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This article reviews select developments occurring in 2016 in the United Nations (UN) and other international organizations. It focuses on the UN Security Council, the UN General Assembly, the International Court of Justice, the Permanent Court of Arbitration, the International Law Commission, and the UN Commission on International Trade Law.

I. United Nations Security Council Resolutions

Pursuant to its purpose under the UN Charter to maintain international peace and security,¹ the Security Council passed sixty-five resolutions in 2016, largely focusing on region-specific resolutions to maintain peace in conflict zones, to prevent and eliminate conflicts, and to implement new strategies to eliminate or reduce current conflicts.²

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1. See U.N. Charter art. 24, para. 1.

2. See *Security Council Resolutions*, UNITED NATIONS SEC. COUNCIL, <http://www.un.org/en/sc/documents/resolutions/2016.shtml> (last visited Nov. 30, 2016). This article reviews sixty-five resolutions adopted by the UN Security Council and one resolution that was vetoed by the Russian Federation at the time of writing this article.

A. MAJOR ISSUES OF 2016

This year's resolutions covered peacekeeping operations, sexual exploitation and abuse by peacekeeping personnel, nuclear non-proliferation and disarmament regime, international migration and human trafficking, aviation security, the protection of civilians in post-conflict environments, and the necessity of protecting human rights. The Security Council also continued to address issues prevalent in 2015, such as the conflicts in Syria, Liberia, Middle East, Sudan, South Sudan, Burundi, Central African Republic, Libya, Somalia, Congo, and North Korea. It also looked to implement new strategies and courses of actions regarding the persistent issues in Cyprus, Iraq, Haiti, Mali, Western Sahara, and Yemen.

1. *Peacekeeping*

The Security Council stressed the UN's zero-tolerance policy for sexual exploitation and abuse and endorsed several measures aimed at protection against and prevention of sexual exploitation and abuse by peacekeeping contingent troops and peacekeeping personnel.³ The Security Council stressed that proper conduct and discipline are crucial to the effectiveness of peacekeeping operations. Noting the report by the High-Level Independent Panel on Peace Operations,⁴ two reports by the Secretary-General, and an external panel report on sexual exploitation and abuse in the Central African Republic submitted to the Secretary-General, Resolution 2272 endorsed: (1) the repatriation of entire military or formed police units when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit; (2) the practice to replace repatriated units only with units from troop contributing Member States that have upheld standards of conduct and discipline; (3) stronger pre-deployment training about sexual exploitation and abuse; and (4) vetting of all personnel to prevent the deployment of troops for whom there are pending sexual exploitation and abuse allegations. The Resolution also called for the Secretary-General to assess whether Member States are investigating allegations of sexual exploitation and abuse and holding their nationals criminally accountable.

2. *Non-Proliferation of Nuclear Weapons*

The Security Council emphasized the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and urged all outstanding states to sign the Comprehensive Nuclear-Test-Ban Treaty (CTBT).⁵ It also recognized the establishment of the International Monitoring System and

3. See S.C. Res. 2272 (Mar. 11, 2016).

4. See U.N. Secretary-General, Letter dated June 17, 2015 from the Secretary General addressed to the President of the Security Council, U.N. Doc. S/2015/446 (June 17, 2015); U.N. Secretary-General, *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-level Independent Panel on Peace Operations*, U.N. Doc. A/70/357-S/2015/682 (Sept. 2, 2015).

5. See S.C. Res. 2310 (Sept. 23, 2016).

the International Data Centre to ensure treaty compliance and urged Member States to end nuclear testing.

3. *Human Trafficking and Migrant Smuggling*

With regard to its efforts under the UN Convention against Transnational Organized Crime and the Protocol Against Smuggling Migrants Across Land Air and Sea, the Security Council addressed the migrant smuggling crisis in the Mediterranean Sea.⁶ It called upon Member States to implement border security policies to protect migrants' human rights. The Security Council urged coordination with Libyan authorities to deter migrant smuggling and human trafficking. Also, it called upon Member States to exercise due diligence, punish smugglers, and assist victims.

4. *Aviation Security*

The Security Council, reaffirming its commitment to air space sovereignty, expressed concern that terrorist groups are seeking to defeat or circumvent aviation security.⁷ It affirmed the role of the International Civil Aviation Organization (ICAO) as the UN Organization for developing international aviation security standards and monitoring Member States' compliance. The Security Council encouraged cooperation between ICAO and the UN Counter Terrorism Executive Directorate and called upon Member States to adhere to Annex 17 of the Chicago Convention. More so, it called upon Member States to engage in dialogue on aviation security and exchange information about threats, risks, and vulnerabilities.

