social Council, by resolution 2014/19 (see p. 000), recommended to the General Assembly the adoption of a draft resolution on the rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015.

On 18 December, in its resolution 69/195 (see p. 000) on that topic, the Assembly recognized the cross-cutting nature of the rule of law, crime prevention and criminal justice and development; underscored that discussions on the post-2015 development agenda should take into account respect for and promotion of the rule of law and that crime prevention and criminal justice had an important role in that regard; and encouraged Member States to give due consideration to the rule of law in their deliberations on the post-2015 development agenda. The Assembly stressed the importance of a comprehensive approach drawing on the work of UNODC to support criminal justice reforms and strengthen the rule of law; requested UNODC to continue assisting Member States in developing rule-of-law strategies; and invited the UN crime prevention and criminal justice programme network to include issues of the rule of law in their work programmes.

**Strengthening the role of the United Nations**

**Special Committee on United Nations Charter**

In accordance with General Assembly resolution 68/115 [YUN 2013, p. 1352], the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its sixty-ninth session (New York, 18–26 February) [A/69/33], considered proposals relating to the maintenance of international peace and security; the peaceful settlement of disputes; working methods of the Committee and identification of new subjects; and the status of the publications Repertory of Practice of United Nations Organs and Repertory of the Practice of the Security Council.

Regarding the maintenance of international peace and security, the Committee considered the question of the implementation of Charter provisions relating to assistance to third States affected by sanctions. Many delegations stated that the issue of sanctions remained of concern and questioned whether the suffering inflicted on vulnerable groups in countries targeted by sanctions was a legitimate means to effectuate changes in action; sanctions were not applicable as a response to all violations of international obligations. Concern was also expressed over the imposition of unilateral sanctions in violation of international law. For other delegations, sanctions applied in accordance with the UN Charter and in a targeted fashion, as practised by the Security Council, had reduced the possibility of adverse consequences for civilian populations and third parties. Some delegations reaffirmed that the establishment of a mechanism for evaluating unintended effects of targeted sanctions and assisting affected States should be considered; others expressed the view that the affected individuals had the right to be heard and represented. Several delegations emphasized that sanctions should be applied in conformity with the UN Charter and international law, and imposed as a last resort when there existed a threat to international peace and security, a breach of peace or an act of aggression; and that the Security...
Council’s power to implement sanctions should not exceed its own authority under the UN Charter or under international law. Several delegations expressed the view that sanctions should have clearly defined objectives and a specified time frame, be held under continuous review and lifted as soon as their objectives had been achieved; and that their imposition must be based on a substantive assessment of the country concerned, with compelling evidence that it was not respecting international resolutions.

Delegations expressed support for examining the question of the provision of possible payment of compensation to targeted or third States for damage caused by unlawfully imposed sanctions and reiterated that the International Law Commission should consider the legal consequences of sanctions imposed arbitrarily by the Security Council. Some delegations noted that none of the sanctions committees had been approached by Member States on the issue of special economic problems arising from the implementation of sanctions since 2003. They also noted that in 2013, neither the Assembly nor the Economic and Social Council had found it necessary to take any action relating to that matter. Therefore, the question of assistance to third States affected by the application of sanctions was not a matter of priority for the Committee and did not merit further discussion.

The Special Committee had before it Libya’s revised proposal on strengthening the role of the United Nations in the maintenance of international peace and security [YUN 1998, p. 1233]. Libya indicated its willingness to discuss the proposal.

The Special Committee also discussed a revised working paper entitled “Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs”, submitted by Venezuela in 2011 [YUN 2011, p. 1301]. Several delegations reiterated their concern that the Security Council had encroached on the functions and powers of the General Assembly and the Economic and Social Council by addressing issues that fell within their competence. Some delegations expressed support for the Venezuela proposal and maintained that the Special Committee was a proper forum to consider its others maintained that the responsibilities of the principal UN organs were adequately defined in the UN Charter and that the proposal duplicated other efforts aimed at revitalizing the Organization. Venezuela announced that it would continue to hold bilateral discussions on the proposal.

