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International Organizations: The Work of the UN in 2015

Javier Etcheverry Boneo

Elizabeth A. Turchi

Renee Dopplick

Jehmal Hudson

Gabrielle Culmer

See next page for additional authors

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International Organizations: The Work of the UN in 2015

Authors

Javier Etcheverry Boneo, Elizabeth A. Turchi, Renee Dopplick, Jehmal Hudson, Gabrielle Culmer, and Poopak Taati

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International Organizations: The Work of the United Nations in 2015

JAVIER ETCHEVERRY BONEO, ELIZABETH A. TURCHI, RENEE DOPPLICK,
JEHMAL HUDSON, GABRIELLE CULMER, AND POOPAK TAATI*

This Article reviews select developments occurring in 2015 in the United Nations and other international organizations. It focuses on the U.N. Security Council, the U.N. General Assembly, the International Law Commission, and the World Bank Group.

I. The United Nations Security Council Resolutions of 2015

This year marked the seventieth anniversary of the founding of the United Nations, as well as the creation and empowerment of the U.N. Security Council (UNSC) under the U.N. Charter, to maintain international peace and security. With millions of refugees and internally displaced people fleeing armed conflicts at levels not seen since World War II, and escalating threats to regional and global security, the need for the Security Council to use its powers to mobilize international action to combat threats and the sources of those threats became even more critical.

This section first examines the Security Council resolutions of 2015 from a geographical perspective and then from a content perspective. Our review showed the agenda predominantly focused on continued country-specific and regional situations in Africa, the Middle East, and Europe/Central Asia, and, secondarily, on thematic issues such as the illicit trafficking in small arms, human smuggling and trafficking, and women in peace and security.¹ The section then looks at the major issues of transnational and

* Javier Etcheverry Boneo is a partner at Marval, O'Farrell & Mairal and is co-chair of the committee. Elizabeth Turchi and Renee Dopplick served as the committee editors of this Article; Elizabeth Turchi is an international attorney with experience in human rights and international criminal justice. Renee Dopplick is an international attorney in Washington, D.C. and the Director of Public Policy for ACM. Jehmal Hudson is a Congressional Liaison at the Federal Energy Regulatory Commission and Steering Committee Member of UNIOOC. Gabrielle Culmer is a lawyer with Barristers' Chambers, 9 Stone Buildings in London and contributed the section on Sustainable Development Goal 2. Poopak Taati, Ph.D., is a legal scholar and alternative dispute resolution (ADR) specialist residing in Irvine, California. Dr. Taati contributed the section on Security Council Resolution 2231.

1. See *Resolutions Adopted by the Security Council in 2015*, U.N. SECURITY COUNCIL, <http://www.un.org/en/sc/documents/resolutions/2015.shtml> (last visited April 10, 2016). This Article reviews fifty-four resolutions adopted by the UN Security Council and the two resolutions that were vetoed by the Russian Federation, at

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global concern in 2015, including peacekeeping and peacebuilding, terrorism, nonproliferation, and accountability for serious crimes through international courts and ad hoc tribunals. The growing volatile situations in the Ukraine, Syria, the Mediterranean Sea, and Africa, and escalating threats of terrorism will remain matters of serious concern in the year ahead. Lastly, the section discusses the implications of Security Council procedures and the use of the veto power by the permanent members.

A. OUTLINE OF SECURITY COUNCIL RESOLUTIONS IN 2015

The Security Council showed a continued commitment to addressing the needs for increased regional and international cooperation, strengthened and expanded peacekeeping to protect and defend civilians, and undertook enforcement actions in response to persistent geographical and general threats to international peace and security on its agenda.

Unanimous votes remained the prevailing norm; however, six adopted resolutions received a combined twelve abstentions, marking an increase over last year and a five-year high both in number and percentage.² Similar to last year, the Russian Federation was the only P5 member to exercise its veto power: one related to the downing of a civilian aircraft in Ukraine and another related to commemorating the genocide and other serious crimes of Srebrenica during the Bosnia and Herzegovina conflict.³ China, Angola, Nigeria, and Venezuela abstained on the Srebrenica resolution, making it one of the more contentious resolutions of 2015. Venezuela, which serves as a non-permanent member for two years through 2016, abstained on the two vetoed resolutions and on five of the six adopted resolutions, being the sole abstention in three cases addressing chemical weapons in the Middle East, human trafficking and smuggling in the Mediterranean, and the situation in Somalia.⁴ The Russian Federation, the second-highest abstainer, was the sole abstention on Yemen.⁵ The Russian Federation joined Venezuela in concerns over expanded peacekeeping and other activities in South Sudan,⁶ and was among six abstentions, along with China, on the illicit transfer of small arms.⁷ The contentiousness surrounding the successful resolution on small arms largely turned on the measure's failure to address the

the time of this writing of this Article (Dec. 1, 2015). For 2014 developments, see Javier Etcheverry Boneo et al., *International Organizations*, 49 INT'L LAW. 389 (2014).