5. *Civilians in Armed Conflict*

Focusing on the protection of civilians and medical and humanitarian personnel in conflict zones, the Security Council condemned attacks against the infirmed, medical and humanitarian personnel and their transportation and equipment, hospitals, and medical facilities.⁸ It urged the prosecution of perpetrators of war crimes and violations of international law. It also called for compliance with international law and with the Geneva Conventions to prevent acts of violence against such protected non-combatants.

6. *Peacebuilding in Post-Conflict Zones*

The Security Council, with respect to the 2030 Agenda for Sustainable Development, emphasized the importance of a comprehensive approach to sustaining peace, particularly through the prevention of conflict and addressing its root causes, strengthening the rule of law at the international and national levels, and promoting sustained and sustainable economic

6. See S.C. Res. 2312 (Oct. 6, 2016).

7. See S.C. Res. 2309 (Sept. 22, 2016).

8. See S.C. Res. 2286 (May 3, 2016).

growth and social development.⁹ It stressed that civil society, women, and youth are vital to peace. It also welcomed the work of the Peacebuilding Fund and the importance of strategic partnerships for funding from private sector sources. The Security Council encouraged the Peacebuilding Commission to: (a) diversify its working methods; (b) consider regional and crosscutting issues relevant to sustaining peace; (c) enhance synergies with the Peacebuilding Fund; and (d) integrate a gender perspective into its work. It also requested the Secretary-General to strengthen the UN and World Bank partnership to foster economic growth, marshal resources, create and provide funding platforms, and enhance exchanges on peacebuilding. It also noted the importance of women's leadership and participation in conflict prevention, resolution, and peacebuilding and the need to increase representation of women at all decision-making levels. Further, it encouraged the promotion of gender dimensions and the participation of youth and the private sector in peacebuilding activities.

B. COUNTRY-SPECIFIC RESOLUTIONS

The Security Council, due to the efforts at peace and stability in the region, decreased the UNOCI's military component in Cote d'Ivoire.¹⁰

In light of the peace process in the Republic of Columbia, the Security Council established a political mission in Columbia to oversee the tripartite mechanism monitoring the bilateral ceasefire.¹¹

The Government of Cyprus extended the stay of the UN Interim Forces in Cyprus (UNFICYP) beyond January 31, 2016.¹² The Security Council appreciated the continued progress on the Joint Declaration adopted by the Greek and Turkish Cypriot leaders in 2014 and urged both sides to permit the removal of mines within the buffer zone and to continue demining operations outside the buffer zone.

In Yemen, the Security Council urged all parties to resolve political, security, economic, and humanitarian disputes and to cease violence and provocation.¹³ The Security Council continued to support the work of the Special Envoy. It stressed the necessity of the measures prescribed in Resolution 2253¹⁴ to combat terrorist activity and emphasized effective implementation of the sanctions pursuant to Resolution 2140¹⁵ and Resolution 2216.¹⁶

With respect to peacekeeping operations in Guinea-Bissau, the Security Council extended the mandate for the UN Integrated Peacebuilding Office

9. See S.C. Res. 2282 (Apr. 27, 2016).

10. See S.C. Res. 2260 (Jan. 20, 2016); S.C. Res. 2283 (Apr. 27, 2016); S.C. Res. 2284 (Apr. 27, 2016).

11. See S.C. Res. 2261 (Jan. 25, 2016); S.C. Res. 2307 (Sept. 13, 2016).

12. See S.C. Res. 2263 (Jan. 28, 2016), S.C. Res. 2300 (July 26, 2016).

13. See S.C. Res. 2266 (Feb. 24, 2016).

14. See S.C. Res. 2266 (Feb. 24, 2016); S.C. Res. 2253 (Dec. 17, 2015).

15. See S.C. Res. 2266 (Feb. 24, 2016); S.C. Res. 2140 (Feb. 26, 2014).

16. See S.C. Res. 2266 (Feb. 24, 2016); S.C. Res. 2216 (Apr. 14, 2015).

and stressed that peace and stability was dependent upon strengthened democratic institutions, human rights protections, law enforcement, and socio-economic development.¹⁷ The Security Council called upon the political leaders to work together with the military and civil society to address the root causes of instability.