The Special Committee considered a revised working paper submitted by Belarus and the Russian Federation in 2005 [YUN 2005, p. 1445], in which it was recommended that an advisory opinion be requested from ICJ as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence. The co-sponsors pointed out that the advisory opinion would contribute to the clarification of the provisions of the Charter regarding the use of force and to the strengthening of the principle of the non-use of force. Some delegations maintained that the issue of the use of force had been adequately addressed in the Charter and, consequently, that the proposal could not be supported. Following informal consultations, the co-sponsors introduced a further revised working paper for consideration at the Committee’s next session. The Committee decided to keep the proposal on its agenda.

The Special Committee also considered a working paper entitled “Strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations”, submitted by Cuba in 2012 [YUN 2012, p. 1324]. Some delegations stated that the working paper merited continued study because would contribute to achieving a balance between the mandates of the General Assembly and the Security Council; others stressed the need to conduct a legal examination of the implementation of Charter provisions pertaining to the Assembly’s functions and powers. Cuba indicated that it would submit a revised working paper at the Committee’s next session.

During the general exchange of views on the item entitled “Peaceful settlement of disputes”, delegations reiterated that, in accordance with the mandate of the Special Committee, the item should remain on its agenda. The central role of ICJ in the peaceful settlement of disputes was highlighted, and the significance of the Manila Declaration on the Peaceful Settlement of International Disputes, approved by the General Assembly in 1982 and annexed to its resolution 37/10 [YUN 1982, p. 1372], was recalled. Cuba announced its intention to present a proposal on the issue of the peaceful settlement of disputes at the Committee’s next session. The Russian Federation proposed establishing a website on the peaceful settlement of disputes and updating the United Nations’ 1992 Handbook on the Peaceful Settlement of Disputes between States. Some delegations expressed the view that such endeavours could contribute to revitalizing the Special Committee’s work, while others questioned the added value and feasibility of those proposals.

Delegations commended ongoing Secretariat efforts to update the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council and eliminate the backlog in the preparation of those publications. Concerning the Repertory, progress had been made in preparing studies pertaining to volume III, Supplements 7 to 9, covering the period from 1985 to 1999. With regard to the Repertoire, the Secretariat had completed Supplement 17, covering the period from 2010 to 2011, and commenced work on Supplement 18, covering
Regarding the identification of new subjects, some delegations suggested examining legal matters relating to the Organization’s reform and revitalization; others called for the consideration of the proposals submitted at previous sessions. It was also suggested that no new subjects should be explored until the Special Committee had disposed of its current agenda items and that no new proposals should be considered that might envisage amendments to the Charter or duplicate efforts being made elsewhere in the Organization.

Some delegations supported the proposal introduced by Ghana in 2010 [YUN 2010, p. 1349] on including a new subject entitled “Principles and practical measures/mechanism for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the maintenance of international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping, consistent with Chapter VIII of the Charter of the United Nations”. Ghana subsequently revised the title of the proposal to “Strengthening cooperation between the United Nations and regional arrangements/organizations in the peaceful settlement of disputes” and indicated that it would submit a working paper on the proposal for further discussion at the Committee’s next session.

Reports of Secretary-General. In response to General Assembly resolution 68/115 [YUN 2013, p. 1352], the Secretary-General in July submitted a report [A/69/119] on implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions. The report highlighted operational changes that had occurred due to the shift in focus in the Security Council and its sanctions committees towards targeted sanctions; recent developments concerning the activities of the Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions; and Secretariat arrangements related to assistance to such States.

Also in response to General Assembly resolution 68/115, the Secretary-General reported in July [A/69/159] on progress made in updating the Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council.

With respect to the Repertory, the Secretary-General recommended that the Assembly note the progress made in the preparation of Repertory studies and their posting on the Internet in English, French and Spanish; consider the recommendations of the Special Committee—including the increased use of the UN internship programme, expanded cooperation with academic institutions for the preparation of the studies and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in updating the publication; note the progress made towards the elimination of the backlog of the Repertoire through use of the trust fund; and strongly encourage States to make additional contributions to it.

