In 2007, the International Law Commission continued to examine topics relating to the progressive development and codification of international law. It recommended the second reading of draft articles on the law of transboundary aquifers, and established a working group on shared natural resources. The General Assembly, in December, commended to the attention of Governments a set of draft articles on diplomatic protection and a set of draft principles on transboundary harm from hazardous activities, which the Commission had submitted in previous years. Governments were invited to submit comments, including on elaborating conventions on those topics.

The Ad Hoc Committee established by the Assembly continued to elaborate a draft comprehensive convention on international terrorism. In July, the Secretary-General reported on measures taken by States, UN system entities and intergovernmental 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 upon States to adopt further measures to prevent terrorism.

At its fortieth session, the United Nations Commission on International Trade Law (UNCITRAL) adopted the UNCITRAL Legislative Guide on Secured Transactions and recommended that States utilize it to assess the economic activity of their secured transactions regimes. It also held a Congress on “Modern Law for Global Commerce”, which reviewed the results of the Commission’s past work, as well as the work of other organizations active in the field of international trade law. It also assessed current work programmes and considered topics for future work.

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization continued to consider, 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 under Chapter VII.

The Committee on Relations with the Host Country addressed a number of issues raised by permanent missions to the United Nations, including transportation and parking issues, acceleration of immigration and customs procedures, delays in issuing visas and travel regulations.

**Legal aspects of international political relations**

**International Law Commission**

The 34-member International Law Commission (ILC) held its fifty-ninth session in Geneva in two parts (7 May–5 June; 9 July–10 August) [A/62/10]. During the second part, the International Law Seminar held its forty-third session, which was attended by 25 participants, mostly from developing countries. They observed ILC meetings, attended specially arranged lectures and participated in working groups on specific topics.

ILC, assisted by working groups and a Drafting Committee, considered the eleventh and twelfth reports of the Special Rapporteur on reservations to treaties, and referred to the Drafting Committee 35 draft guidelines dealing with the formulation and withdrawal of acceptances and objections and on the procedure for acceptances of reservations. ILC also adopted nine draft guidelines, together with commentaries, dealing with the determination of the object and purpose of the treaty, as well as the question of incompatibility of a reservation with the object and purpose of the treaty. On the topic of shared natural resources, the Commission considered the fourth report by the Special Rapporteur and decided to proceed with the second reading of the draft articles on the law of transboundary aquifers, independently of any future consideration of oil and gas. The Commission also established a Working Group on shared natural resources. Concerning the responsibility of international organizations, ILC considered the fifth report of the Special Rapporteur and adopted 15 draft articles, together with commentaries thereon.

The Commission also considered the second and third reports of the Special Rapporteur on the topic of expulsion of aliens, dealing with the scope of the topic and definitions (two draft articles), and certain general provisions limiting the right of a State to expel an alien (five draft articles). Following its debate on the two reports, the Commission referred the seven draft articles to the Drafting Committee.

Regarding the topic of the effects of armed conflicts on treaties, the Commission considered the third report of the Special Rapporteur and established a
Working Group thereon. It subsequently adopted the Working Group's report and referred draft articles 1 to 3, 5, 5 bis, 7, 10 and 11 as proposed by the Special Rapporteur and draft article 4 as proposed by the Working Group to the Drafting Committee. On the topic of the obligation to extradite or prosecute (aut dedere aut judicare), the Commission considered the second report of the Special Rapporteur containing one draft article on the scope of application, as well as a proposed plan for further development. The Commission had before it comments and information received from Governments. (See below for expanded treatment of these topics.)

ILC established a Planning Group to consider its programme, procedures and working methods, and a Working Group on the long-term programme of work. It decided to include in its programme of work two new topics: “Protection of persons in the event of disasters” and “Immunity of State officials from foreign criminal jurisdiction”. Eduardo Valencia-Ospina (Colombia) and Roman A. Kolodkin (Russian Federation) were appointed Rapporteurs for those topics, respectively. ILC also established a Working Group on the Most-Favoured-Nation Clause. It decided to hold its sixtieth session from 5 May to 6 June and 7 July to 8 August 2008, and to commemorate its sixtieth anniversary at that session.

GENERAL ASSEMBLY ACTION

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/62/450], adopted resolution 62/66 without vote [agenda item 82].

Report of the International Law Commission on the work of its fifty-ninth session

The General Assembly,
Having considered the report of the International Law Commission on the work of its fifty-ninth session,
Emphasizing the importance of furthering the progressive development of international law and its codification 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 of international law and its codification,
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,
Welcoming the holding of the International Law Seminar, 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 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 resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

1. Takes note of the report of the International Law Commission on the work of its fifty-ninth session, and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the General Assembly;
2. Expresses its appreciation to the International Law Commission for the work accomplished at its fifty-ninth session;
3. Draws the attention of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:
   (a) Reservations to treaties;
   (b) Shared natural resources;
   (c) Expulsion of aliens;
   (d) Responsibility of international organizations;
   (e) The obligation to extradite or prosecute (aut dedere aut judicare);
4. Invites Governments, within the context of paragraph 3 above, to provide information to the International Law Commission regarding practice with regard to the topics “Expulsion of aliens” and “The obligation to extradite or prosecute (aut dedere aut judicare)”;
5. Reiterates its invitation to Governments, within the context of chapter III of the 2005 report of the International Law Commission, to provide information to the Commission regarding State practice, in particular more contemporary practice on the topic “Effects of armed conflicts on treaties”;
6. Draws the attention of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2008 on the draft articles and commentaries on the law of transboundary-
ary aquifers adopted on first reading by the Commission at its fifty-eighth session;

7. Takes note of the decision of the International Law Commission to include the topics “Protection of persons in the event of disasters” and “Immunity of State officials from foreign criminal jurisdiction” in its programme of work;

8. Invites the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to that end;

9. Encourages the International Law Commission to continue taking cost-saving measures at its future sessions without prejudice to the efficiency of its work;

10. Takes note of paragraph 399 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 5 May to 6 June and from 7 July to 8 August 2008;

11. Welcomes the enhanced dialogue between the International Law Commission and the Sixth Committee at the sixty-second session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, 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 sixty-third session of the Assembly;

12. Encourages delegations, during the debate on the report of the International Law Commission, 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;

13. 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;

14. 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;

15. Takes note of paragraphs 400 to 405 of the report of the International Law Commission with regard to cooperation with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (c), and article 26, paragraphs 1 and 2, 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;

16. Notes that the International Law Commission, in accordance with article 25, paragraph 1, of its statute, held a meeting during its fifty-ninth session with United Nations and other experts in the field of human rights, including representatives from human rights treaty bodies, and exchanged views on issues relating to reservations to human rights treaties;

17. Also 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;

18. 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;

19. Approves the conclusions reached by the International Law Commission in paragraphs 387 to 395 of its report;

20. Also approves the conclusions reached by the International Law Commission in paragraphs 382 and 383 of its report, and reaffirms its previous decisions concerning the documentation and summary records of the Commission;

21. Takes note of paragraph 385 of the report of the International Law Commission and, without prejudice to the importance of ensuring necessary allocations in the regular budget, requests the Secretary-General to establish a trust fund to accept voluntary contributions so as to address the backlog relating to the Yearbook of the International Law Commission;

22. Also takes note of the Guidelines on the publication of documents of the International Law Commission, as endorsed by the Commission in paragraph 381 of its report;

23. Further takes note of paragraphs 396 and 397 of the report of the International Law Commission and encourages legal advisers to participate in the commemorative meeting envisaged for the sixtieth anniversary to be held in Geneva on 19 and 20 May 2008, and invites Member States, in association with existing regional organizations, professional associations, academic institutions and members of the Commission, to convene national or regional meetings, which would be dedicated to the work of the Commission;

24. Notes with appreciation the expansion of the website of the International Law Commission to include all its documentation, and welcomes the continuous efforts of the Codification Division to maintain and improve the website;

25. 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, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

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

27. Also requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the sixty-second session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

28. 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 Commis-
sion and the draft articles adopted on either first or second reading by the Commission;


**International liability**

On 23 October and 19 November [A/62/452], the General Assembly’s Sixth Committee considered the item of international liability for injurious consequences arising out of acts not prohibited by international law (consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm). The International Law Commission in 2001 [YUN 2001, p. 1223] had completed 19 draft articles on prevention of transboundary harm from hazardous activities and recommended to the General Assembly the elaboration of a convention on the basis of the draft articles. The Commission in 2006 [YUN 2006, p. 1508] had considered eight draft principles on the legal regime for allocating loss in case of transboundary harm arising out of hazardous activities and recommended that the Assembly endorse the draft principles by a resolution.

**GENERAL ASSEMBLY ACTION**

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/452], adopted resolution 62/68 without vote [agenda item 84].

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

_The General Assembly,_

Recalling that the International Law Commission at its fifty-third session completed the draft articles on prevention of transboundary harm from hazardous activities and recommended to the General Assembly the elaboration of a convention on the basis of the draft articles,

Recalling also its resolution 56/82 of 12 December 2001,

Noting that the Commission at its fifty-eighth session completed the draft principles on allocation of loss in the case of transboundary harm arising out of hazardous activities and recommended to the General Assembly that it endorse the draft principles by a resolution and urge States to take national and international action to implement them,

Recalling its resolution 61/36 of 4 December 2006, the annex to which contains the text of the principles on allocation of loss in the case of transboundary harm arising out of hazardous activities,

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 questions of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm are of major importance in the relations of States,

Taking into account the views and comments expressed in the Sixth Committee at the sixty-second session of the General Assembly on the prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm,

1. Welcomes the conclusion of the work of the International Law Commission on prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm and its adoption of the respective draft articles and draft principles and commentaries on the subjects;

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

3. Commends the articles on prevention of transboundary harm from hazardous activities, presented by the Commission, the text of which is annexed to the present resolution, to the attention of Governments, without prejudice to any future action, as recommended by the Commission regarding the principles;

4. Commends once again the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, presented by the Commission, the text of which was annexed to General Assembly resolution 61/36, to the attention of Governments, without prejudice to any future action, as recommended by the Commission regarding the principles;

5. Invites Governments to submit comments on any future action, in particular on the form of the respective articles and principles, bearing in mind the recommendations made by the Commission in that regard, including in relation to the elaboration of a convention on the basis of the draft articles, as well as on any practice in relation to the application of the articles and principles;

6. Decides to include in the provisional agenda of its sixty-fifth session the item entitled “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm”.

**ANNEX**

**Prevention of transboundary harm from hazardous activities**

_The States Parties,_

_Having in mind_ Article 13, paragraph 1 (a) of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

_Bearing in mind_ the principle of permanent sovereignty of States over the natural resources within their territory or otherwise under their jurisdiction or control,

_Bearing in mind also_ that the freedom of States to carry on or permit activities in their territory or otherwise under their jurisdiction or control is not unlimited,

_Recalling_ the Rio Declaration on Environment and Development of 13 June 1992,

_Recognizing_ the importance of promoting international cooperation,

_Have agreed as follows:_


Article 1
Scope

The present articles apply to activities not prohibited by international law which involve a risk of causing significant transboundary harm through their physical consequences.