The Security Council reiterated that chemical weapons usage in Syria is a serious violation of international law and that perpetrators must be held accountable.¹⁸ It also renewed the original mandate of the Joint Investigative Mechanism, and established an International Syria Support Group (ISSG) humanitarian task force and an ISSG ceasefire task force. It continued to endorse the terms for the cessation of hostilities in Syria, which was set to commence February 27, 2016. Further, it called on parties to immediately allow humanitarian agencies rapid, safe, and unhindered access throughout Syria to render humanitarian assistance. The Security Council expressed its support for the Syrian-led political process and requested the Secretary-General and the Special Envoy for Syria to continue formal negotiations between the representatives of the Syrian government and the opposition. The Security Council also asked Member States to use their influence to advance the peace process and the release of detained persons.

With regard to the role of the government in facilitating peace in Liberia, the Security Council indicated that stability requires the Liberian Government to maintain well-functioning and accountable national institutions able to provide rule of law and national reconciliation.¹⁹ It noted, however, that the Liberian Government had not demonstrated sufficient progress in these areas. Further, the Security Council noted that the conflict over Liberia's natural resources and land disputes must be addressed in order to achieve stable and effective government institutions. The Security Council urged Liberia to facilitate inclusive, free, fair, and transparent elections in 2017 and called for the extended mandate of the UN Mission in Liberia (UNMIL) through December 31, 2016.

Regarding North Korea (the Democratic Republic of Korea), the Security Council adopted three resolutions reemphasizing the threat of nuclear, chemical, and biological weapons to international peace and security. In Resolution 2270, the Security Council condemned North Korea's continued nuclear testing and ballistic missile related programs that violate Security Council resolutions and international norms.²⁰ In Resolution 2276, the Security Council continued to monitor the effects of the sanctions; emphasized the importance of independent assessment, analysis, and recommendations; and extended the mandate of the Panel of Experts until April 24, 2017.²¹ In its unanimous Resolution 2321, the Security Council

17. See S.C. Res. 2267 (Feb. 26, 2016).

18. See S.C. Res. 2268 (Feb. 26, 2016); S.C. Res. 2314 (Oct. 31, 2016).

19. See S.C. Res. 2308 (Sept. 14, 2016); S.C. Res. 2288 (May 25, 2016).

20. See S.C. Res. 2270 (Mar. 2, 2016).

21. See S.C. Res. 2276 (Mar. 24, 2016).

strengthened and expanded sectoral sanctions on North Korea's international trade, financial transactions, and weapon related programs.²²

The Security Council adopted several resolutions related to the situation of insecurity in Sudan and South Sudan.²³ The Security Council called upon all parties to engage in the peace efforts mediated by the African Union High-Level Implementation Panel (AUHIP)²⁴ and reiterated its support for the Doha Document for Peace in Darfur (DDPD) as a framework for the peace process in Darfur.²⁵ The Security Council stressed the responsibility of the Government of Sudan to protect civilians within its territory, including protection from crimes against humanity and war crimes,²⁶ and re-emphasized the need for all armed actors to cease violence against civilians, including against children.²⁷

Burundi continued to see violence in the region, ongoing political impasse, and serious humanitarian consequences. The Security Council continued to urge the government to protect its population based on respect for rule of law and international law.²⁸ It also called for addressing the increased cases of forced disappearance, kidnapping, and acts of torture. Highlighting issues with the implementation of the Arusha Peace and Reconciliation Agreement, the Security Council pointed out that the coordinating efforts between the African Union, the East African Community, the International Conference of the Great Lakes Region, the European Union, and the United Nations, including the Special Adviser, as necessary for conflict prevention.²⁹ The Security Council requested the Secretary-General, in consultation with the African Union and the Government of Burundi, to establish a UN police component to monitor the security situation, promote response for human rights, and advance the rule of law.

The Security Council continued to help secure a permanent ceasefire in Lebanon and the Middle East,³⁰ which has had limited progress since Resolution 1701 (2006). It asked all other parties involved to strengthen their efforts and to determine special solutions with the Special Coordinator of the Secretary-General and the UNIFIL Force Commander to fully implement Resolution 1701.³¹ The Security Council reemphasized the

22. See S.C. Res. 2321 (Nov. 30, 2016).

23. See S.C. Res. 2318 (Nov. 15, 2016); S.C. Res. 2304 (Aug. 12, 2016); S.C. Res. 2302 (July 29, 2016); S.C. Res. 2296 (June 29, 2016); S.C. Res. 2290 (May 31, 2016); S.C. Res. 2287 (May 12, 2016); S.C. Res. 2280 (Apr. 7, 2016); S.C. Res. 2271 (Mar. 2, 2016); S.C. Res. 2265 (Feb. 10, 2016).