With regard to the Repertoire, the Secretary-General recommended that the Assembly note the progress made towards updating the publication and posting it in electronic form in all language versions on the UN website; call for voluntary contributions to the trust fund for the updating of the Repertoire and express appreciation for the contributions received; note the sponsoring by Switzerland, on a voluntary basis, of an associate expert to assist in the preparation of the Repertoire, and encourage other States to consider providing such assistance.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/501], adopted resolution 69/122 without vote [agenda item 81].

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,
Recalling its resolution 3499(XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,
Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,
Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,
Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,
Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,
Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled “Supplement to an Agenda for Peace”, by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,
Concerned about the special economic problems confronting certain States arising from the carrying-out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the
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obligation of Members of the United Nations under Article 49 of the Charter to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,

Taking note of the report of the Secretary-General entitled "Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council"

Recalling paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,


Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2014,

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. Decides that the Special Committee shall hold its next session from 17 to 25 February 2015;

3. Requests the Special Committee, at its session in 2015, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2015;

(b) To continue to consider, in an appropriate, substantive manner and framework, including the frequency of its consideration, the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency and utilization of resources with a view to identifying widely acceptable measures for future implementation;

4. Invites the Special Committee, at its session in 2015, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

5. Also invites the Special Committee, at its session in 2015, to consider the question of an appropriate commemoration of the seventy-fifth anniversary of the Charter;

6. Notes the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. Requests the Special Committee to submit a report on its work to the General Assembly at its seventieth session;

8. Recognizes the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, notes that, consistent with Article 96 of the Charter, the Court’s advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. Commends the Secretary-General for the progress made in the preparation of studies for the Repertory of Practice of United Nations Organs, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the Repertoire of the Practice of the Security Council;

10. Notes with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the Repertoire, as well as the trust fund for the updating of the Repertoire;

11. Reiterates its call for voluntary contributions to the trust fund for the elimination of the backlog in the Repertoire so as to further support the Secretariat in carrying out the effective elimination of that backlog; voluntary contributions to the trust fund for the updating of the Repertoire; and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. Calls upon the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;
13. Notes with concern that the backlog in the preparation of volume III of the Repertory, although slightly reduced, has not been eliminated, and calls upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog;

14. Reiterates the responsibility of the Secretary-General for the quality of the Repertory and the Repertoire, and with regard to the Repertoire calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952;

15. Requests the Secretary-General to submit to the General Assembly at its seventieth session a report on both the Repertory and the Repertoire;

16. Also requests the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 12 of his report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

17. Further requests the Secretary-General to submit to the General Assembly at its seventieth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

18. Decides to include in the provisional agenda of its seventieth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

UN Programme for the teaching and study of international law

In response to General Assembly resolution 68/110 [YUN 2013, p. 1354], the Secretary-General submitted an October report [A/69/516 & Add.1] on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which covered implementation of the Programme in 2014. Activities included the holding of the fiftieth session of the International Law Seminar (Geneva, 7–25 July) and the convening of the International Law Fellowship Programme (The Hague, 30 June–8 August).

Lectures, seminars and study visits were organized by the UN Office of Legal Affairs (OLA). The Office organized regional courses in international law, including one for Africa (Addis Ababa, 7 April–2 May). Due to the increasing demand for international law training, OLA considered permanent venues for regional courses in international law for Africa, Asia-Pacific, and Latin America and the Caribbean. The United Nations Audiovisual Library of International Law had been accessed by almost 1 million individuals and institutions in 193 Member States since its creation in 2008. It offered almost 350 lectures on a broad range of subjects relating to international law, including 23 lectures added in 2014, with an extensive online collection of treaties, jurisprudence, publications, scholarly writings, training materials and law journals which could also be viewed on mobile devices since 2013. OLA provided UN legal publications and training materials, upon request, to libraries as well as academic and other training institutes in developing countries and continued disseminating them, together with other legal information, through the Internet. In response to Assembly resolution 68/110, OLA provided guidance to the African Institute of International Law in Arusha in building its research library for African scholars and practitioners as well as for its training seminars on specific topics of international law and African Union law for government officials and practitioners. It also continued to research and collect legal materials, and maintained 23 websites.

The report also outlined activities planned for 2015 and provided administrative and financial implications of UN participation in the Programme during 2014 and 2015.