Article 2
Use of terms

For the purposes of the present articles:
(a) “Risk of causing significant transboundary harm” includes risks taking the form of a high probability of causing significant transboundary harm and a low probability of causing disastrous transboundary harm;
(b) “Harm” means harm caused to persons, property or the environment;
(c) “Transboundary harm” means harm caused in the territory of or in other places under the jurisdiction or control of a State other than the State of origin, whether or not the States concerned share a common border;
(d) “State of origin” means the State in the territory or otherwise under the jurisdiction or control of which the activities referred to in article 1 are planned or are carried out;
(e) “State likely to be affected” means the State or States in the territory of which there is the risk of significant transboundary harm or which have jurisdiction or control over any other place where there is such a risk;
(f) “States concerned” means the State of origin and the State likely to be affected.

Article 3
Prevention

The State of origin shall take all appropriate measures to prevent significant transboundary harm or at any event to minimize the risk thereof.

Article 4
Cooperation

States concerned shall cooperate in good faith and, as necessary, seek the assistance of one or more competent international organizations in preventing significant transboundary harm or at any event in minimizing the risk thereof.

Article 5
Implementation

States concerned shall take the necessary legislative, administrative or other action including the establishment of suitable monitoring mechanisms to implement the provisions of the present articles.

Article 6
Authorization

1. The State of origin shall require its prior authorization for:
   (a) Any activity within the scope of the present articles carried out in its territory or otherwise under its jurisdiction or control;
   (b) Any major change in an activity referred to in subparagraph (a);
   (c) Any plan to change an activity which may transform it into one falling within the scope of the present articles.
2. The requirement of authorization established by a State shall be made applicable in respect of all pre-existing activities within the scope of the present articles. Authorizations already issued by the State for pre-existing activities shall be reviewed in order to comply with the present articles.
3. In case of a failure to conform to the terms of the authorization, the State of origin shall take such actions as appropriate, including where necessary terminating the authorization.

Article 7
Assessment of risk

Any decision in respect of the authorization of an activity within the scope of the present articles shall, in particular, be based on an assessment of the possible transboundary harm caused by that activity, including any environmental impact assessment.

Article 8
Notification and information

1. If the assessment referred to in article 7 indicates a risk of causing significant transboundary harm, the State of origin shall provide the State likely to be affected with timely notification of the risk and the assessment and shall transmit to it the available technical and all other relevant information on which the assessment is based.
2. The State of origin shall not take any decision on authorization of the activity pending the receipt, within a period not exceeding six months, of the response from the State likely to be affected.

Article 9
Consultations on preventive measures

1. The States concerned shall enter into consultations, at the request of any of them, with a view to achieving acceptable solutions regarding measures to be adopted in order to prevent significant transboundary harm or at any event to minimize the risk thereof. The States concerned shall agree, at the commencement of such consultations, on a reasonable time frame for the consultations.
2. The States concerned shall seek solutions based on an equitable balance of interests in the light of article 10.
3. If the consultations referred to in paragraph 1 fail to produce an agreed solution, the State of origin shall nevertheless take into account the interests of the State likely to be affected in case it decides to authorize the activity to be pursued, without prejudice to the rights of any State likely to be affected.

Article 10
Factors involved in an equitable balance of interests

In order to achieve an equitable balance of interests as referred to in paragraph 2 of article 9, the States concerned shall take into account all relevant factors and circumstances, including:
(a) The degree of risk of significant transboundary harm and of the availability of means of preventing such harm, or minimizing the risk thereof or repairing the harm;

(b) The importance of the activity, taking into account its overall advantages of a social, economic and technical character for the State of origin in relation to the potential harm for the State likely to be affected;

(c) The risk of significant harm to the environment and the availability of means of preventing such harm, or minimizing the risk thereof or restoring the environment;

(d) The degree to which the State of origin and, as appropriate, the State likely to be affected are prepared to contribute to the costs of prevention;

(e) The economic viability of the activity in relation to the costs of prevention and to the possibility of carrying out the activity elsewhere or by other means or replacing it with an alternative activity;

(f) The standards of prevention which the State likely to be affected applies to the same or comparable activities and the standards applied in comparable regional or international practice.

Article 11

Procedures in the absence of notification

1. If a State has reasonable grounds to believe that an activity planned or carried out in the State of origin may involve a risk of causing significant transboundary harm to it, it may request the State of origin to apply the provision of article 8. The request shall be accompanied by a documented explanation setting forth its grounds.

2. In the event that the State of origin nevertheless finds that it is not under an obligation to provide a notification under article 8, it shall so inform the requesting State within a reasonable time, providing a documented explanation setting forth the reasons for such finding. If this finding does not satisfy that State, at its request, the two States shall promptly enter into consultations in the manner indicated in article 9.

3. During the course of the consultations, the State of origin shall, if so requested by the other State, arrange to introduce appropriate and feasible measures to minimize the risk and, where appropriate, to suspend the activity in question for a reasonable period.

Article 12

Exchange of information

While the activity is being carried out, the States concerned shall exchange in a timely manner all available information concerning that activity relevant to preventing significant transboundary harm or at any event minimizing the risk thereof. Such an exchange of information shall continue until such time as the States concerned consider it appropriate even after the activity is terminated.

Article 13

Information to the public

States concerned shall, by such means as are appropriate, provide the public likely to be affected by an activity within the scope of the present articles with relevant information relating to that activity, the risk involved and the harm which might result and ascertain their views.

Article 14

National security and industrial secrets

Data and information vital to the national security of the State of origin or to the protection of industrial secrets or concerning intellectual property may be withheld, but the State of origin shall cooperate in good faith with the State likely to be affected in providing as much information as possible under the circumstances.

Article 15

Non-discrimination

Unless the States concerned have agreed otherwise for the protection of the interests of persons, natural or juridical, who may be or are exposed to the risk of significant transboundary harm as a result of an activity within the scope of the present articles, a State shall not discriminate on the basis of nationality or residence or place where the injury might occur, in granting to such persons, in accordance with its legal system, access to judicial or other procedures to seek protection or other appropriate redress.

Article 16

Emergency preparedness

The State of origin shall develop contingency plans for responding to emergencies, in cooperation, where appropriate, with the State likely to be affected and competent international organizations.

Article 17

Notification of an emergency

The State of origin shall, without delay and by the most expeditious means at its disposal, notify the State likely to be affected of an emergency concerning an activity within the scope of the present articles and provide it with all relevant and available information.

Article 18

Relationship to other rules of international law

The present articles are without prejudice to any obligation incurred by States under relevant treaties or rules of customary international law.

Article 19

Settlement of disputes

1. Any dispute concerning the interpretation or application of the present articles shall be settled expeditiously through peaceful means of settlement chosen by mutual agreement of the parties to the dispute, including negotiations, mediation, conciliation, arbitration or judicial settlement.

2. Failing an agreement on the means for the peaceful settlement of the dispute within a period of six months, the parties to the dispute shall, at the request of any of them, have recourse to the establishment of an impartial fact-finding commission.
3. The Fact-finding Commission shall be composed of one member nominated by each party to the dispute and in addition a member not having the nationality of any of the parties to the dispute chosen by the nominated members who shall serve as Chairperson.

4. If more than one State is involved on one side of the dispute and those States do not agree on a common member of the Commission and each of them nominates a member, the other party to the dispute has the right to nominate an equal number of members of the Commission.

5. If the members nominated by the parties to the dispute are unable to agree on a Chairperson within three months of the request for the establishment of the Commission, any party to the dispute may request the Secretary-General of the United Nations to appoint the Chairperson who shall not have the nationality of any of the parties to the dispute. If one of the parties to the dispute fails to nominate a member within three months of the initial request pursuant to paragraph 2, any other party to the dispute may request the Secretary-General of the United Nations to appoint a person who shall not have the nationality of any of the parties to the dispute. The person so appointed shall constitute a single-member Commission.

6. The Commission shall adopt its report by a majority vote, unless it is a single-member Commission, and shall submit that report to the parties to the dispute setting forth its findings and recommendations, which the parties to the dispute shall consider in good faith.

Shared natural resources

The Commission [A/62/10] reconvened the Working Group on shared natural resources, chaired by Enrique Candioti (Argentina). The Group assisted Special Rapporteur Chusei Yamada (Japan) in considering a future work programme, taking into account the views expressed in the Commission. On 18 May, the Special Rapporteur submitted his fourth report [A/CN.4/580], which the Commission considered on 4 and 5 June. The Commission took note of the Working Group’s report on 3 August, and requested the Secretariat to circulate to Governments the questionnaire seeking information on State practice regarding oil and gas.

The Special Rapporteur stated that, since comments and observations of Governments on the first reading of the draft articles on the law of transboundary aquifers [YUN 2006, p. 1513] were expected by 1 January 2008, the second reading of the draft articles would have to be deferred until the Commission’s sixtieth (2008) session. His report therefore addressed only the relationship between the work on transboundary aquifers and any future work on oil and gas. He proposed that the Commission proceed with the second reading of the draft articles on the law of transboundary aquifers in 2008, and treat that subject independently of any future work by the Commission on oil and gas. He also stressed the need to conduct preliminary studies on oil and gas, including a compilation of State practice.

The Commission welcomed the Special Rapporteur’s report and agreed with his recommendation that it should proceed with and complete the second reading of the law of transboundary aquifers independently of any future work on oil and gas. Commission members welcomed the initiative of the United Nations Educational, Scientific and Cultural Organization to organize regional meetings to sensitize Governments on the draft articles.

Responsibility of international organizations

ILC considered [A/62/10] the fifth report on responsibility of international organizations [A/CN.4/583] by Special Rapporteur Giorgio Gaja (Italy), as well as written comments received from international organizations. The report contained 14 draft articles, corresponding to Part Two of the articles on State responsibility. Draft articles 31 to 36 dealt with general principles of the content of international responsibility of an international organization; draft articles 37 to 42 related to reparation for injury; and draft articles 43 and 44 addressed the issue of serious breaches of obligations under peremptory norms of general international law.

The Commission considered the Special Rapporteur’s report from 9 to 12 and on 18 July, and referred draft articles 31 to 44 to the Drafting Committee, including the supplementary draft article proposed by the Special Rapporteur on providing an organization with the means for effectively fulfilling its obligations. The Commission adopted the Drafting Committee’s report on articles 31 to 44, and the commentaries thereto.

Expulsion of aliens

ILC had before it [A/62/10] the second [YUN 2006, p. 1514] and third [A/CN.4/581] reports of Special Rapporteur Maurice Kamto (Cameroon) on the expulsion of aliens. The second report studied the general rules on expulsion of aliens, addressed the scope of the topic and the definition of its constituent elements, and proposed two draft articles (draft articles 1 and 2), while the third report dealt with the general principles relating to the expulsion of aliens, proposing five draft articles (draft articles 3 to 7). Draft article 3 dealt with the right to expulsion; article 4, the non-expulsion by a State of its own nationals; article 5, the non-expulsion of refugees; article 6, the non-expulsion of stateless persons; and article 7, prohibition of collective expulsion.

There was a consensus that the topic should cover persons residing in the territory of a State of which they did not have nationality, with a distinction being made between persons in a regular and in an irregular situation. Refugees, asylum-seekers, stateless persons and migrant
workers should be included. However, some members and delegations had expressed doubt on whether the topic should include denial of admission with regard to illegal immigrants, nationals of a State in armed conflict and persons who had changed nationality following a change in the status of the territory where they resided due to decolonization. The Special Rapporteur felt that denial of admission and the situation of aliens entitled to privileges and immunities under international law should be excluded from the topic.