24. See S.C. Res. 2318 (Nov. 15, 2016).

25. See S.C. Res. 2296 (June 29, 2016).

26. See *id.*

27. See S.C. Res. 2318 (Nov. 15, 2016).

28. See S.C. Res. 2279 (Apr. 1, 2016).

29. See S.C. Res. 2303 (July 29, 2016).

30. See S.C. Res. 2314 (Oct. 31, 2016); S.C. Res. 2305 (Aug. 30, 2016); S.C. Res. 2294 (June 29, 2016).

31. See S.C. Res. 2305 (Aug. 30, 2016).

necessity to comply with the prohibition on the sale and supply of arms and related material.³² In addition to expressing strong support for the Lebanese Armed Forces to provide security for Lebanon, where the situation continues to be a threat to international peace and security, the Security Council extended the mandate of UNIFIL until August 31, 2017.³³ It urged the continued collaboration between UNIFIL and the Lebanese Armed Forces.³⁴ Further, the Security Council reaffirmed its call on all parties to accept and respect the cessation of hostilities, and prevent any violation of the Blue Line, while cooperating with the United Nations and UNIFIL.³⁵ The Security Council asked the Government of Israel to expedite the withdrawal of its army from northern Ghajar, while continuing to support and respect establishment of an area free of any armed personnel, assets, and weapons between the Blue Line and the Litani River.³⁶

With respect to the Central African Republic (CAR), the Security Council noted the acts of violence and criminality in Bangui, the kidnapping of CAR police by armed groups, and the attacks and abductions by the Lord's Resistance Army in the southeast.³⁷ It stressed the urgent need to end impunity for the violations of humanitarian law and the need to bolster accountability, such as through the Special Criminal Court and the Independent Expert on human rights. In addition, it emphasized that the current situation in the CAR may prove fertile to transnational criminal activity and as a breeding ground for radical networks.

C. VETOED RESOLUTIONS

Russia vetoed a proposal by France and Spain that demanded an immediate halt to all aerial bombardment and military flights over the city of Aleppo, as well as immediate, safe, and unhindered humanitarian access throughout Syria.³⁸ Russia stated that it was not Security Council practice to address a permanent Member State's conduct and policy by vote without prior consent.³⁹

II. United Nations General Assembly

The UN General Assembly's agenda in 2016 included the 2030 Agenda for Sustainable Development, a treaty on climate change, a framework

32. *See id.*

33. *See id.*

34. *See id.*

35. *See id.*

36. *See id.*

37. *See* S.C. Res. 2301 (July 26, 2016); S.C. Res. 2281 (Apr. 26, 2016); S.C. Res. 2264 (Feb. 9, 2016); S.C. Res. 2262 (Jan. 27, 2016).

38. *See* S.C. Res. 2846 (Oct. 8, 2016).

39. *See* Press Release, U.N., Sec. Council Fails to Adopt Two Draft Resolutions on Syria, Despite Appeals for Action Preventing Impending Humanitarian Catastrophe in Aleppo (Oct. 8, 2016).

document to address large movements of refugees and migrants, transnational crime, and increased cooperation among the UN and international economic development organizations. The UN General Assembly also adopted resolutions related to Afghanistan and the United States' longstanding embargo against Cuba.

Upon recommendation of the Security Council, the General Assembly appointed, by acclamation, António Guterres of Portugal as the new Secretary-General to succeed Ban Ki Moon, effective January 1, 2017.⁴⁰ Guterres served as the UN High Commissioner for Refugees from 2005 to 2010. As part of an effort to make the selection and appointment process more transparent, the UN held public forums with candidates and increased public outreach for civil society participation.

A. MAJOR ISSUES OF 2016

1. *2030 Agenda for Sustainable Development*

The international community began action to implement the 2030 Agenda for Sustainable Development, which UN Member States adopted in 2015.⁴¹ The seventeen Sustainable Development Goals (SDGs) and their targets reflect global consensus on international development priorities as consistent with sustainable economic growth, social inclusion, and environmental protection. The new goals call for public and private action to address inequalities, discrimination, violence against women, human trafficking, corruption, water and energy insecurity, and climate change. The goals also cover ensuring equal access to justice, strengthening rule of law, protecting human rights, and promoting good governance through effective, accountable, and transparent institutions at all levels. In support of multilateral implementation of the 2030 Agenda and the Sustainable Development Goals, the General Assembly adopted resolutions this year to encourage and facilitate increased cooperation by the UN with various regional organizations such as the Commonwealth of Independent States, the League of Arab States, the Collective Treaty Organization, and the Council of Europe.⁴²