The Advisory Committee on the Programme held its forty-ninth session on 8, 13 and 14 October.

Communication. By a 29 August letter [A/69/524], Mauritania transmitted the African Union’s decision encouraging the African Union Commission on International Law to bolster its activities in the development and codification of international law with specific focus on African Union law, and calling on its member States to provide the Commission with information on relevant issues of international law.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/497], adopted resolution 69/117 without vote [agenda item 77].

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,
Recalling its resolution 2099(XX) of 20 December 1965, in which the General Assembly established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States,
Reaffirming that the Programme of Assistance is a core activity of the United Nations and that it has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for nearly half a century,
Recognizing the major contribution of the Programme of Assistance to the teaching and dissemination of international law for the benefit of lawyers in all countries,
legal systems and regions of the world for almost half a century.

Emphasizing the important contribution of the Programme of Assistance, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law, to the furtherance of United Nations rule of law programmes and activities,

Reaffirming that the increasing demand for international law training and dissemination activities creates new challenges for the Programme of Assistance,

Recognizing the importance of the Programme of Assistance effectively reaching its beneficiaries, including with regard to languages, while bearing in mind limitations on available resources,

Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance and the views of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which are contained in the report,

Noting with concern that the activities of the Programme of Assistance, in particular the organization of the United Nations Regional Courses in International Law on a regular basis and the further development of the United Nations Audiovisual Library of International Law, cannot be sustained with the resources available under the current programme budget, notwithstanding its resolutions 64/113 of 16 December 2009, 65/25 of 6 December 2010, 66/97 of 9 December 2011, 67/91 of 14 December 2012 and 68/110 of 16 December 2013,

Noting with regret that the United Nations Regional Courses in International Law for Asia-Pacific and for Latin America and the Caribbean for 2014 were cancelled owing to insufficient funds and that no United Nations Regional Course in International Law for Latin America and the Caribbean has been held in the past decade,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing highly qualified lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

1. Reiterates its approval of the guidelines and recommendations contained in section III of the report of the Secretary-General to the General Assembly at its sixty-eighth session, in particular those designed to strengthen and revitalize the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in response to the increasing demand for international law training and dissemination activities;

2. Authorizes the Secretary-General to carry out the activities specified in his reports in 2015;

3. Also authorizes the Secretary-General to award a minimum of one scholarship in 2015 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea;

4. Further authorizes the Secretary-General to continue and further develop the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world and to continue to finance this activity from provisions in the regular budget as well as, when necessary, from voluntary financial contributions, which would be received as a result of the requests set out in paragraphs 22 and 23 below;

5. Expresses its appreciation to the Secretary-General for the activities conducted under the Programme of Assistance and, in particular, for the efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme of Assistance in 2014;

6. Notes with serious concern that the provisions of paragraph 7 of resolutions 66/97, 67/91 and 68/110 have not been implemented, and therefore decides to revisit the matter of funding for the Programme of Assistance under the programme budget for the biennium 2014–2015, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law for the year 2015;

7. Requests the Secretary-General to include additional resources under the proposed programme budget for the biennium 2016–2017 for the organization of the Regional Courses in International Law for Africa, for Asia-Pacific and for Latin America and the Caribbean each year, and for the continuation and further development of the United Nations Audiovisual Library of International Law;

8. Also requests the Secretary-General to include in the regular budget, for consideration by the General Assembly, the necessary funding for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea for the biennium 2016–2017, should voluntary contributions be insufficient for granting at least one fellowship a year;

9. Further requests the Secretary-General to consider admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of their participation;

10. Recognizes the importance of the United Nations legal publications prepared by the Office of Legal Affairs of the Secretariat, and once again requests the Secretary-General to issue the publications referred to in his previous report in various formats, including hard copy publications, which are essential for developing countries;

11. Reiterates its request that the Secretary-General issue the next volume of the United Nations Legislative Series containing materials on the responsibility of States for internationally wrongful acts;