Some Commission members held that the topic of the expulsion of aliens was more suited to political negotiation than to codification by an expert body, while others asserted that codification could take the form of draft articles, with a view to the adoption of an international convention. Members also disagreed on the elaboration of general rules. Several members supported the Special Rapporteur’s general approach, emphasizing the need to reconcile the right of a State to expel aliens within the relevant rules of international law, including those relating to the protection of human rights and the minimum standards for the treatment of aliens. It was asserted that the Commission should focus on the rights and obligations of States, and not only on the relationship between the expelling State and the expelled individual. Special attention should be given to national jurisprudence, which contributed to the development of certain criteria to prevent the arbitrary use of the right to expel. Several members emphasized the role of the rules of customary international law in the establishment of limits to the right to appeal. The Special Rapporteur planned to analyse further the issue of expulsion of dual nationals and to study the question of the deprivation of nationality as a prelude to expulsion.

The Commission referred to the Drafting Committee draft articles 1 and 2, as revised by the Special Rapporteur, as well as draft articles 3 to 7.

Extradition

ILC had before it [A/62/10] the second report of Special Rapporteur Zdzislaw Galicki (Poland) on the obligation to extradite or prosecute (aut dedere aut judicare) [A/CN.4/585 & Corr.1], as well as comments and information received from Governments [A/CN.4/579 & Add.1-4]. The Special Rapporteur stated that the second report recapitulated the main ideas and concepts presented in the preliminary report [YUN 2006, p. 1514] in order to seek the views of the new Commission members on the most controversial issues regarding that topic. He confirmed that the plan of action contained in the preliminary report remained the main road map for further work on the topic. The Special Rapporteur was, however, in a position to present one draft article on the scope of application of the future draft articles on the obligation to extradite or prosecute. He also proposed a plan for further development and shared his ideas on articles to be drafted in the future. He indicated, in particular, that one draft article should contain a definition of the terms used, and that a further draft article (or set of draft articles) should be devoted to a description of the obligation to extradite or prosecute and its constitutive elements. The Special Rapporteur envisaged a draft article obliging each State to extradite or prosecute an alleged offender if such an obligation was provided for by a treaty to which the State was a party. Other draft articles should take inspiration from the draft Code of Crimes against the Peace and Security of Mankind, adopted by the Commission in 1996 [YUN 1996, p. 1204]. The Special Rapporteur indicated the need to reiterate the request for Governments to provide information on their legislation and practice with regard to the obligation to extradite or prosecute.

The Commission considered the report in July and August. In their comments, Commission members dealt with the source of the obligation to extradite or prosecute, its relationship with universal jurisdiction, the scope of the obligation and its two consecutive elements, and the question of surrender of an alleged offender to an international tribunal (the so-called “triple alternative”). The Special Rapporteur suggested that draft article 1 be referred to the Drafting Committee at the Commission’s 2008 session, together with other draft articles he would be presenting in due course.

Effects of armed conflicts on treaties

ILC considered [A/62/10] the third report on effects of armed conflicts on treaties [A/CN.4/578 & Corr.1] by Special Rapporteur Ian Brownlie (United Kingdom). The report was intended to clarify the legal position, promote the security of legal relations between States, and stimulate the appearance of evidence concerning State practice. The Special Rapporteur referred to the problem of sources, particularly the significance of State practice, and found two different situations: treaties creating permanent regimes which had a firm base in State practice; and legal positions which had a firm basis in the jurisprudence of municipal courts and executive advice to courts but were not supported by State practice in the conventional mode. He reiterated that, in view of the uncertainty of sources, it was pertinent to refer to considerations of policy.

In May, the Commission established a Working Group, under the chairmanship of Lucius Caflisch (Switzerland), to provide further guidance on several issues identified in the report. Those included the con-
continued reliance on the criterion of intention throughout the draft articles; the proposed reliance on a list of categories of treaties presumed to continue in operation during armed conflict, without a clear indication of the criteria applied in drawing up the list; the need for further consideration of all aspects of the effects that the prohibition of the threat or use of force would have on treaties; the idea that the topic was primarily a matter of the law of treaties; and the exclusion of non-international armed conflicts.

The Commission referred to the Drafting Committee draft articles 1 to 3, 5, 5 bis, 7, 10 and 11, as proposed by the Special Rapporteur in the third report, together with guidance provided in the recommendations of the Working Group, as well as draft article 4. It approved the Working Group’s recommendation that the Secretariat circulate a note to international organizations requesting information about their practice regarding the effect of armed conflict on treaties involving them. The Commission adopted the Working Group’s report in August.

**International State relations and international law**

**State responsibility**

Pursuant to General Assembly resolution 59/35 [YUN 2004, p. 1303], the Secretary-General submitted in March [A/62/63 & Add.1] the written comments and information received from the Czech Republic, Germany, Kuwait, Norway, on behalf of the Nordic countries, Portugal and the United Kingdom on further action regarding the articles on responsibility of States for internationally wrongful acts, contained in Assembly resolution 56/83 [YUN 2001, p. 1218]. He had also submitted, in February [A/62/62 & Corr.1], a compilation of decisions of international courts, tribunals and other bodies referring to the articles, including the International Court of Justice; the International Tribunal for the Law of the Sea; the World Trade Organization (wto) Appellate Body; international arbitral tribunals; panels established under the General Agreement on Tariffs and Trade (gatt) and Wto; the Iran–United States Claims Tribunal; the United Nations Compensation Commission; the International Tribunal for the Former Yugoslavia; the International Criminal Tribunal for Rwanda; the Special Court for Sierra Leone; the United Nations Administrative Tribunal; the International Labour Organization Administrative Tribunal; the World Bank Administrative Tribunal; the International Monetary Fund Administrative Tribunal; the European Court of Justice; the European Court of Human Rights; the Inter-American Court of Human Rights; universal human rights and humanitarian law bodies, both UN Charter-based and treaty-based; the European Commission of Human Rights; the Inter-American Commission of Human Rights; and the African Commission on Human and Peoples’ Rights.

According to the information received, there had been 129 instances in which international courts, tribunals and other bodies had referred in their decisions to the State responsibility articles and commentaries. An April addendum [A/62/62/Add.1] reproduced the relevant passages of two judgements rendered by the International Court of Justice on the merits of the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) [YUN 1993, p. 1138] and the partial award by the arbitral tribunal constituted to hear the case of Eurotunnel against the United Kingdom and France.

**GENERAL ASSEMBLY ACTION**

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/446], adopted resolution 62/61 without vote [agenda item 78].

**Responsibility of States for internationally wrongful acts**

_The General Assembly,_

_Recalling its resolution 56/83 of 12 December 2001, the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts, and further recalling its resolution 59/35 of 2 December 2004 concerning the articles to the attention of Governments,_

_Emphasing 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,_

_Notifying that the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States,_

_Notifying with appreciation the compilation of decisions of international courts, tribunals and other bodies referring to the articles, prepared by the Secretary-General,_

1. _Commends once again the articles on responsibility of States for internationally wrongful acts to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action;_

2. _Requests the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles;_

3. _Also requests the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requests the Secretary-General to submit this material well in advance of its sixty-fifth session;_

4. _Decides to include in the provisional agenda of its sixty-fifth session the item entitled “Responsibility of States for internationally wrongful acts” and to further examine,
within the framework of a working group of the Sixth Committee, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

**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. The Convention was opened for signature from 17 January 2005 until 17 January 2007 at UN Headquarters. As at 31 December, the Convention had 28 signatories and four States parties. The Convention would enter into force when ratified by 30 parties.

**International terrorism**

**Convention on international terrorism**

**Ad Hoc Committee.** In accordance with General Assembly resolution 61/40 [YUN 2006, p. 1516], the Ad Hoc Committee established by Assembly resolution 51/210 [YUN 1996, p. 1208] held its eleventh session (New York, 5–6 and 15 February) [A/62/37] to continue, within the framework of a working group of the Sixth Committee, the elaboration of a draft comprehensive convention on international terrorism, including consideration of outstanding issues.

The Ad Hoc Committee held informal consultations and contacts on the draft convention, and informal consultations on the question of convening a high-level conference under UN auspices to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. Delegations considered that a comprehensive convention would constitute an important addition to the counter-terrorism legal framework established by existing universal instruments, and emphasized their willingness to explore new ideas and proposals to resolve outstanding issues. However, the instrument should not create ambiguity or confusion about the critical distinction between terrorism and violations of international law. **It was stated that international terrorism was a global phenomenon requiring a global response. In that connection, some delegations welcomed the adoption of the 2006 United Nations Global Counter-Terrorism Strategy [YUN 2006, p. 66] and recalled its relevance to the work of the Ad Hoc Committee. It was noted that following the adoption of the Global Counter-Terrorism Strategy, the finalization of the draft comprehensive convention remained the most important counter-terrorism initiative outstanding from the 2005 World Summit Outcome [YUN 2005, p. 48].**

Regarding the convening of a high-level conference, some delegations expressed their support in principle, while indicating their flexibility about the timing. Other delegations noted that the question should be considered following an agreement on the draft comprehensive convention. Egypt, the sponsor delegation, and other delegations observed that the question of convening the conference should not be linked to the draft convention, as the conference could address other issues, such as the underlying causes of terrorism and the definition thereof. In Egypt’s view, the high-level conference should adopt a declaration of principles condemning terrorism and a plan of action to fight terrorism and address its root causes. It reiterated that the convening of the conference should not be tied to the completion of work on the draft convention, as some topics to be addressed by the conference would not be covered in the discussions on the draft convention. Moreover, the conference would be helpful in clarifying misunderstandings relating to terrorism and could accelerate the adoption of the convention, a position which was supported by some delegations. Other delegations reiterated their support for the consideration of the proposal in principle, but only after the finalization of the draft convention and upon reaching consensus on the topics to be discussed at the conference.

At the conclusion of its February session, the Ad Hoc Committee recommended that the Sixth Committee, at the Assembly’s sixty-second (2007) session, should establish a working group with a view to finalizing the draft comprehensive convention on international terrorism and continue to discuss the question of convening a high-level conference under UN auspices.

On 15 February, the Ad Hoc Committee adopted its report [A/62/37], to which were annexed the Chairman’s informal summaries on the exchange of views in plenary meeting and on the results of the informal consultations and contacts submitted to the Committee in connection with the draft comprehensive convention, and on the question of convening a high-level conference.

**Establishment of working group.** On 8 October [A/62/455], the General Assembly’s Sixth Committee, in accordance with the recommendation of the Ad Hoc Committee, established a working group to continue the work of the Ad Hoc Committee and finalize the draft comprehensive convention. The working group met on 11, 15 and 18 October. The chairman of the working group submitted an oral report to the Assembly on 26 October [A/C.6/62/SR.16].

**Measures to eliminate international terrorism**

In accordance with General Assembly resolution 50/53 [YUN 1995, p. 1330], the Secretary-General, in
July [A/62/160], issued his annual report on measures taken by 17 States, five UN agencies and bodies and eight intergovernmental organizations to implement the 1994 Declaration on Measures to Eliminate International Terrorism, approved by Assembly resolution 49/60 [YUN 1994, p. 1293] and Security Council resolution 1269(1999) [YUN 1999, p. 1240]. It listed 30 international instruments pertaining to terrorism, indicating the status of State participation in each, and provided information on workshops and training courses on combating terrorism by two UN bodies.