2. *Climate Change*

The Paris Agreement on Climate Change, a landmark agreement aimed at reducing greenhouse gas emissions, entered into force on November 4,

40. See G.A. Res. 71/4 (Oct. 13, 2016).

41. See G.A. Res. 70/1 (Oct. 21, 2015) (adopted Sept. 25, 2015). See generally U.N. Dep't Econ. & Soc. Affairs, Sustainable Development Goals, <http://www.un.org/sustainabledevelopment/development-agenda/> (last visited Dec. 12, 2016).

42. See G.A. Res. 71/10 (Oct. 21, 2015); G.A. Res. 71/11 (Nov. 21, 2016); G.A. Res. 71/12 (Nov. 21, 2016); G.A. Res. 71/17 (Nov. 21, 2016); Press Release, U.N., Gen. Assembly Adopts 10 Resolutions Encouraging Stronger Ties Between Regional Org, United Nations to Address Global Challenges (Nov. 21, 2016).

2016.⁴³ Adopted in December 2015,⁴⁴ it opened for signatures on Earth Day, April 22, with the United States and China issuing a joint statement of support. The Agreement aims to reduce the risks of climate disruption by keeping the global average temperature well below 2 degrees Celsius above pre-industrial levels and ideally below 1.5 degrees Celsius. The Agreement requires parties to report their nationally determined contributions every five years to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC). Implementation of the Paris Agreement supports Sustainable Development Goal 13, which calls for urgent action to combat climate change and its impact.

3. *Large Movements of Refugees and Migrants*

The UN General Assembly held its first ever high-level plenary meeting on large movements of refugees and migrants, spurred in part by the situations in the Middle East, Africa, and Europe.⁴⁵ The resulting New York Declaration on Refugees and Migrants, signed by 193 Member States, provides the blueprint for global cooperation regarding the displacement of large populations due to war, political upheaval, or economic conditions.⁴⁶ The Declaration consists of a set of agreements and commitments that recognize the role of the international community to address such large movements of refugees and migrants. Member States agreed to international cooperation while recognizing the individual capacities of different states. The Declaration's two annexes outline a global compact for safe, orderly, and regular migration, as well as a comprehensive refugee response framework. The meeting was attended by all Member States, as well as Observer States and international organizations involved directly or indirectly with international migration.⁴⁷

4. *Transnational Crime*

The General Assembly adopted a resolution to promote greater cooperation between the UN and the International Criminal Police Organization (INTERPOL) and to foster a more consistent approach toward transnational crime and its international networks.⁴⁸

43. See generally U.N. Framework Convention on Climate Change, The Paris Agreement, http://unfccc.int/paris_agreement/items/9485.php (last visited Nov. 30, 2016).

44. See U.N. Framework Convention on Climate Change, Report of the Conference of the Parties to its Twenty-First Session, held in Paris from 30 November to 13 December 2015, U.N. Doc. FCCC/CP/2015/10/Add. 1 (Jan. 29, 2016).

45. See Addressing Large Movements of Refugees and Migrants, Summit for Refugees and Migrants—19 September 2016 (Sept. 19, 2016) <http://refugeemigrants.un.org/summit>.

46. See U.N. GAOR, 71st Sess., 3rd plen. mtg., U.N. Doc. A/71/PV.3 (Sept. 13, 2016).

47. See G.A. Res. 71/1 (Sept. 19, 2016).

48. See G.A. Res. 71/19 (Nov. 21, 2016).

5. *Inter-Organizational Cooperation*

The General Assembly passed numerous resolutions in the area of cooperation with international organizations to coordinate on sustainable development, combat terrorism, and promote economic integration.⁴⁹ The resolutions call upon the UN Secretariat and UN entities to accelerate inter-organizational cooperation in order to construct a more consistent and comprehensive framework for development.

B. COUNTRY-SPECIFIC RESOLUTIONS

Among the country-specific resolutions, the General Assembly adopted resolutions regarding Afghanistan and the United States' longstanding embargo against Cuba.

1. *Afghanistan*

In a resolution adopted by consensus, the General Assembly called for comprehensive peace negotiations and resumption of peace talks between the Afghan government and the Taliban.⁵⁰ The resolution noted the successes of several fundraising initiatives for Afghanistan within the international community, such as the Brussels Conference on Afghanistan.