12. Appreciates the efforts that were undertaken by the Office of Legal Affairs to bring up to date the United Nations Legislative Series containing materials on the responsibility of States for internationally wrongful acts;
Nations legal publications, in particular by the Codification Division of the Office of Legal Affairs for its desktop publishing initiative from 2003 to 2013, which greatly enhanced the timely issuance of its legal publications and made possible the preparation of legal training materials, regrets that none of the publications referred to in the previous report of the Secretary-General was issued in 2014, when desktop publishing was discontinued owing to lack of resources, and recommends that the necessary resources be made available to resume this successful initiative;

13. Requests the Office of Legal Affairs to continue to maintain and expand its websites listed in the annex to the report of the Secretary-General as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

14. Requests that interns and research assistants be enlisted for the preparation of materials for the United Nations Audiovisual Library of International Law;

15. Commends the Codification Division for the cost-saving measures undertaken with regard to the International Law Fellowship Programme to maintain the number of fellowships available for this comprehensive international law training programme;

16. Expresses its appreciation to the Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with courses at the Academy;

17. Notes with appreciation the contributions of the Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

18. Welcomes the efforts of the Codification Division to revitalize and conduct United Nations Regional Courses in International Law as an important training activity;

19. Expresses its appreciation to Ethiopia for hosting and to Thailand and Uruguay for agreeing to host the United Nations Regional Courses in International Law in 2014, and to Ethiopia, Thailand and Uruguay for agreeing to host the United Nations Regional Courses in International Law for Africa, for Asia-Pacific and, for the first time in over a decade, for Latin America and the Caribbean in 2015, and also expresses its appreciation to Costa Rica for its willingness to host this Regional Course in the future;

20. Expresses its appreciation to the African Union for the valuable contribution it continues to make to the United Nations Regional Course in International Law for Africa, which has enabled participants to attend and participate in the Regional Course and the lectures at the African Union;

21. Once again encourages the Codification Division to cooperate with the African Institute of International Law, dedicated to offering higher learning and research in international law needed for the development of Africa, in the implementation of the relevant activities under the Programme of Assistance;

22. Requests the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

23. Reiterates its request to Member States and interested organizations, institutions and individuals to make voluntary contributions, inter alia, for the International Law Fellowship Programme and the United Nations Audiovisual Library of International Law;

24. Urges, in particular, all Member States and interested organizations, institutions and individuals to make voluntary contributions for the United Nations Regional Courses in International Law organized by the Codification Division as an important complement to the International Law Fellowship Programme, thus alleviating the burden on prospective host countries and making it possible to conduct the Regional Courses on a regular basis;

25. Expresses its appreciation to those Member States that have made voluntary contributions to support the Programme of Assistance;

26. Requests the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the Programme of Assistance in 2015 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the Programme in subsequent years;

27. Concludes once again that voluntary contributions have not proven to be a sustainable method for funding the activities under the Programme of Assistance, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law, and that, consequently, there is a need to provide more reliable funding for all its activities, taking into account the conclusion of the Advisory Committee at its forty-ninth session;

28. Decides to include in the provisional agenda of its seventy-first session the item entitled “United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law”.

Host country relations

At five meetings held in New York (6 February, 22 April, 31 July, 1 October, 4 November), the 19-member Committee on Relations with the Host Country considered the following aspects of relations between the UN diplomatic community and the United States, the host country: entry visas issued by the host country; the question of privileges and immunities; host country activities to assist members of the UN community; transportation: the use of motor vehicles, parking and related matters; and other matters. The recommendations and conclusions on those items, approved by the Committee at its 4 November meeting, were incorporated into its report [A/69/26]. The Committee expressed appreciation for the host
country’s efforts to maintain appropriate conditions for delegations and missions accredited to the United Nations and anticipated that all issues raised at its meetings would be settled in a spirit of cooperation and in accordance with international law.

Noting the importance of the observance of privileges and immunities, the Committee emphasized the need to solve, through negotiations, problems that might arise in that regard for the normal functioning of accredited delegations and missions. It urged the host country to continue to take appropriate action, such as the training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities. In case of violations, the Committee urged the host country to ensure that such cases were investigated and remedied, in accordance with applicable law. Considering that the security of missions and the safety of their personnel were indispensable for their effective functioning, the Committee appreciated the host country’s efforts to that end and anticipated that the host country would continue to take all measures necessary to prevent any interference with the missions’ functioning.