2. See S.C. Res. 2244 (Oct. 23, 2015); S.C. Res. 2241 (Oct. 9, 2015); S.C. Res. 2240 (Oct. 9, 2015); S.C. Res. 2220 (May 22, 2015); S.C. Res. 2216 (Apr. 14, 2015); S.C. Res. 2209 (Mar. 6, 2015).

3. See U.N. SCOR, 70th Sess., 7498d mtg., at 3, U.N. Doc. S/PV.7498 (July 29, 2015) (The Russian Federation vetoed draft Resolution S/2015/562); U.N. SCOR, 70th Sess., 7481st mtg., at 7, U.N. Doc. S/PV.7481 (July 8, 2015) (The Russian Federation vetoed draft Resolution S/2015/508).

4. U.N. SCOR, 70th Sess., 7541st mtg., at 2, U.N. Doc. S/PV.7541 (Oct. 23, 2015) (Venezuela as sole abstention to S.C. Res. 2244); U.N. SCOR, 70th Sess., 7532d mtg., at 2, U.N. Doc. S/PV.7532 (Oct. 9, 2015) (Venezuela abstaining to S.C. Res. 2241); U.N. SCOR, 70th Sess., 7531st mtg., at 2, U.N. Doc. S/PV.7531 (Oct. 9, 2015) (Venezuela as sole abstention to S.C. Res. 2240); U.N. SCOR, 70th Sess., 7447th mtg., at 4, U.N. Doc. S/PV.7447 (May 22, 2015) (Venezuela abstaining to S.C. Res. 2220); U.N. SCOR, 70th Sess., 7401st mtg., at 2, U.N. Doc. S/PV.7401 (Mar. 6, 2015) (Venezuela as sole abstention S.C. Res. 2209).

5. U.N. SCOR, 70th Sess., 7426th mtg., at 2, U.N. Doc. S/PV.7426 (Apr. 14, 2015) (The Russian Federation as sole abstention to S.C. Res. 2216).

6. U.N. Doc. S/PV.7532, *supra* note 4, at 2-3.

7. U.N. Doc. S/PV.7447, *supra* note 4, at 4.

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destabilizing impacts of the proliferation of illegal small arms and weapons by non-state actors.⁸

1. *Geographical Perspective*

The Security Council continued its practice of predominantly focusing on country-specific and regional resolutions, which represented roughly three-fourths of the resolutions. Conflict, humanitarian, and terrorist situations in Africa, the Middle East, and Europe/Central Asia figured predominantly on the Security Council's agenda. Among the country-specific resolutions, the Security Council addressed exclusively the same countries as last year. Two Security Council missions were dispatched to assess the implementation of prior relevant Security Council resolutions and current situations, with one mission to Haiti,⁹ and another to Africa for visits to Burundi and the Central African Republic and to Ethiopia for the ninth joint session with the African Union Peace and Security Council to discuss regional issues of concern.¹⁰

Persistent security situations in Africa accounted for more than 60 percent of the country-specific resolutions and the majority of the resolutions generally. Among the new themes this year, the Security Council authorized the increased use of drones in peacekeeping operations in South Sudan, despite stated concerns by some Security Council members and the government of Sudan.¹¹ Also, within resolutions whose primary purpose addressed country-specific conflict situations in West Africa, the Security Council commended Guinea-Bissau and Liberia for their efforts to prevent the further infectious spread of Ebola and encouraged the continuation of those efforts.¹² Last year's Security Council Resolution 2177 called upon governments, regional and international organizations, and the U.N. to mobilize a comprehensive international public health response to the Ebola outbreak,¹³ which was supported by the first-ever U.N. emergency health response mission that ended its operations in July 2015 upon achieving its objectives.¹⁴

In contrast to reduced U.N. involvement as a result of the progress made against the threat of Ebola in West Africa, the U.N. Security Council renewed and broadened U.N. peacekeeping missions in areas of conflict, expanded sanctions, and called for increased cooperative response to sustained and deteriorating armed conflict and multidimensional security situations in more than twenty individual countries and regions. The result of these ongoing situations is a growing number of cascading and interdependent resolutions

8. *See id.*, at 4-9.