2. *Cuba Embargo*

The General Assembly adopted a resolution calling upon the United States to end its economic, commercial, and financial embargo against Cuba.⁵¹ The resolution was supported with a vote of 191-0-2, with, for the first time, the United States abstaining rather than rejecting.⁵² Israel also abstained.

II. International Courts

A. INTERNATIONAL COURT OF JUSTICE

In 2016, States submitted three new legal contentious cases before the International Court of Justice (ICJ), the UN's principal judicial organ for disputes between states.

49. See G.A. Res. 71/15 (Nov. 21, 2016); G.A. Res. 71/16 (Nov. 21, 2016); G.A. Res. 71/18 (Nov. 21, 2016).

50. See G.A. Res. 71/9 (Nov. 17, 2016).

51. See G.A. Res. 71/5 (Oct. 26, 2016).

52. See *US Abstains from UN Vote Against Cuba Embargo*, BBC NEWS (Oct. 27, 2016), <http://www.bbc.com/news/world-us-canada-37784136>.

In *Chile v. Bolivia*,⁵³ Chile instituted proceedings against Bolivia over the status and use of the waters of the Silala River. Chile requested that the ICJ confirm Chile's entitlement to its current use of the waters and Bolivia's obligation to prevent and control pollution and other form of harm to Chile resulting from its activities near the Silala River, as well as to cooperate with Chile on planned measures impacting the river.⁵⁴ The ICJ set July 3, 2017, and July 3, 2018, as the respective time limits for the filing of a Memorial by Chile and a Counter-Memorial by Bolivia.⁵⁵

In *Equatorial Guinea v. France*, Equatorial Guinea argued that France breached its obligation to respect the principles of sovereign equality and non-interference in the internal affairs of another State by permitting French courts to initiate criminal legal proceedings against Teodoro Nguema Obiang Mangue, Equatorial Guinea's Second Vice President in charge of defense and state security, and by allowing the seizure of the building which houses Equatorial Guinea's Embassy in France, which was formerly owned by Mr. Mangue.⁵⁶ Equatorial Guinea has alleged that France's actions are in violation of the UN Convention against Transnational Organized Crime, the Vienna Convention on Diplomatic Relations, and general international law.⁵⁷ After two rounds of oral observations, the ICJ began its deliberation.⁵⁸

In *Islamic Republic of Iran v. United States of America*,⁵⁹ Iran submitted its dispute against the United States alleging the latter's designation of Iran as a State sponsoring terrorism and its adoption of legislative and executive acts, pursuant to which assets and interest of Iran and Iranian entities were subjected to enforcement proceedings in the United States, are in violation of international law and of the 1955 Treaty of Amity, Economic Relations, and Consular Rights between Iran and the United States.⁶⁰ The Court fixed February 1, 2017, and September 1, 2017, as the respective time limits for

53. See *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, Application Instituting Proceedings (June 6, 2016), <http://www.icj-cij.org/docket/files/162/19020.pdf>.

54. See *id.* ¶ 50.

55. Press Release, Int'l Court of Justice, *Dispute over the Status and Use of Waters of Silala (Chile v. Bol.)*; *Fixing of Time-Limits for the Filing of the Initial Pleadings No. 2016/22* (July 14, 2016).

56. See *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, Application for Initiation of Proceeding (June 13, 2016), <http://www.icj-cij.org/docket/files/163/19036.pdf>.

57. See *id.* ¶ 3.

58. See Press Release, Int'l Court of Justice, *Immunities and Criminal Proceedings (Equatorial Guinea v. Fr.)*; *Conclusion of the Public Hearing on the Request for the Indication of Provisional Measures Made by Equatorial Guinea*; *The Court to Begin its Deliberation No. 2016/33* (Oct. 19, 2016).

59. See *Certain Iranian Assets (Islamic Republic of Iran v. U.S.)*, Application for Initiation of Proceeding (June 14, 2016), <http://www.icj-cij.org/docket/files/164/19038.pdf>.

60. See *Treaty of Amity, Economic Relations, and Consular Rights Between the United States of America and Iran*, U.S.-Iran, Aug. 15, 1955, 284 U.N.T.S. 93.

the filing of a Memorial by the Iran and a Counter-Memorial by the United States.⁶¹

B. PERMANENT COURT OF ARBITRATION

On July 12, 2016, the Permanent Court of Arbitration (PCA) issued a landmark arbitral award in *The Republic of Philippines v. The People's Republic of China*.⁶² The PCA rejected China's "nine-dash line" claim, finding that the United Nations Law of the Sea Convention (UNCLOS) was controlling for the purposes of determining maritime entitlements. The PCA further concluded that Chinese-claimed maritime features in the Spratly Islands were not capable of generating extended maritime zones. On this basis, the PCA also determined that China's actions, such as constructing artificial islands and denying access to Manila, were unlawful and unduly infringed on the Philippines' rights within its exclusive economic zone.