The Committee noted that the missions continued to implement the Parking Programme for Diplomatic Vehicles, which came into force in 2002 [YUN 2002, p. 1338]. It would remain seized of the matter to ensure its proper implementation in a manner that was fair, nondiscriminatory, effective and consistent with international law. It also requested that the host country continue to bring to the attention of New York City officials reports about other problems experienced by permanent missions or their staff, in order to improve the conditions for their functioning and promote compliance with international norms concerning diplomatic privileges and immunities.

The Committee anticipated that the host country would enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States to travel to New York on official UN business, and remained seized of the matter of the host country’s failure to issue a visa to a designated permanent representative of a Member State, noting the position of the affected Member State, other Member States and the host country in that regard. It also noted that a number of delegations had requested shortening the time frame applied by the host country for issuance of entry visas, since the existing time frame posed difficulties for the full-fledged participation of Member States in UN meetings. The Committee urged the host country to remove remaining travel restrictions for personnel of certain missions and staff members of the Secretariat of certain nationalities. It also stressed the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations.

The Committee expressed concern over the difficulties experienced by some permanent missions in obtaining suitable banking services, which affected those missions’ ability to perform their functions, and welcomed the host country’s efforts to facilitate the opening of bank accounts for permanent missions with other financial institutions.

**Bank accounts of Permanent Missions**

At the meeting of the Committee on Relations with the Host Country on 22 April, the Syrian Arab Republic reiterated its concern raised in previous Committee meetings over the preceding two years about opening a bank account, stressing that a swift solution to the banking issue was needed. At a meeting on 31 July, the Sudan requested consideration of an item on the closure of bank accounts, stating that its mission had no bank account for three years and was unable to function, despite the host country’s efforts to find a solution. Subsequently, Cuba raised similar concerns with regard to the transfer of funds to and from its account, which were the subject of its letters addressed to the Chair of the Committee on Relations with the Host Country on 27 November 2013 [A/AC.154/405] and on 30 September 2014 [A/AC.154/406].

The host country responded that it had no authority to direct a financial institution to open an account but took up the issues concerned with the relevant banks, and noted that the United Nations Federal Credit Union had begun opening accounts for the permanent missions affected.

On 9 September, Bolivia, on behalf of the Group of 77 and China, introduced to the General Assembly a draft resolution [A/68/L.42/Rev.1] addressing the issue of decisions made over previous years by several banking institutions in the City of New York to close bank accounts of Member and Observer States’ missions and refuse to continue to provide services to them, which negatively affected their normal functioning. According to Bolivia, the objective of the draft resolution was to achieve a long-term solution to the problem through additional measures by the host country to assist accredited missions and their staff.

**GENERAL ASSEMBLY ACTION**

On 9 September [meeting 107], the General Assembly adopted resolution 68/306 [draft: A/68/L.42/Rev.1] without vote [agenda items 124 & 125].

**Enhancement of the administration and financial functioning of the United Nations**

The General Assembly, Guided by the purposes and principles of the Charter of the United Nations and its relevant provisions, Recalling the Agreement between the United Nations and the United States of America regarding the Headquar-
ters of the United Nations of 26 June 1947, approved by the General Assembly in its resolution 169(II) of 31 October 1947, and the obligations it establishes for the host country.


Recognizing the problems that have arisen as a result of the decisions made on a number of occasions by several banking institutions in regard to the closing of the accounts of some Permanent Missions to the United Nations and those of their staff members accredited to the United Nations and of their family members,

Noting with concern the difficulties experienced by such Permanent Missions and individuals as a result of such account closures,

Stressing that the Governments of Member and Observer States, the Permanent Missions and their staff, as well as the United Nations at its Headquarters and the agencies, funds and programmes of the United Nations system should have appropriate banking services for the normal functioning of their facilities in order to discharge their duties,

Bearing in mind the need for the Permanent Missions and the United Nations as a whole to benefit from appropriate banking services based on mutual trust and respect, especially in the light of the latest actions taken by some banking institutions in this regard,