In other action, the Commission on Crime Prevention and Criminal Justice, at its sixteenth session (23-27 April and 29-30 November) [E/2007/30/Rev.1], recommended to the Economic and Social Council a resolution entitled “Technical assistance for implementing the international conventions and protocols relating to terrorism”, which the Council adopted on 26 July as resolution 2007/18 (see p. 1137).

**GENERAL ASSEMBLY ACTION**

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/455], adopted resolution 62/71 without vote [agenda item 108].

**Measures to eliminate international terrorism**

*The General Assembly,*

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

*Reaffirming the United Nations Global Counter-Terrorism Strategy in all its aspects adopted on 8 September 2006, enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations,*

*Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,*

*Recalling also the United Nations Millennium Declaration,*

*Recalling further the 2005 World Summit Outcome,* and reaffirming in particular the section on terrorism,

*Recalling 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 resolution 51/210 of 17 December 1996,*

*Recalling also 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 the adoption of the latter resolution,*


*Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and 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 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 suppress effectively 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 enhancing 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,*

*Taking note of the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of,*
inter alia, the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Maritime Organization, the International Civil Aviation Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization.

Noting regional 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 its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005 and 61/40 of 4 December 2006 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Havana on 16 September 2006, which 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, the report of the Ad Hoc Committee established by resolution 51/210 and the oral report of the Chairperson on the work of the Working Group established by the Sixth Committee during the sixty-second session of the General Assembly,

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 in all its aspects at the international, regional, subregional and national levels without delay, including through mobilizing resources and expertise;

3. Recalls the pivotal role of the General Assembly in following up the implementation and updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the General 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 counter-terrorism efforts of the United Nations system;

4. Recalls 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 are in 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. Recalls 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 resolution 51/210;

6. Also recalls 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. Recalls its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. 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;

9. Reminds States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373(2001), to ensure that perpetrators of terrorist acts are brought to justice;

10. 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;

11. 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;

12. 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 domestic 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 and regional organizations to that end;

13. **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 12 above;

14. **Notes with appreciation and satisfaction** that, consistent with the call contained in paragraphs 11 and 12 of resolution 61/40, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions, and, in this regard, welcomes in particular the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism;

15. **Reaffirms** the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

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

17. **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;

18. **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 1373(2001), 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;

19. **Welcomes** the current efforts by the Secretariat to prepare the third edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism* in all official languages;

20. **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;

21. **Notes** the progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and the Working Group established by the Sixth Committee during the sixty-second session of the General Assembly, and welcomes continuing efforts to that end;

22. **Decides** that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism, and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

23. **Also decides** that the Ad Hoc Committee shall meet on 25 and 26 February and 6 March 2008 in order to fulfil the mandate referred to in paragraph 22 above;

24. **Requests** the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

25. **Requests** the Ad Hoc Committee to report to the General Assembly at its sixty-second session in the event of the completion of the draft comprehensive convention on international terrorism;

26. **Also requests** the Ad Hoc Committee to report to the General Assembly at its sixty-third session on progress made in the implementation of its mandate;

27. **Decides** to include in the provisional agenda of its sixty-third session the item entitled "Measures to eliminate international terrorism".

On 22 December (decision 62/546), the Assembly decided that the item on measures to eliminate international terrorism would remain for consideration during its resumed sixty-second (2008) session.

**Privileges and immunities**

In accordance with articles 35 and 36 of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, adopted by General Assembly resolution 179(II) [YUN 1947-1948, p. 190], the Secretary-General had transmitted the 2006 request of the World Tourism Organization (UNWTO) [YUN 2006, p. 1520] that the Economic and Social Council note UNWTO General Assembly resolution 489(XVI) accepting that the Convention be applied to itself, and the draft annex outlining the privileges and immunities of UNWTO.

On 26 July (decision 2007/247), the Council again deferred consideration of the draft annex until its 2008 substantive session, with the proviso that the item could be taken up earlier and a decision adopted without debate.

**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: 186 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 66 parties to the Optional Protocol concerning the compulsory settlement of disputes [ibid.].


In 2006 [YUN 2006, p. 1522], the International Law Commission recommended to the General Assembly the elaboration of a convention on diplomatic protection on the basis of the 19 draft articles it submitted to the Assembly (see below). The Assembly’s Sixth Committee considered the item on 19 October and 12 and 19 November [A/62/451].

**Report of Secretary-General.** In a July report [A/62/118], with a later addendum [A/62/118/Add.1], the Secretary-General summarized comments and observations received from 12 States, pursuant to General Assembly resolution 61/35 [YUN 2006, p. 1522], on the elaboration of a convention on diplomatic protection, pursuant to the draft articles adopted by the Commission in 2006 [ibid].

**GENERAL ASSEMBLY ACTION**

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/451], adopted resolution 62/67 without vote [agenda item 83].

**Diplomatic protection**

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its fifty-eighth session, which contains the draft articles on diplomatic protection,

Noting that the Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the draft articles on diplomatic protection,

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 diplomatic protection is of major importance in the relations of States,

Taking into account the comments and observations of Governments and the discussion held in the Sixth Committee at the sixty-second session of the General Assembly on diplomatic protection,

1. Welcomes the conclusion of the work of the International Law Commission on diplomatic protection and its adoption of the draft articles and commentary on the topic;

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

3. Commends the articles on diplomatic protection presented by the Commission, the text of which is annexed to the present resolution, to the attention of Governments, and invites them to submit in writing to the Secretary-General any further comments concerning the recommendation by the Commission to elaborate a convention on the basis of the articles;

4. Decides to include in the provisional agenda of its sixty-fifth session an item entitled “Diplomatic protection” and to further examine, within the framework of a working group of the Sixth Committee, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second session of the General Assembly, the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the above-mentioned articles.

**ANNEX**

**Diplomatic protection**

**Part one. General provisions**

**Article 1**

**Definition and scope**

For the purposes of the present draft articles, diplomatic protection consists of the invocation by a State, through diplomatic action or other means of peaceful settlement, of the responsibility of another State for an injury caused by an internationally wrongful act of that State to a natural or legal person that is a national of the former State with a view to the implementation of such responsibility.

**Article 2**

**Right to exercise diplomatic protection**

A State has the right to exercise diplomatic protection in accordance with the present draft articles.

**Part two. Nationality**

**Chapter I**

**General principles**

**Article 3**

**Protection by the State of nationality**

1. The State entitled to exercise diplomatic protection is the State of nationality.

2. Notwithstanding paragraph 1, diplomatic protection may be exercised by a State in respect of a person that is not its national in accordance with draft article 8.
Chapter II  
Natural persons  

Article 4  
State of nationality of a natural person  
For the purposes of the diplomatic protection of a natural person, a State of nationality means a State whose nationality that person has acquired, in accordance with the law of that State, by birth, descent, naturalization, succession of States or in any other manner, not inconsistent with international law.

Article 5  
Continuous nationality of a natural person  
1. Any State is entitled to exercise diplomatic protection in respect of a person who was a national of that State continuously from the date of injury to the date of the official presentation of the claim. Continuity is presumed if that nationality existed at both these dates.

2. Notwithstanding paragraph 1, a State may exercise diplomatic protection in respect of a person who is its national at the date of injury, provided that the person had the nationality of a predecessor State or lost his or her previous nationality and acquired, for a reason unrelated to the bringing of the claim, the nationality of the former State in a manner not inconsistent with international law.

3. Diplomatic protection shall not be exercised by the present State of nationality in respect of a person against a former State of nationality of that person for an injury caused when that person was a national of the former State of nationality and not of the present State.

4. A State is no longer entitled to exercise diplomatic protection in respect of a person who acquires the nationality of the State against which the claim is brought after the date of the official presentation of the claim.

Article 6  
Multiple nationality and claim against a third State  
1. Any State of which a dual or multiple national is a national may exercise diplomatic protection in respect of that national against a State of which that person is not a national.

2. Two or more States of nationality may jointly exercise diplomatic protection in respect of a dual or multiple national.

Article 7  
Multiple nationality and claim against a State of nationality  
A State of nationality may not exercise diplomatic protection in respect of a person against a State of which that person is also a national unless the nationality of the former State is predominant, both at the date of injury and at the date of the official presentation of the claim.

Article 8  
Stateless persons and refugees  
1. A State may exercise diplomatic protection in respect of a stateless person who, at the date of injury and at the date of the official presentation of the claim, is lawfully and habitually resident in that State.

2. A State may exercise diplomatic protection in respect of a person who is recognized as a refugee by that State, in accordance with internationally accepted standards, when that person, at the date of injury and at the date of the official presentation of the claim, is lawfully and habitually resident in that State.

3. Paragraph 2 does not apply in respect of an injury caused by an internationally wrongful act of the State of nationality of the refugee.

Chapter III  
Legal persons  

Article 9  
State of nationality of a corporation  
For the purposes of the diplomatic protection of a corporation, the State of nationality means the State under whose law the corporation was incorporated. However, when the corporation is controlled by nationals of another State or States and has no substantial business activities in the State of incorporation, and the seat of management and the financial control of the corporation are both located in another State, that State shall be regarded as the State of nationality.

Article 10  
Continuous nationality of a corporation  
1. A State is entitled to exercise diplomatic protection in respect of a corporation that was a national of that State, or its predecessor State, continuously from the date of injury to the date of the official presentation of the claim. Continuity is presumed if that nationality existed at both these dates.

2. A State is no longer entitled to exercise diplomatic protection in respect of a corporation that acquires the nationality of the State against which the claim is brought after the presentation of the claim.

3. Notwithstanding paragraph 1, a State continues to be entitled to exercise diplomatic protection in respect of a corporation which was its national at the date of injury and which, as the result of the injury, has ceased to exist according to the law of the State of incorporation.

Article 11  
Protection of shareholders  
A State of nationality of shareholders in a corporation shall not be entitled to exercise diplomatic protection in respect of such shareholders in the case of an injury to the corporation unless:

(a) The corporation has ceased to exist according to the law of the State of incorporation for a reason unrelated to the injury; or
(b) The corporation had, at the date of injury, the nationality of the State alleged to be responsible for causing the injury, and incorporation in that State was required by it as a precondition for doing business there.

Article 12
Direct injury to shareholders

To the extent that an internationally wrongful act of a State causes direct injury to the rights of shareholders as such, as distinct from those of the corporation itself, the State of nationality of any such shareholders is entitled to exercise diplomatic protection in respect of its nationals.

Article 13
Other legal persons

The principles contained in this chapter shall be applicable, as appropriate, to the diplomatic protection of legal persons other than corporations.

Part three. Local remedies

Article 14
Exhaustion of local remedies

1. A State may not present an international claim in respect of an injury to a national or other person referred to in draft article 8 before the injured person has, subject to draft article 15, exhausted all local remedies.

2. “Local remedies” means legal remedies which are open to an injured person before the judicial or administrative courts or bodies, whether ordinary or special, of the State alleged to be responsible for causing the injury.

3. Local remedies shall be exhausted where an international claim, or request for a declaratory judgement related to the claim, is brought preponderantly on the basis of an injury to a national or other person referred to in draft article 8.

Article 15
Exceptions to the local remedies rule

Local remedies do not need to be exhausted where:

(a) There are no reasonably available local remedies to provide effective redress, or the local remedies provide no reasonable possibility of such redress;

(b) There is undue delay in the remedial process which is attributable to the State alleged to be responsible;

(c) There was no relevant connection between the injured person and the State alleged to be responsible at the date of injury;

(d) The injured person is manifestly precluded from pursuing local remedies; or

(e) The State alleged to be responsible has waived the requirement that local remedies be exhausted.