9. *See* U.N. President of the S.C., Letter dated Jan. 19 2015 from the President of the Security Council addressed to the Secretary-General, U.N. Doc. S/2015/40 (Jan. 20, 2015).

10. *See* U.N. President of the S.C., Letter dated Mar. 5, 2015 from the President of the Security Council addressed to the Secretary-General, U.N. Doc. S/2015/162 (Mar. 5, 2015).

11. *See* S.C. Res. 2241, *supra* note 2; U.N. Doc. S/PV.7532, *supra* note 4, at 4-5 (Oct. 9, 2015).

12. *See* S.C. Res. 2237 (Sept. 2, 2015); S.C. Res. 2215 (Apr. 2, 2015); S.C. Res. 2203 (Feb. 18, 2015).

13. *See* S.C. Res. 2177, ¶¶ 8-12 (Sept. 18, 2014).

14. The U.N. Mission for Ebola Emergency Response (UNMEER) was established by G.A. Res 69/1 (Sept. 19, 2014) pursuant to S.C. Res. 2177 (Sept. 18, 2014) and was terminated on July 31, 2015. *See UN Mission for Ebola Emergency Response (UNMEER)*, GLOBAL EBOLA RESPONSE, <http://ebolaresponse.un.org/mission-ebola-emergency-response-unmeer> (last visited Apr. 10, 2016).

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related to specific situations and compliance with international humanitarian law and human rights law.¹⁵

The Security Council addressed the country situations in the Middle East as a regional theme, as discussed in the next section. The Security Council did not continue to consider a resolution to address the Israeli-Palestinian conflict after the failed resolution that occurred two days before the start of 2015.¹⁶

2. Substantive Perspective

Consistent with its primary responsibility for the maintenance of international peace and security, top themes from the Security Council's work in 2015 included peacekeeping and post-conflict peacebuilding,¹⁷ humanitarian situations,¹⁸ sanctions implementation,¹⁹ and terrorism.²⁰ Resolutions focused on thematic issues and addressed women and peace and security; children and armed conflict, the illicit transfer of small arms; nuclear nonproliferation; and the protection of civilians in armed conflict, including women, children, refugees, and internally displaced people. These thematic issues reflected the need to address the structural causes of social, economic, political, and military tensions that provoked greater instability.

New themes included calls for action against ISIL in Iraq and Syria,²¹ safeguarding of cultural heritage in Iraq and Syria against destruction and looting,²² combatting the smuggling of migrants in the Mediterranean Sea to Europe,²³ and increasing use of drones in peacekeeping as part of peacekeeping mandates to use "all necessary means" to protect and defend civilians.²⁴ The Security Council also called for further action to address criminal misconduct by U.N. troops pursuant to the United Nations zero tolerance policy on sexual exploitation and other abuses.²⁵ Two resolutions referred to the Internet, but only to the extent that terrorists were increasingly using it to "incite, recruit, fund or plan terrorist acts."²⁶ The Security Council did not address threats to peace and security through cyberattacks, censorship and filtering of online information, direct damage to infrastructure, or other acts negatively impacting information and communications technologies.²⁷

15. See, e.g., S.C. Res. 2230 (July 14, 2015) (recalling eleven prior resolutions on Sudan and South Sudan since 2011 and reaffirming and recalling more than twenty-five additional prior resolutions).

16. See U.N. SCOR, 69th Sess., 7354th mtg., U.N. Doc. S/PV.7354 (Dec. 30, 2014) (draft Resolution S/2014/916 not adopted by a vote of 8-2-5).

17. See, e.g., S.C. Res. 2241, *supra* note 2.

18. See, e.g., S.C. Res. 2248 (Nov. 12, 2015).

19. See, e.g., S.C. Res. 2196 (Jan. 22, 2015).

20. See S.C. Res. 2249 (Nov. 20, 2015).

21. See *id.*

22. See *id.*, ¶ 3; S.C. Res. 2233 (July 29, 2015).

23. See S.C. Res. 2240, *supra* note 2.

24. S.C. Res. 2241, *supra* note 2, ¶¶ 4, 10.

25. See *id.*, ¶ 18.

26. S.C. Res. 2199, ¶ 5 (Feb. 12, 2015); see also S.C. Res. 2214, pmb. (Mar. 27, 2015) (expressing concern with increased use of the internet and social media by terrorist groups to plan, recruit, and other support their acts or activities).

27. See S.C. Res. 2199, *supra* note 26; S.C. Res. 2214, *supra* note 26; but see G.A. Res. 69/28 (Dec. 2, 2014) (requesting Member States responses to a report on "[d]evelopments in the field of information and telecommunications in the context of international security").