1. Requests the Secretary-General to review and report to the General Assembly, within 150 days following the adoption of the present resolution, any impediments or obstacles with respect to the accounts opened by the Permanent Missions of Member and Observer States to the United Nations or their staff in the City of New York, and the impact that any such impediments or obstacles have on the adequate functioning of their offices, and to this end invites Member and Observer States to provide the Secretary-General with relevant information that will facilitate the elaboration of such a report;

2. Also requests the Secretary-General to report to the General Assembly on the financial relations of the Secretariat with the banking institutions in the City of New York, in the context of the report mentioned in paragraph 1 above;

3. Further requests the Secretary-General, within 120 days of the adoption of the present resolution, to provide Member and Observer States with information on alternative options regarding banking services in the City of New York so as to enable them and their Permanent Missions to adequately manage and maintain their accounts, assessed budgetary contributions, voluntary contributions, transfers and other financial responsibilities directly related to their membership in the United Nations;

4. Requests the host country to take, as soon as possible, additional measures to assist the Permanent Missions accredited to the United Nations and their staff to obtain appropriate banking services;

5. Stresses the importance of ensuring the confidentiality of the personal data and information of persons affected by the closure of accounts by the banking institutions, invites the host country to submit information on the norms and regulations applicable to the banking system regarding the confidentiality of personal data and information, and requests the Secretary-General to include such information in the report referred to in paragraph 1 above;

6. Decides to keep this matter under review during the sixty-ninth session of the General Assembly.

On 10 December [meeting 68], the General Assembly, on the recommendation of the Sixth Committee [A/69/510], adopted resolution 69/128 without vote [agenda item 168].

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819(XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Headquarters Agreement,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 55 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions, and urges the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities and if violations occur to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

3. Notes the problems experienced by some Permanent Missions to the United Nations in connection with the implementation of the Parking Programme for Diplomatic Vehicles, and notes that the Committee shall remain seized of the matter, with a view to continuing to maintain the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

4. Requests the host country to consider removing the remaining travel restrictions imposed by it on staff of certain missions and staff members of the Secretariat of certain nationalities, and in this regard notes the long-standing positions of affected States, of the Secretary-General and of the host country;
5. Recalls article IV of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and notes the concerns expressed by some delegations concerning the denial and delay of entry visas to representatives of Member States;

6. Notes that the Committee anticipates that the host country will continue to enhance its efforts to ensure the issuance of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement and in a timely manner, to enable travel to New York on United Nations business, that the Committee remains seized of the matter of the host country’s not issuing a visa to a designated Permanent Representative of a Member State, and that the Committee anticipates that the host country will continue to enhance efforts, including visa issuance, to facilitate the participation of representatives of Member States in other United Nations meetings, as appropriate;

7. 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 since the time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings, and invites the host country to inform the Committee, as appropriate, of efforts to address such difficulties;

8. Notes with concern the difficulties that continue to be experienced by some Permanent Missions to the United Nations in obtaining suitable banking services, welcomes the continued efforts of the host country to facilitate the opening of bank accounts for those Permanent Missions, and also welcomes the adoption of General Assembly resolution 68/306 of 9 September 2014 in this respect;

9. Expresses its appreciation for the efforts made by the host country, and expects that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law, including the Headquarters Agreement;

10. Affirms the importance of the Committee being in a position to fulfill its mandate and meet on short notice to deal with urgent and important matters concerning the relations between the United Nations and the host country, and in that connection requests the Secretariat and the Committee on Conferences to accord priority to requests from the Committee on Relations with the Host Country for conference-servicing facilities for meetings of that Committee that must be held while the General Assembly and its Main Committees are meeting, without prejudice to the requirements of those bodies and on an “as available” basis;

11. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country, and recalls that the Secretary-General may bring to the attention of the Committee issues of mutual concern relating to the implementation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations;

12. Requests the Committee to continue its work in conformity with General Assembly resolution 2819(XXVI) and, in this framework, to consider additional appropriate measures to enhance the work of the Committee and its effectiveness;

13. Decides to include in the provisional agenda of its seventieth session the item entitled “Report of the Committee on Relations with the Host Country”.