Part four. Miscellaneous provisions

Article 16
Actions or procedures other than diplomatic protection

The rights of States, natural persons, legal persons or other entities to resort under international law to actions or procedures other than diplomatic protection to secure redress for injury suffered as a result of an internationally wrongful act, are not affected by the present draft articles.

Article 17
Special rules of international law

The present draft articles do not apply to the extent that they are inconsistent with special rules of international law, such as treaty provisions for the protection of investments.

Article 18
Protection of ships’ crews

The right of the State of nationality of the members of the crew of a ship to exercise diplomatic protection is not affected by the right of the State of nationality of a ship to seek redress on behalf of such crew members, irrespective of their nationality, when they have been injured in connection with an injury to the vessel resulting from an internationally wrongful act.

Article 19
Recommended practice

A State entitled to exercise diplomatic protection according to the present draft articles, should:

(a) Give due consideration to the possibility of exercising diplomatic protection, especially when a significant injury has occurred;

(b) Take into account, wherever feasible, the views of injured persons with regard to resort to diplomatic protection and the reparation to be sought; and

(c) Transfer to the injured person any compensation obtained for the injury from the responsible State subject to any reasonable deductions.

Treaties and agreements

Reservation to treaties

ILC., at its fifty-ninth session [A/62/10], considered the eleventh [YUN 2006, p. 1523] and twelfth [A/ CN.4/584 & Corr.1] reports of Special Rapporteur Alain Pellet (France) on the formulation and withdrawal of acceptances and objections and on the procedure for acceptances of reservations, respectively. The Commission referred to the Drafting Committee 35 draft guidelines dealing with the above issues. It instructed the Drafting Committee to take into account the interpretation of draft guideline 2.8.12 resulting from an indicative vote and an analysis of the provisions of article 20, paragraph 5, of the Vienna Convention on the Law of Treaties (1969) [YUN 1969, p. 734] as creating a presumption of tacit acceptance without such acceptance being considered acquired. The Commission provisionally adopted draft guidelines 3.1.5 (incompatibility of a reservation with the object and purpose of the treaty), 3.1.6 (determination of the object and purpose of the treaty), 3.1.7 (vague or general reser-
vations), 3.1.8 (reservations to a provision reflecting a customary norm), 3.1.9 (reservations contrary to a rule of *jus cogens*), 3.1.10 (reservations to provisions relating to non-derogable rights), 3.1.11 (reservations relating to internal law), 3.1.12 (reservations to general human rights treaties) and 3.1.13 (reservations to treaty provisions concerning dispute settlement or the monitoring of the implementation of the treaty). The Commission also adopted the commentaries relating to those draft guidelines.

**Treaties involving international organizations**

The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006], which had not yet entered into force, had 40 parties as at 31 December 2007.

**UN registration and publication of treaties**

During 2007, 1,548 treaties were received and 1,255 subsequent actions were registered or filed and recorded by the Secretariat. In addition, 1,385 treaty actions (signatures, ratifications, acceptances, approvals, accessions and other formalities) were undertaken and deposited with the Secretary-General, in his capacity as depositary of multilateral treaties. Twelve issues of the *Monthly Statement of Treaties and International Agreements* were published.

In addition, 76 volumes of the *United Nations Treaty Series* (unts) were published, incorporating the texts of treaties registered or filed and recorded and related subsequent actions in the original languages, with translations into English and French where necessary, reflecting the registration period September 2003 through February 2005. The United Nations Treaty Collection on the Internet, which contained published unts volumes up to February 2005, the *League of Nations Treaty Series*, the *Treaty Handbook*, *Multilateral Treaties Deposited with the Secretary-General*, the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*, the Treaty Event booklets, information on capacity-building training and a range of materials on treaty law and practice, received an average of over 2 million hits and over 400,000 page views per month in 2007.

The Treaty Event “Focus 2007: Towards Universal Participation and Implementation of a Comprehensive Legal Framework for Peace, Development and Human Rights” (New York, 25-27 September and 1-2 October) resulted in 81 treaty actions undertaken by 48 States with respect to 33 treaties deposited with the Secretary-General. The Treaty Event’s theme focused attention on the goal of moving towards universal participation and implementation, and targeted those areas directly affecting human beings, their security, environment, development and human dignity.

**Advice and capacity-building in treaty law and practice**

Advice and assistance on treaty law and practice were provided to Member States, specialized agencies, regional commissions, other UN bodies and other entities. Three seminars on treaty law and practice were conducted at UN Headquarters for legal advisers from Member States and other officials. Two regional capacity-building workshops on treaty law and practice and the implementation of treaty obligations were held: one in Ljubljana, Slovenia, hosted by the Ministry of Foreign Affairs and attended by 31 participants from nine countries; and the other in Jakarta, Indonesia, hosted by the Ministry of Foreign Affairs and attended by 68 participants from 20 countries.

**Multilateral treaties**

The *UN Treaty Series* and the regularly updated status of multilateral treaties deposited with the Secretary-General were available on the Internet at the UN Treaty Collection website.

**New multilateral treaties concluded under UN auspices**

The following new treaties, concluded under UN auspices, were deposited with the Secretary-General during 2007:


**Protocol to the Statutes of the International Centre for Genetic Engineering and Biotechnology on the Seat of the Centre**, adopted in Trieste, Italy, on 24 October 2007

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

At the end of 2007, the Secretary-General performed depositary functions for 539 multilateral treaties.

The following multilateral treaty, among others, deposited with the Secretary-General, came into force in 2007:

Other international legal questions

Rule of law at the national and international levels

Pursuant to General Assembly resolution 61/39 [YUN 2006, p. 1525], the Secretary-General submitted in August [A/62/261] an interim report on the rule of law at national and international levels, containing preliminary information regarding the inventory of the activities of the UN system organs, bodies, offices, departments, funds and programmes devoted to the promotion of the rule of law at the national and international levels. The interim report contained information regarding the preparation of the requested inventory, including the procedure for the collection of information, and a preliminary list of the rule of law activities within the UN system and of the offices engaged in those activities. A more detailed description of the activities was to be included in the inventory to be submitted to the Assembly at its sixty-third (2008) session.

In a July report [A/62/121] and a later addendum [A/62/121/Add.1], the Secretary-General had submitted, also in accordance with resolution 61/39, the views of 15 Member States on matters pertaining to issues addressed in that resolution.

Sixth Committee consideration. On 21 September [A/62/454], the General Assembly included the item on the rule of law at the national and international levels in its agenda and allocated it to the Sixth Committee, which considered it on 25-26 October and 19 November. The representative of Liechtenstein, on behalf of the Bureau, introduced on 19 November a draft resolution [A/C.6/62/L.9] that was approved, as orally revised.

GENERAL ASSEMBLY ACTION

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/454], adopted resolution 62/70 without vote [agenda item 86].

The rule of law at the national and international levels

The General Assembly, recalling its resolution 61/39 of 4 December 2006, 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 also 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 further 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,

reaffirming 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 of its Member States,

reaffirming its request to the Secretary-General to prepare an inventory of the current activities of the various organs, bodies, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels for submission at its sixty-third session, and welcoming the interim report thereon submitted to the General Assembly at the sixty-second session;

1. Reiterates its request to the Secretary-General to prepare and submit, after having sought the views of Member States, at its sixty-third session, a report identifying ways and means for strengthening and coordinating the activities listed in the inventory to be prepared pursuant to paragraph 1 above, with special regard to the effectiveness of assistance that may be requested by States in building capacity for the promotion of the rule of law at the national and international levels;

2. Also reiterates its request to the Secretary-General to prepare and submit, after having sought the views of Member States, at its sixty-third session, a report identifying ways and means for strengthening and coordinating the activities listed in the inventory to be prepared pursuant to paragraph 1 above, with special regard to the effectiveness of assistance that may be requested by States in building capacity for the promotion of the rule of law at the national and international levels;

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

4. Notes with appreciation the report of the Secretary-General entitled “Uniting our strengths: enhancing United Nations support for the rule of law”, supports the Rule of Law Coordination and Resource Group, supported by the rule of law unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General, and requests the Secretary-General to provide details on the staffing and other requirements for the unit without delay to the General Assembly for its consideration.
during the sixty-second session in accordance with existing relevant procedures;

5. **Decides** to include in the provisional agenda of its sixty-third session the item entitled “The rule of law at the national and international levels”.

By decision 62/546 of 22 December, the Assembly decided that the item on the rule of law at the national and international levels would remain for consideration at its resumed sixty-second (2008) session.

**International economic law**

In 2007, legal aspects of international economic law continued to be considered by the 60-member United Nations Commission on International Trade Law (UNCITRAL) and by the Sixth Committee of the General Assembly.

**International trade law**

At its fortieth session (Vienna, 25 June–12 July and 10-14 December) [A/62/17], UNCITRAL adopted the draft UNCITRAL Legislative Guide on Secured Transactions, contained in documents [A/CN.9/631 & Add.1-3, A/CN.9/637 & Add.1-8], with the amendments adopted by the Commission at its fortieth session, and authorized the Secretariat to finalize the text of the Legislative Guide. It also adopted recommendations on the scope of the Guide as to intellectual property, securities and financial contracts, as well as the commentaries thereto, and terminology.

In July, UNCITRAL held the Congress on “Modern Law for Global Commerce” (Vienna, 9-12 July), which reviewed the results of its past work, as well as the work of other organizations active in the field of international trade law. It also assessed work programmes and considered topics for future work.

UNCITRAL continued its work on public procurement, arbitration and conciliation, transport law, electronic commerce, insolvency law, commercial fraud and security interests. It also reviewed the implementation of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention) [YUN 1958, p. 390], the work on the collection and dissemination of case law on UNCITRAL texts (CLOUT), and training and technical assistance activities.

The report of the session [A/62/17] described actions taken on those topics. (For details, see below.)

**GENERAL ASSEMBLY ACTION**

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/449], adopted resolution 62/64 without vote [agenda item 81].


_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 the 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 on the work of the first part of its fortieth session,

_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,

1. **Takes note with appreciation** of the report of the United Nations Commission on International Trade Law on the work of the first part of its fortieth session;

2. **Commends** the Commission for its work on the preparation of a legislative guide on secured transactions, which has been designed to facilitate secured financing, thus promoting increased access to low-cost credit and enhancing national and international trade, and notes with satisfaction that the Commission expects to complete that work in the nearest future;

3. **Welcomes** the progress made by the Commission in its work on a revision of its Model Law on Procurement of Goods, Construction and Services and of the Arbitration Rules of the United Nations Commission on International Trade Law, and on the preparation of a draft instrument on transport law and on future developments in insolvency law, and endorses the decision of the Commission to undertake further work in the area of security interests;

4. **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 in-
increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law, as well as 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;

5. 