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Ten years after the emergence of the Responsibility to Protect (R2P) in 2005, the doctrine remained largely a political commitment rather than a legal responsibility. When the phrase appeared in Security Council resolutions, it appeared in preambles as a responsibility of each State to protect its population within its territory from genocide, war crimes, ethnic cleansing, and crimes against humanity, rather than a legal obligation of the international community.²⁸

B. MAJOR ISSUES OF 2015

1. *Terrorism*

After a series of terrorist attacks in France, Lebanon, Mali, Tunisia, and Turkey, the Security Council unanimously and “unequivocally” condemned terrorist attacks by the Islamic State of Iraq and the Levant (ISIL), in November.²⁹ Resolution 2249 marked a significant step in the fight against terrorism in its call upon States with the capacity to act to take “all necessary measures,” in compliance with international law and the U.N. Charter, to combat terrorism in areas under the control of ISIL in Syria and Iraq and to coordinate suppressing terrorist acts committed by ISIL, al-Nusrah Front (ANF), Al-Qaeda, and other terrorist groups, as designated by the Security Council, operating in Iraq and Syria.³⁰ It also urged States to cut off the channels for the financing of terrorism and the flow of foreign terrorist fighters and expressed the intent to update the sanctions regime to better address ISIL.³¹ Earlier in the year, the Security Council adopted Resolution 2199 aimed at choking off financing flows and material support for ISIL, ANF, and other terrorist groups associated with Al-Qaeda.³² In agreement with the U.N. Secretary-General, the Security Council called for continued offensive operations against Al Qaeda’s affiliate in Somalia, Al Shabaab.³³

2. *Nonproliferation and Disarmament of Nuclear, Chemical, and Biological Weapons*

The Security Council recognized the important need to take measures to prevent the proliferation of nuclear weapons³⁴ and chemical weapons,³⁵ including the illicit trafficking of chemical precursors.³⁶ In March, the Security Council extended the mandate of the Panel of Experts on the nuclear and ballistic missile programs in North Korea, with its final report due by February 2016.³⁷ Citing a fact-finding mission report on chemical weapons in Syria by the Organisation for the Prohibition of Chemical Weapons (OPCW),

28. See, e.g., S.C. Res. 2196, *supra* note 19; cf. S.C. Res. 2200, pmbl (Feb. 12, 2015) (stating that the government of the Sudan “bears the primary responsibility for protecting all populations within its territory, with respect for the rule of law, international human rights law and international humanitarian law”).

29. S.C. Res. 2249, *supra* note 20, at ¶ 1.

30. *Id.* ¶ 5.

31. *Id.* ¶¶ 6-7.

32. See S.C. Res. 2199 (Feb. 12, 2015).

33. See S.C. Res. 2232, ¶ 5 (July 28, 2015).

34. See S.C. Res. 2231 (July 20, 2015); S.C. Res. 2207 (Mar. 4, 2015) (addressing nonproliferation in North Korea).

35. See S.C. Res. 2235, ¶ 8 (Aug. 7, 2015); S.C. Res. 2199, *supra* note 26, at ¶ 8.

36. See S.C. Res. 2199, *supra* note 6, at ¶ 8.

37. See S.C. Res. 2207, *supra* note , ¶¶ 1-2 (addressing nonproliferation in North Korea).

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the Security Council in August authorized the creation of a Joint Investigative Mechanism to investigate the suspected repeated and systematic use of chlorine and other chemical weapons in Syria.³⁸

Security Council Resolution 2231, adopted on July 20, 2015, by a 15-0 vote endorsed the Joint Comprehensive Plan of Action (JCPOA) signed in Vienna on July 14, 2015, by Iran, the P5+1, and the European Union.³⁹ The JCPOA consists of 159 pages including annexes. Resolution 2231 consists of 104 pages. Per the agreement, Iran will eliminate its stockpile of medium enriched uranium and reduce 98 percent of its stockpile of low enriched uranium within the next fifteen years.⁴⁰ Iran agreed to keep its uranium enrichment at or below 3.67 percent for the next fifteen years and limit all of its enrichment activities to only one facility for the next ten years.⁴¹ Iran may continue its research and development only in the Natanz facility with restrictions for the first eight years. The parties further agreed to the “lifting of all UN Security Council Sanctions as well as multilateral and national sanctions related to Iran’s Nuclear program, including steps on access in areas of trade, technology, finance, and energy.”⁴² Resolution 2231 terminated seven Security Council resolutions (1696, 1737, 1747, 1803, 1835, 1929, and 2224).⁴³ The lifting of economic sanctions, releasing \$100 billion in assets, is viewed by many Iranians as a human rights breakthrough giving Iranians access to necessary consumer goods.⁴⁴ Sanctions relating to ballistic missile technologies and sale of conventional weapons remain intact, and sanctions related to human rights abuses and allegations of terrorist support remain.⁴⁵ The JCPOA establishes a comprehensive inspections regime by the IAEA and dispute resolution process before the joint commission, which will consist of member states that will monitor compliance.⁴⁶ Unresolved matters may thereafter be referred to the UNSC for possible reinstatement of sanctions. The U.N. Security Council Resolution Termination Day will be ten years from the Adoption Day of October 18, 2015.⁴⁷