IV. The Work of the International Law Commission (ILC)

The International Law Commission (ILC) held its 68th session at the UN Office in Geneva from May through August of 2016.⁶³ The highlights of the session include the following:

1. The ILC adopted a set of 16 draft conclusions from the fourth report on Identification of Customary International Law, which the ILC will transmit to governments for comments;
2. The ILC considered the second report on Crimes Against Humanity, and provisionally adopted articles 5 through 10 that cover issues including criminalization under national law and establishment of national jurisdiction;
3. The ILC also considered the third report on the Protection of the Atmosphere, and proposed five draft obligations states must undertake;
4. The ILC has requested further information from states on their national legislation and practices regarding immunity of state officials from foreign criminal jurisdiction;
5. The ILC has established a Planning Group to manage its programme and procedures; and
6. The ILC will consider the following future topics: the "settlement of international disputes to which international organizations are parties," and the succession of states in respect of state responsibility."

61. See *Certain Iranian Assets (Iran v. U.S.)*, Order (July 1, 2016), <http://www.icj-cij.org/docket/files/164/19060.pdf>.

62. See *In the Matter of the South China Sea Arbitration (Phil. V. P.R.C.)*, PCA Case No. 2013-19 (July 12, 2016), <http://www.pcacases.com/pcadocs/PH-CN - 20160712 - Award.pdf>.

63. See Int'l Law Comm'n, Report on the Work of Its Sixty-Eighth Session, U.N. Doc. A/71/10 (2016).

V. Human Rights Treaty Bodies

The UN's ten human rights treaty bodies, comprised of independent expert committees monitoring State Parties' implementation of international human rights treaties,⁶⁴ celebrated milestone anniversaries for major international human rights treaties and recognized the continued need to address various challenges to protecting human rights.

The Human Rights Committee (HRC) and Committee on Economic, Social and Cultural Rights (CESCR) celebrated the fiftieth anniversary of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁶⁵ This year also marked the tenth anniversary of the International Convention for the Protection of all Person from Enforced Disappearances.⁶⁶

The Committee against Torture (CAT) recognized the importance of the survivors' efforts in obtaining the conviction of former President of Chad Hissène Habré for crimes against humanity, summary executions, torture, and rape.⁶⁷ The Committee also assisted by supporting the principle of universal jurisdiction that kept Hissène Habré in Senegal for prosecution.

Among the emerging challenges, Committees expressed concern about rising racist and xenophobic rhetoric and violence amid significant refugee and migrant movement,⁶⁸ and State responses to terrorism.⁶⁹

64. See U.N. Human Rights Office of the High Comm'r, Human Rights Bodies, <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

65. Comm. on Econ., Soc., and Cultural Rights, Opening Statement (Feb. 22, 2016), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fSTA%2f57%2f24474&Lang=en.

66. See Comm. on Enforced Disappearances, Tenth Session Opening Address by Simon Walker, Chief Civil, Political, Economic, Social and Cultural Rights Section Human Rights Treaties Division (Mar. 7, 2016), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCED%2fSTA%2f10%2f24501&Lang=en.

67. See Committed Against Torture, 58th Session Statement by Mr. Simon Walker, Chief, Civil, Political, Economic, Social and Cultural Rights Section Human Rights Council and Treaty Mechanisms Division Office of the High Commissioner for Human Rights (July 25, 2016) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fOCR%2f58%2f24979&Lang=en.

68. See Comm. on the Elimination of Racial Discrimination, 89th Session Opening Address by Ibrahim Salama, Director of Human Rights Treaties Division (Apr. 25, 2016), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fOCR%2f89%2f24658&Lang=en; See also Comm. on the Protection of the Rights of All Migrant Workers and Members of Their Families, Twenty-Fourth Session Statement by Mr. Simon Walker Chief, Civil, Political, Economic, Social and Cultural Rights Section Human Rights Treaties Division Office of the High Commissioner for Human Rights (Apr. 11, 2016), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCMW%2fOCR%2f24%2f24639&Lang=en.

69. *Security Council Resolutions*, *supra* note 2.