5. **Reaffirms** the importance, in particular for developing countries, of the work of the Commission concerned with technical assistance and cooperation 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 assistance and cooperation 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 assistance and cooperation activities, including at the country, subregional and regional levels, and for providing assistance with legislative drafting in the field of international trade law;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical assistance and cooperation 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 for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in carrying out technical assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission, in the light of the relevance and importance of the work and programmes of the Commission for promotion of the rule of law at the national and international levels and for the implementation of the United Nations development agenda, including the achievement of the Millennium Development Goals;

6. **Takes note with regret** that, since the thirty-sixth session of the Commission, no contributions have been made to the 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, stresses the need for contributions to the trust fund in order to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in the field of international trade law in those countries to facilitate the development of international trade and the promotion of foreign investment, and reiterates its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund;

7. **Decides**, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixty-second 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;

8. **Welcomes** the decision by the Commission to hold a comprehensive review of its working methods, in particular in the light of the recent increase in membership of the Commission and the number of topics being dealt with by the Commission, which should ensure the high quality of the work of the Commission and international acceptability of its instruments, and in this regard recalls its previous resolutions related to this matter;

9. **Recalls** its resolutions on partnerships between the United Nations and non-State actors, in particular the private sector, and its resolutions in which it encouraged the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of technical assistance, in accordance with the applicable principles and guidelines and in cooperation and coordination with other relevant offices of the Secretariat, including the Global Compact Office;

10. **Reiterates its request** to the Secretary-General, in conformity with the General Assembly resolutions on documentation-related matters, which, in particular, emphasize that any reduction in 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 work of the Commission in implementing page limits with respect to the documentation of the Commission;

11. **Requests** the Secretary-General to continue providing summary records of the meetings of the Commission relating to the formulation of normative texts;

12. **Recalls** its resolution approving the establishment of the Yearbook of the United Nations Commission on International Trade Law, with the aim of making the work of the Commission more widely known and readily available, expresses its concern regarding the timeliness of the publication of the Yearbook, and requests the Secretary-General to explore options to facilitate the timely publication of the Yearbook;

13. **Stresses** the importance of bringing into effect the conventions 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 those conventions;

14. **Welcomes** the preparation of digests of case law relating to the texts of the Commission, such as a digest of case law relating to the United Nations Convention on Contracts for the International Sale of Goods and a digest of case law relating to the Model Law on International Commercial Arbitration of the United Nations Commission on...
International Trade Law, with the aim of assisting in the dissemination of information on those texts and promoting their use, enactment and uniform interpretation;

15. *Notes with satisfaction* that the Congress “Modern Law for Global Commerce”, held in Vienna from 9 to 12 July 2007 in the context of the fortieth session of the Commission, reviewed the results of the past work of the Commission as well as related work of other organizations active in the field of international trade law, assessed current work programmes and considered topics and areas for future work, and, acknowledging the importance of the results of the Congress for the coordination and promotion of activities aimed at the modernization and harmonization of international trade law, requests the Secretary-General to ensure the publication of the proceedings of the Congress to the extent permitted by available resources.

16. *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 restructured website of the Commission in the six official languages of the United Nations, and welcomes the continuous efforts of the Commission to maintain and improve its website in accordance with the applicable guidelines.

Procurement

UNCITRAL [A/62/17] took note of the report of Working Group I (Procurement) on its tenth (Vienna, 25-29 September 2006) [A/CN.9/615] and eleventh (New York, 21-25 May 2007) [A/CN.9/623] sessions relating to the revision of the UNCITRAL Model Law on Procurement of Goods, Constructions and Services, in response to the Commission’s 2004 request [YUN 2004, p. 1356]. At those sessions, the Working Group continued to consider proposals for the revision of the Model Law and in that regard considered: the use of electronic communications in procurement; aspects of the publication of procurement-related information; the procurement technique known as the electronic reverse auction; abnormally low tenders; and the contracting method known as the “framework agreement”.

UNCITRAL took note of the decision of the Working Group at its tenth session to add the issue of conflicts of interest to the list of topics to be considered in the revision of the Model Law and the Guide, and that the Working Group, at its eleventh session, had noted that any time frame to be agreed upon for completing the revisions to the Model Law and the Guide should take into account the time necessary to address that question. UNCITRAL also approved a twelfth session of the Working Group, which was held in Vienna from 3 to 7 September.

Commending the Working Group for the progress made, UNCITRAL recommended that the Group adopt a concrete agenda for its forthcoming sessions to expedite progress in its work.

**International commercial arbitration**


UNCITRAL noted the progress of the Working Group in the preparation of the revised UNCITRAL Arbitration Rules, which were expected to be submitted for final review and adoption by the forty-second (2009) session of the Commission.

With respect to future work on the settlement of commercial disputes, UNCITRAL recalled its earlier agreement that the issue of arbitrability should be considered by the Working Group. It agreed that the Working Group should keep the issue of online dispute resolution on its agenda, but should initially consider the implications of electronic communications in the context of the revision of the UNCITRAL Arbitration Rules.

**Implementation of the 1958 New York Convention**

Under the ongoing project approved by UNCITRAL in 1995 [YUN 1995, p. 1364] aimed at monitoring the legislative implementation of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards [YUN 1958, p. 390], UNCITRAL, at its fortieth session [A/62/17], was informed that a report on the project would be presented at its 2008 session, to coincide with the fiftieth anniversary of the Convention. UNCITRAL commended the Secretariat for the work accomplished on that project. It noted that the Commission on Arbitration of the International Chamber of Commerce had created a task force to examine the national rules of procedure for recognition and enforcement of foreign arbitral awards on a country-by-country basis, with the aim of issuing, in 2008, a report on national rules of procedure. UNCITRAL encouraged the Secretariat to cooperate with the International Chamber of Commerce in order to avoid duplication of work.

**GENERAL ASSEMBLY ACTION**

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee
Fiftieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958

The General Assembly,


Noting that one hundred and forty-two States have become parties to the Convention, making it one of the most successful treaties in the area of commercial law,

Recognizing the value of arbitration as a method of settling disputes in international commercial relations, contributing to harmonious commercial relations, stimulating international trade and development and promoting the rule of law at the international and national levels,

Convinced that the Convention, by establishing a fundamental legal framework for the use of arbitration and its effectiveness, has strengthened respect for binding commitments, inspired confidence in the rule of law and ensured fair treatment in the resolution of disputes arising over contractual rights and obligations,

Noting that the Convention has served as a model for subsequent multilateral and bilateral treaties and other international legislative texts on arbitration,

Taking note with appreciation of the work of the United Nations Commission on International Trade Law relating to the promotion of the Convention and its uniform interpretation and effective implementation,

Emphasizing the necessity for further national efforts and enhanced international cooperation to achieve universal adherence to the Convention and its uniform interpretation and effective implementation, with a view to fully realizing the objectives of the Convention,

Expressing its hope that States that are not yet parties to the Convention will soon become parties thereto, which would ensure that the legal certainty afforded by the Convention is universally enjoyed, decreasing the level of risk and transactional costs associated with doing business and thus promoting international trade,

1. Welcomes the initiatives being undertaken by various organs and agencies within and outside the United Nations system to organize conferences and other similar events to celebrate the fiftieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and to provide a forum for an exchange of views on experiences worldwide with the implementation of the Convention;

2. Encourages the use of these events for the promotion of wider adherence to the Convention and greater understanding of its provisions and their uniform interpretation and effective implementation;

3. Invites all States that have not yet done so to consider becoming parties to the Convention;

4. Requests the Secretary-General to increase efforts to promote wider adherence to the Convention and its uniform interpretation and effective implementation.

Transport law

UNCITRAL took note [A/62/17] of the progress made by Working Group III (Transport Law) at its eighteenth (Vienna, 6-17 November 2006) [A/CN.9/616] and nineteenth (New York, 16-27 April 2007) [A/CN.9/621] sessions in drafting a convention on the carriage of goods. It commended the headway made towards the goal of presenting the draft convention in 2008, but raised concerns regarding the treatment of certain issues, such as freedom of contract in volume contracts. It was informed that the Working Group planned to complete its third and final reading of the draft convention at the end of 2007, with a view to presenting it for finalization by UNCITRAL in 2008. UNCITRAL agreed to schedule the twenty-first session of the Working Group for January 2008 to provide sufficient time to complete the final reading of the draft convention and circulate it for comments to Governments prior to UNCITRAL’s forty-first (2008) session. It also agreed to move the Working Group’s twenty-first session from New York to Vienna to permit the participation of a formal drafting group, including translators and editors, which was possible only in Vienna.

Insolvency law

UNCITRAL [A/62/17] noted the progress of Working Group V (Insolvency Law) regarding consideration of the treatment of corporate groups in insolvency, including post-commencement finance, as reflected in the reports of its thirty-first (Vienna, 11-15 December 2006) [A/CN.9/618] and thirty-second (New York, 14-18 May 2007) [A/CN.9/622] sessions. It noted the agreement of the Working Group that the Insolvency Guide [Sales No. E.05.V.10] and the UNCITRAL Model Law on Cross-Border Insolvency adopted by General Assembly resolution 52/158 [YUN 1997, p. 1379] provided a sound basis for the unification of insolvency law, and that the work on corporate groups was intended to complement those texts, not to replace them. It also noted the suggestion that a possible method of work would be to consider the provisions contained in those existing texts that might be relevant in the context of corporate groups, and identify those issues that required further discussion and additional recommendations. Other issues could be treated in the same manner as in the Insolvency Guide and the UNCITRAL Model Law. The Commission requested the Working Group to bear in mind those issues concerning substantive consolidation and its effects on the separate identity of individual members of a corporate group, and the possibility of submitting a solvent member of a corporate group to collective procedures.

UNCITRAL also considered a Secretariat note on facilitation of cooperation, direct communication and coordination in cross-border insolvency proceedings [A/CN.9/629]. It emphasized the importance of facili-
tating cross-border cooperation in insolvency cases, and reaffirmed that the Secretariat should continue to work on cross-border insolvency protocols.

**Electronic commerce**

Pursuant to a 2006 UNCTAD request [YUN 2006, p. 1529] that it prepare a sample portion of a comprehensive reference document dealing with issues related to the authentication and cross-border recognition of electronic signatures, the Secretariat in 2007 submitted a sample chapter on the subject [A/CN.9/630 & Add.1-5]. UNCTAD [A/62/17] reviewed the structure, level of detail, nature of discussion and type of advice provided in the sample chapter. However, it was not in favour of requesting the Secretariat to undertake similar work in other areas with a view to preparing a comprehensive reference document. It requested the Secretariat to follow legal developments in the relevant areas and to make appropriate suggestions in due course. UNCTAD also requested the Secretariat to publish the sample chapter as a stand-alone publication.

**Commercial fraud**

UNCTAD [A/62/17] considered a Secretariat note [A/CN.9/624 & Add.1,2] on indicators of commercial fraud. The Secretariat had continued its work, in conjunction with experts and interested organizations, on identifying common features of fraudulent schemes in order to prepare educational materials to prevent the success of such schemes. The materials were intended to provide guidance on investments or commercial transactions. The text of the indicators of commercial fraud was an interim text, and UNCTAD agreed with the proposal that the Secretariat circulate the indicators to Governments, international organizations and interested bodies for comments, which would be considered by the Commission at its next session.

Concern was expressed regarding future work on commercial fraud, given that other international organizations, including the United Nations Office on Drugs and Crime (UNODC), were working on the problem and its impact.

UNCTAD also had before it the Secretary-General’s report on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity (Vienna, 16-19 January ) [E/CN.15/2007/8 & Add.1-3]. UNCTAD noted the report and the draft resolution proposed by the Commission on Crime Prevention and Criminal Justice for adoption by the Economic and Social Council (see p. 1139). It requested the Secretariat to continue to assist UNODC in its work on commercial and economic fraud and to report to the Commission any related developments.

**Security interests**


The Commission established a Committee of the Whole to consider the draft Legislative Guide, which considered chapter VII (Priority of a security right as against the rights of competing claimants), chapter VIII (Rights and obligations of the parties), chapter IX (Rights and obligations of third-party obligors), chapter X (Post-default rights), chapter XI (Insolvency), chapter XII (Acquisition financing rights), chapter XIII (Private international law) and chapter XIV (Transition).

The Commission approved the decisions of the Committee and, subject to the changes agreed upon, adopted recommendations 4 (b) and (c) on the scope of the draft Guide as to intellectual property, securities and financial contracts and 74-230 (chapters VII-XIV), and approved the substance of the commentaries thereon and on intellectual property. The Commission, subject to the changes agreed upon by the Committee, also approved the terminology of the draft Guide, on the understanding that it would be reviewed at the Commission’s resumed fortieth session (see below). It further decided that, at that session, it would consider recommendations 1-73 and the commentaries of chapters I-VI. With respect to securities, the Commission decided that future work should be undertaken to prepare an annex to the draft Guide on certain types of securities, taking into account work by other organizations, in particular the International Institute for the Unification of Private Law. The Commission decided that proposals on financial contracts should be considered at its resumed fortieth session, and possible work on financial contracts at a future Commission session. It entrusted Working Group VI (Security Interests) with the preparation of an annex to the draft Guide specific to security rights in intellectual property.

By a resolution adopted at its resumed fortieth session on 14 December, the Commission adopted the UNCTAD Legislative Guide on Secured Transactions as contained in documents [A/CN.9/631/Add.1-3, A/CN.9/637 & Add.1-8], as amended, and authorized the Secretariat to finalize the text, which it should disseminate to Governments and other interested bodies. It also recommended that all States utilize the Legislative Guide to assess the economic efficiency of their
secured transactions regimes and to consider it favourably when revising or adopting legislation relevant to secured transactions. States that had used the Guide were invited to advise the Commission accordingly.

**International commercial contracts**


**Case law on UNCITRAL texts**

UNCITRAL [A/62/17] noted the continuing work under the system established for the collection and dissemination of case law on UNCITRAL texts (CLOUT), consisting of the preparation of case-law abstracts. A total of 63 issues of CLOUT had been prepared for publication, dealing with 686 cases.

It was widely agreed that CLOUT continued to be an important aspect of UNCITRAL technical assistance activities, and its broad dissemination promoted the uniform interpretation and application of UNCITRAL texts. UNCITRAL expressed its appreciation to national correspondents and other contributors for their work in developing the CLOUT system. It noted that the digest of case law on the United Nations Sales Convention, published in December 2004 [YUN 2004, p. 1356], had been reviewed and edited, and the revised draft would be presented to the CLOUT national correspondents meeting on 5 July.

**Training and technical assistance**

UNCITRAL [A/62/17] had before it a note by the Secretariat [A/CN.9/627] describing technical cooperation and assistance activities undertaken since 2006. UNCITRAL noted that its ability to participate in technical cooperation and assistance activities, in response to specific requests of States, depended upon the availability of funds to meet associated costs. Despite efforts by the Secretariat to solicit new donations, funds remaining in the UNCITRAL Trust Fund for Symposia would be sufficient only for technical cooperation and planned assistance activities for 2007. Beyond that, requests for travel, or to meet other associated costs, would have to be declined unless new donations were received or alternative sources of funds secured.

UNCITRAL called for contributions to its Trust Fund for Symposia to meet the increasing requests from developing countries and countries with economies in transition for technical assistance and cooperation activities. It also called for contributions to its trust fund providing travel assistance to developing countries that were members of UNCITRAL.

**Future work**

UNCITRAL noted [A/62/17] the holding of the Congress “Modern Law for Global Commerce”, which was held after the close of the formal deliberations of UNCITRAL (Vienna, 9-12 July), and requested the Secretariat to publish the proceedings of the Congress in the UN official languages to the extent permitted by available resources.

UNCITRAL had before it observations and proposals by France on the working methods of the Commission [A/CN.9/635]. It agreed to place the issue on the agenda of the resumed fortieth session and requested the Secretariat to prepare a report on existing rules and practices.

At its resumed session, UNCITRAL had before it observations and proposals by the United States [A/CN.9/639] and a note by the Secretariat [A/CN.9/638 & Add.1-6] on UNCITRAL rules of procedure and methods of work. UNCITRAL agreed that any review should be based on the above-mentioned documents and that the Secretariat should prepare a working document describing current practices, in particular regarding decision-making and the participation of non-State entities in UNCITRAL work. The Secretariat should circulate the working paper to all States for comment, and informal consultations might be held among interested States before the Commission’s forty-first (2008) session.

UNCITRAL also decided to shorten the duration of its forty-first session by one week (New York, 16 June–3 July 2008) and to reserve the first nine days of the session for the finalization and adoption of a draft convention on the carriage of goods. UNCITRAL confirmed the schedule of meetings for its working groups approved during the first part of its fortieth session. It also decided to include the item “Role of UNCITRAL in promoting the rule of law” in the agenda of its forty-first session and invited UNCITRAL member States and observers to exchange their views on the item at that session.
International organizations and international law

Strengthening the role of the United Nations

Special Committee on United Nations Charter

In accordance with General Assembly resolution 61/38 [YUN 2006, p. 1532], the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its sixty-second session (New York, 7-15 February) [A/62/33], continued to consider proposals relating to: the maintenance of international peace and security; the peaceful settlement of disputes between States; the improvement of the Committee’s working methods; and the status of the publications Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council.

With regard to the first item, the Committee discussed a revised working paper submitted by Belarus and the Russian Federation, which recommended that an advisory opinion be requested from the International Court of Justice (ICJ) regarding the legal consequences of the resort to the use of force by States without prior Security Council authorization, except in the exercise of the right to self-defence. Some delegations expressed their support for the proposal, as it would strengthen the Charter principle of the non-use of force or threat of force. Concern was expressed over attempts to justify the unilateral use of force without Security Council authorization, which was seen as a violation of the Charter. The view was expressed, however, that the proposal would benefit from redrafting, as previously suggested by some delegations, and that the legality of a request for an ICJ advisory opinion should be considered first, focusing on its legal nature, abstract character and the need to clearly define its subject. The Committee also discussed a revised Libyan Arab Jamahiriya proposal on strengthening the UN role in the maintenance of international peace and security, and a Russian Federation working paper on fundamentals of the legal basis for UN peacekeeping operations in the context of Chapter VI of the Charter. It also discussed a working paper on strengthening the role of the Organization and enhancing its effectiveness, submitted by Cuba at its 1997 session.

During the exchange of views on the peaceful settlement of disputes, delegations recalled the duty of Member States to use existing mechanisms at early stages to peacefully settle disputes, as well as the Charter principle of free choice of means. Reference was made to the important role and record of ICJ in the judicial settlement of disputes. The Committee underscored the need to strengthen the capacity of the United Nations in the area of conflict prevention.

The Committee recommended that the Assembly commend the Secretary-General for the progress made in the preparation of studies of the Repertory of Practice of United Nations Organs, including the increased use of UN interns and the wider cooperation with academic institutions, as well as the progress made towards updating the Repertoire of the Practice of the Security Council. The Committee called again for voluntary contributions to the trust funds for updating the Repertoire and for eliminating the backlog in the Repertoire, and for sponsoring, at no cost to the United Nations, associate experts to assist in updating the two publications.

References were made to the Committee’s adoption of the working paper submitted by Japan and other co-sponsors in 2005 [YUN 2005, p. 1447] on improving the Committee’s working methods and increasing its efficiency. Some delegations considered the adoption of the working paper as a first step, as many of the topics had been taken up and addressed in other bodies. They favoured the discontinuation of work on the topics that had been on the Committee’s agenda for years without any progress achieved. Other delegations, however, stated that the limited progress was due to the lack of political will and urged delegations to show flexibility so as to finalize pending proposals. The view was also expressed that the Committee’s current format, including the duration of its sessions, should be maintained.

Concerning the identification of new subjects, Guyana, on behalf of the Rio Group, reiterated its 2006 proposal on the legal aspects of the reform of the United Nations [YUN 2006, p. 1532]. At a 12 February meeting of the Working Group of the Whole, it was explained that the reform commitments, which stemmed from the 2005 World Summit Outcome contained in resolution 60/1 [YUN 2005, p. 48], as well as the reform proposals subsequently made, could have legal implications, which the Committee could consider under the new proposed topic. The Rio Group indicated its intention, prior to the next meeting of the Committee, to provide additional elements regarding the scope of the proposal of the new subject.

Report of Secretary-General. In response to General Assembly resolution 61/38 [YUN 2006, p. 1532], the Secretary-General in July submitted a report [A/62/124 & Corr.1] outlining progress made in updating the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. With respect to the Repertory, the Secretary-General concluded that the Assembly might wish to note the progress made in the preparation of Repertory studies and their posting on the Internet in English, French and Spanish; express appreciation for the first contribution received to the trust fund for the elimination of the backlog in the Repertory; and consider the
Special Committee’s recommendations (see p. 1380). With regard to the Repertoire, the Secretary-General concluded that the Assembly might wish to note the progress made towards its updating and its posting in electronic form in all language versions on the UN website; call for voluntary contributions to the trust fund for updating the Repertoire; note the contributions made by Albania, Angola, Greece, Ireland, Turkey, the Republic of Korea, the Russian Federation and the United Kingdom, as well as the support of Germany and Italy, for sponsoring associate experts; and encourage other States to consider providing such assistance.

GENERAL ASSEMBLY ACTION

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/453], adopted resolution 62/69 without vote [agenda item 85].

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 obligations of Members of the United Nations under Article 49 of the Charter of the United Nations 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 on the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council,

Taking note also of 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 61/38 of 4 December 2006,

Having considered the report of the Special Committee on the work of its session held in 2007,

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 27 February to 5 March and on 7 March 2008;

3. Requests the Special Committee, at its session in 2008, 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 2008;

(b) To continue its consideration of the working document submitted by the Russian Federation, entitled “Basic conditions and standard criteria for introduction and implementation of sanctions”, on a priority basis;

(c) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General and the proposals submitted on the question;

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

(e) 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 Assembly in September 2005 that concern the Charter and any amendments thereto;

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

4. Invites the Special Committee at its session in 2008 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. 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;

6. Requests the Special Committee to submit a report on its work to the General Assembly at its sixty-third session;

7. 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, takes note, consistent with Article 96 of the Charter, of the Court’s advisory jurisdiction that 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;

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

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

10. Reiterates its call for voluntary contributions to the trust fund for the updating of the Repertory, as well as the trust fund for the elimination of the backlog in the Repertory, 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;

11. 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;

12. Reiterates the responsibility of the Secretary-General for the quality of the Repertory and the Repertoire and, in particular, 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;

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

14. Also requests the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 13 of his report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions, on modalities, technical procedures and guidelines on coordination of technical assistance available to third States affected by the implementation of sanctions, as well as a possible methodology for assessing the adverse consequences actually incurred by third States, in the report mentioned in paragraph 15 below;

15. Further requests the Secretary-General to submit a report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions to the General Assembly at its sixty-third 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”;

16. Decides to include in the provisional agenda of its sixty-third 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”.