The Committee on Elimination of Racial Discrimination (CERD) noted intersecting forms of discrimination against women and girls.⁷⁰ Women's lack of access to justice and violence against women continued to be important issues.⁷¹ Committees also focused on children and armed conflict⁷² and protecting children from sexual exploitation.⁷³

VI. World Bank and Financial Institutions

On October 9, 2016, the World Bank, regional Multilateral Development Banks (MDBs), and other organizations issued a statement expressing their commitment to work toward the Sustainable Development Goals (SDGs) set out in the 2030 Agenda.⁷⁴ MDBs recognize that meeting the SDGs will require a coordination of efforts. The World Bank and the European Commission developed a framework for collaboration in situations affected by fragility, conflict, and violence.⁷⁵ MDBs will continue to explore how to work individually and in partnership with each other and with the international community to realize the implementation of the SDGs.

VII. UN Commission on International Trade Law (UNCITRAL)

The UN Commission on International Trade Law (UNCITRAL) adopted three major texts in 2016.

The Model Law on Secured Transactions deals with security interests in all tangible and intangible movable property. It provides a transparent and comprehensive legal framework of secured financing. It is expected to impact the availability and cost of credit, which will help to support small- and medium-size enterprises in developing countries and to alleviate poverty.⁷⁶

The Technical Notes on Online Dispute Resolution (ODR) assists parties in dispute resolution in a flexible and secure manner by obviating the need

70. See Orest Nowosad, Chief, Groups in Focus, Human Rights Council and Treaty Mechanisms Div., Opening Address of the Committee on the Elimination of Racial Discrimination 90th Session (Aug. 2, 2016).

71. See Yoko Hayashi, Chairperson, Comm. on the Elimination of Discrimination Against Women, Statement on Activities Undertaken Between the 64th and 65th Sessions of the Comm. on the Elimination of Discrimination Against Women (Oct. 24, 2016).

72. See *id.*

73. See Ibrahim Salama, Chief, Human Rights Treaties Branch, Representative of the Secretary-General, Opening Address at the Committee on the Rights of the Child 72nd Session (May 17, 2016).

74. See G.A. Res. 70/1 (Oct. 21, 2015).

75. Press Release, The World Bank, Joint Declaration on a Framework for European Commission-World Bank Group Collaboration in Situation Affected by Fragility, Conflict and Violence (June 14, 2016), <http://www.worldbank.org/en/news/press-release/2016/06/14/joint-declaration-framework-european-commission-world-bank-group-collaboration-in-situations-affected-by-fragility-conflict-violence> (June 4, 2016).

76. See UNCITRAL Model Law on Secured Transactions (2016), http://www.uncitral.org/uncitral/en/uncitral_texts/security/2016Model_secured.html.

for physical appearance at meetings or hearings. The Technical Notes are nonbinding and were drafted for universal application. They are designed to promote the availability of ODR systems to buyers and sellers in both developed and developing countries and are expected to contribute significantly to the promotion of online settlement of cross-border disputes.⁷⁷

The Notes on Organizing Arbitral Proceedings, 2nd Edition updates the original version from 1996, which have become an important resource for participants and practitioners in international arbitration. They address common issues that arise in the organization of an arbitral proceeding. The notes are intended to apply regardless of whether the arbitration is administered on an ad hoc basis or by an arbitral institution.⁷⁸

The Commission also endorsed a guidance note about the importance of assisting States with the implementation of sound commercial law reforms.⁷⁹ The guidance note is relevant to all UN departments, offices, funds, agencies, and programs, as well as other donors. It highlights the importance of international commercial law for the achievement of UN objectives in the context of development, conflict-prevention, post-conflict-reconstruction, and other fields.

During its fiftieth anniversary event next year, the Commission will explore new directions in cross-border commerce to support innovation and sustainable development.⁸⁰

77. See UNCITRAL, Tech. Notes on Online Dispute Resolution (2016), http://www.uncitral.org/uncitral/uncitral_texts/odr/2016Technical_notes.html.

78. See UNCITRAL Notes on Organizing Arbitral Proceedings (2016), http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/2016Notes_proceedings.html.

79. See UNCITRAL, Guidance Note on Strengthening United Nations Support to States, Upon Their Request, to Implement Sound Commercial Law Reforms (2016); http://www.uncitral.org/pdf/english/TAC/GuidanceNoteTAC/EnglishGuidance_Note.pdf.

80. See UNCITRAL, Modernizing International Trade Law to Support Innovation and Sustainable Development (2016), <http://www.uncitral.org/uncitral/en/commission/colloquia/50th-anniversary.html>.