Charter provisions relating to sanctions

Special Committee consideration. During the Special Committee’s [A/62/33] consideration of the implementation of the Charter provisions related to assistance to third States affected by sanctions, delegations reiterated the importance they attached to the topic. They stressed that sanctions should be implemented and monitored effectively, in accordance with specific terms and goals, subsequent to an objective assessment of the unintended consequences they could generate. Delegations noted the Secretary-General’s report on the implementation of Charter provisions related to assistance to third States affected by the application of sanctions (see p. 1383), which indicated that no sanctions committee had been approached by Member States concerning special economic problems arising from the implementation of sanctions. They recognized that the targeted nature of sanctions was minimizing unintended consequences on civilian populations in third States and praised the progress made by the Security Council in that regard, including the adoption of new procedures for listing and delisting individuals and entities on sanctions lists, contained in the annex to Security Council resolution 1699(2006) [YUN 2006, p. 1353]. They invited the Security Council to continue those efforts, including the establishment of a fund financed from assessed contributions, the creation of a monitoring committee or the use of multichannel financial arrangements and economic assistance to minimize the losses incurred.

The revised working paper by the Russian Federation on “Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures” was also discussed. Some delegations reiterated their support for the revised working paper and considered that the Committee was in a position to recommend it to
the General Assembly for adoption. Some delegations shared the view that the Security Council had taken up and addressed effectively the concerns that had motivated the working paper, and that the Committee should take that into account in deciding its further work on the matter. On 8 February, the Russian Federation introduced a further revised version of its working paper [A/AC.182/L.114/Rev.2].

**Report of Secretary-General.** In response to General Assembly resolution 61/38 [YUN 2006, p. 1532], the Secretary-General in August submitted a report [A/62/206 & Corr.1] highlighting recent developments concerning the activities of the Assembly and the Economic and Social Council in assistance to third States affected by the application of sanctions; Secretariat arrangements related to assistance to such States; and operational changes that had occurred due to the shift in focus in the procedures and working methods of the Security Council and its sanctions committees towards targeted sanctions.

### UN Programme for the teaching and study of international law


Activities in the biennium included the holding of the forty-third session of the International Law Seminar (Geneva, 9-27 July). Under the International Law Fellowship Programme, the Secretary-General awarded, at the request of Governments of developing countries, 17 fellowships in 2006 and 21 in 2007. Lectures, seminars and study visits were organized by the United Nations Office of Legal Affairs (OLA) and the United Nations Institute for Training and Research (UNITAR).

The OLA Codification Division participated in the electronic dissemination of information regarding UN work on the codification and progressive development of international law and its application, and maintained a number of websites on other legal information. In February, it launched a new website dedicated to the United Nations Reports of International Arbitral Awards. UNCTRAL continued to expand its technical assistance programme, and organized activities in many developing countries to assist them in adopting and implementing its texts. The OLA Treaty Section expanded its technical assistance programme on treaty law and practice, and organized, jointly with UNITAR, a training session at UN Headquarters and held training workshops in Indonesia, Turkey and Slovenia. At a Treaty Event “Focus 2007: Towards Universal Participation and Implementation—A Comprehensive Legal Framework for Peace, Development and Human Rights” (25 September–2 October), 81 treaty actions were undertaken. Another programme included the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, awarded annually by OLA, which provided successful fellows with facilities for postgraduate study and research on the law of the sea.

The report also described the legal publications issued during the year, provided guidelines and recommendations for the execution of the Programme of Assistance in the 2008-2009 biennium, and outlined the administrative and financial implications of UN participation in the Programme for the 2006-2007 and 2008-2009 bienniums.

The Advisory Committee on the Programme held its forty-first and forty-second sessions on 9 November 2006 and on 22 October 2007, respectively.

### GENERAL ASSEMBLY ACTION

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/447], adopted resolution 62/62 without vote [agenda item 79].

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

*The General Assembly,*

*Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law and to an international order based on the rule of law and international law, which is essential for peaceful coexistence and cooperation among States,*

*Recalling its resolution 209(XX) of 20 December 1965, in which it 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 of promoting friendly relations and cooperation among States,*

*Noting the significant contribution of the Programme of Assistance to a better knowledge of international law for more than four decades, as envisaged in the above-mentioned resolution,*

*Considering, nevertheless, that much remains to be done in this field,*

*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 Programme of Assistance, which are contained in that report,*

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

*Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,*
Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme of Assistance and 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 organizations and others,

Reaffirming also the hope that, in appointing 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. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General, in particular those designed to achieve the best possible results in the administration of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law within a policy of maximum financial restraint;

2. Authorizes the Secretary-General to carry out in 2008 and 2009 the activities specified in his report, including the provision of:

(a) A number of international law fellowships in both 2008 and 2009, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded at the request of Governments of developing countries;

(b) A minimum of one scholarship in both 2008 and 2009 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to this fellowship fund;

(c) Subject to the overall resources for the Programme of Assistance, assistance in the form of a travel grant for one participant from each developing country, who would be invited to possible regional courses to be organized in 2008 and 2009; and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 18 to 20 below;

3. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme of Assistance in 2006 and 2007, in particular for the organization of the forty-second and forty-third sessions of the International Law Seminar, held at Geneva in 2006 and 2007, respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the International Law Fellowship Programme and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea;

4. 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 such participation;

5. Also requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions for regional, subregional or national courses, as against courses organized within the United Nations system;

6. Further requests the Secretary-General to continue to provide the necessary resources to the programme budget for the Programme of Assistance for the next and the future bienniums with a view to maintaining the effectiveness of the Programme of Assistance;

7. Recognizes the importance of the United Nations legal publications prepared by the Office of Legal Affairs, and strongly encourages their continued publication;

8. Welcomes the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations legal publications;

9. Also welcomes the placing on the Internet of the Reports of International Arbitral Awards, the Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice and other legal information, as well as the expansion of the website of the International Law Commission to include all its documentation;

10. Further welcomes the establishment of the website on the Programme of Assistance;

11. Notes the need to safeguard and preserve the audiovisual history of legal developments within the United Nations, which constitutes an invaluable resource for promoting a better knowledge of international law;

12. Notes with satisfaction the efforts made by the Codification Division of the Office of Legal Affairs to revitalize, within available resources, the United Nations Audiovisual Library of International Law, and urges States to make voluntary contributions to enable the Codification Division to develop and maintain the Library;

13. Welcomes the training and technical assistance activities in international law undertaken by the Office of Legal Affairs in the framework of the Programme of Assistance, as described in the report of the Secretary-General, and encourages the continuation of such activities within available resources;

14. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme of Assistance through the activities described in the report of the Secretary-General;

15. Also expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme of Assistance through the activities described in the report of the Secretary-General;

16. Further 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 the Academy courses;

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. 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 of Assistance or otherwise to assist in its implementation and possible expansion;

19. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, the International Law Fellowship Programme, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and the United Nations Audiovisual Library of International Law, and expresses its appreciation to those Member States, institutions and individuals that have made voluntary contributions for this purpose;

20. Urges in particular all Governments to make voluntary contributions for the organization of regional courses in international law by the Codification Division of the Office of Legal Affairs, in collaboration with the United Nations Institute for Training and Research, especially with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course, thus alleviating the burden on prospective host countries and making it possible to continue to organize the regional courses;

21. Decides to appoint twenty-five Member States, six from Africa, five from Asia, three from Eastern Europe, five from Latin America and the Caribbean and six from Western European and other States, as members of the Advisory Committee on the Programme of Assistance for a period of four years beginning on 1 January 2008;

22. Requests the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the Programme of Assistance during 2008 and 2009, following consultations with the Advisory Committee on the Programme of Assistance, to submit recommendations regarding the execution of the Programme of Assistance in subsequent years;

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

Host country relations

At four meetings held in New York (5 March, 9 July, 5 and 31 October), 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: transportation, including the use of motor vehicles, parking and related matters; acceleration of immigration and customs procedures; entry visas issued by the host country; and host country travel regulations.

The recommendations and conclusions on those items, approved by the Committee at its 31 October meeting, were incorporated in its report [A/62/26 & Corr.1]. The Committee expressed appreciation for the host country’s efforts to maintain appropriate conditions for delegations and permanent missions accredited to the United Nations and anticipated that all issues raised at its meetings would be duly settled in a spirit of cooperation and in accordance with international law.

Stressing 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 properly investigated and remedied, in accordance with applicable law.

Noting the problems experienced by some missions in connection with the implementation of the Parking Programme for Diplomatic Vehicles, in force since 2002 [YUN 2002, p. 1338], the Committee welcomed the second review of the Programme’s implementation and noted its results, as well as the positions of Committee members, and called upon the host country to address the problems reported by permanent missions in the context of the review. The Committee noted the host country’s comments, as well as those of the City of New York, with regard to the outcome of the second review.

The Committee welcomed the Chairman’s good offices to address concerns pertaining to safety and security at the Headquarters District and called upon the United Nations for the reasonable application of fire protection regulations of the appropriate United States authorities, including fire protection standards and consistent local codes and fire regulations.

The Committee requested the host country to 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 to promote compliance with international norms concerning diplomatic privileges and immunities. It 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, pursuant to the Headquarters Agreement, to travel to New York on official UN business, and noted that a number of delegations had requested shortening the time frame applied by the host country for issuance of entry visas, since the current time frame posed difficulties for the full-fledged participation of Member States in UN meetings.
Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee urged the host country to remove all remaining restrictions.

The Committee stressed the importance of permanent missions, their personnel and Secretariat personnel to meet their financial obligations. Finally, the Committee reiterated its appreciation to the representative of the United States Mission in charge of host country affairs and to the Host Country Affairs Section of the United States Mission to the United Nations, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that contributed to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Communications. Letters were submitted to the Committee by Cuba [A/AC.154/372, A/AC.154/375, A/AC.154/382], and in its capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement [A/AC.154/374], as well as Iran [A/AC.154/377] concerning travel restrictions; and by Cuba [A/AC.154/381] and the Sudan [A/AC.154/376] concerning the denial of entry visas to their officials. The responses of the host country to those complaints were contained in a number of letters to the Committee [A/AC.154/373, A/AC.154/378, A/AC.154/379, A/AC.154/380, A/AC.154/383, A/AC.154/384].

GENERAL ASSEMBLY ACTION

On 6 December [meeting 62], the General Assembly, on the recommendation of the Sixth Committee [A/62/459], adopted resolution 62/72 without vote [agenda item 157].

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 Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

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 62 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, and 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 in connection with the implementation of the Parking Programme for Diplomatic Vehicles and 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. Welcomes the conduct of the second review of the implementation of the Parking Programme and notes the results thereof, as well as the positions of members of the Committee, and calls upon the host country to address the problems reported by permanent missions in the context of the review;

5. 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 positions of affected States as reflected in the report of the Committee, of the Secretary-General and of the host country;

6. Notes that the Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations to travel to New York on United Nations business; and notes that the Committee anticipates that the host country will enhance efforts to facilitate participation, including visa issuance, of representatives of Member States in other United Nations meetings as appropriate;

7. Notes also 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 this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings;

8. Welcomes the exercise by the Chairman of the Committee of his good offices in addressing concerns pertaining to safety and security at the Headquarters of United Nations meetings through the reasonable application of fire protection regulations of
the appropriate authorities of the host country, including fire protection standards and consistent local codes and fire regulations, in accordance with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations, in order to ensure the safety of all personnel in the Headquarters District, while respecting the status of the Organization;

9.  Expresses its appreciation for the efforts made by the host country, and hopes 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;

10.  Affirms the importance of the Committee being in a position to fulfil 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;

12.  Requests the Committee to continue its work in conformity with General Assembly resolution 2819(XXVI);

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