3. *Peacekeeping*

A report on the future of U.N. peace operations by the U.N. Secretary-General to the U.N. Security Council and the U.N. General Assembly found that peacekeeping missions have been struggling to cope with the spread and intensity of conflicts today.⁴⁸ The report outlined and endorsed recommendations made by the High-Level Independent

38. See S.C. Res. 2235, *supra* note 5; cf. S.C. Res. 2209, *supra* note 2.

39. See S.C. Res. 2231, *supra* note 4; Joint Comprehensive Plan of Action [JCPOA], July 14, 2015, *available at* <http://www.state.gov/e/eb/tfs/spi/iran/jcpoa>.

40. See JCPOA, *supra* note 39, at ¶ 7.

41. See *id.*, ¶ 7.

42. *Id.*, pmb. v.

43. *Id.*, Annex V – Implementation Plan, ¶ 18.1.

44. *Id.*

45. *Id.*

46. See JCPOA, *supra* note 39, at pmb. x.

47. See *id.*, Annex V – Implementation Plan, ¶ 23; S.C. Res. 2231, *supra* note 34.

48. 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) [hereinafter *The Future of United Nations Peace Operations*].

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Panel on Peace Operations.⁴⁹ With roughly sixty million displaced people in 2015 and global humanitarian needs requiring nearly \$20 billion, the proliferation of conflict required “unprecedented” levels of international engagement and peacekeeping.⁵⁰ This past year, the U.N. deployed roughly 128,000 people in thirty-nine missions and peacekeeping operations, more than at any time in U.N. history.⁵¹ The Secretary-General requested reliable resourcing through the regular budget for prevention and conflict mediation, in addition to budgeting for regional offices that could serve as an effective tool to defuse tensions when they arise. To improve responses to conflicts, the Secretary-General called for more flexible administration and recruitment practices and for procedures to be finalized by early 2016 to deploy a functional civilian, military, and police headquarters within eight weeks of the issuance of a mandate.⁵²

The U.N. continued to strengthen its accountability framework to address misconduct committed by peacekeeping troops and personnel through the work of its Conduct and Discipline Unit (CDU) within the Department of Field Support. Following a series of sexual exploitation and abuse cases in the Central African Republic in 2015, the Secretary-General took the following steps: (1) appointed a high-level External Independent Review panel to review the U.N.’s response to the allegations of sexual exploitation and abuse of children by foreign military forces not under U.N. command; (2) addressed all Heads of Peacekeeping Missions, Force Commanders, and Police Commissioners, and underscored that they are obligated every day to enforce the highest standards of conduct; and (3) proposed the next Secretary-General report to the General Assembly include country-specific information on credible allegations under investigation.⁵³

The CDU led implementation of more than forty proposals from the Secretary-General’s report, *Special Measures for Protection from Sexual Exploitation and Abuse*, adopted by the General Assembly in May 2015.⁵⁴ The most significant measures include the following: (1) establishment of Immediate Response Teams in peacekeeping missions to gather and preserve evidence for use in investigations; (2) adoption of a six-month timeline to complete investigations calling on Member States to adhere to the same timeline; (3) development of an enhanced complaint reception framework to ensure mechanisms within communities where people can come forward, in confidence, to raise complaints regarding U.N. personnel; (4) strengthening of administrative measures against staff members found to have committed these acts, including withholding entitlements; (5) suspension of pay to troop and police contributing countries in connection with suspects on the basis of credible evidence; and (6) establishment of a trust fund to provide support and assistance to victims, complainants, and children born as a result of sexual exploitation and abuse.

49. See *id.*; Report of the High-Level Independent Panel on Peace Operations, in identical letters dated June 17, 2015 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/70/95-S/2015/446, at 7-104 (June 17, 2015) [hereinafter Report on Peace Operations].

50. See *The Future of United Nations Peace Operations*, *supra* note 48, at ¶¶ 2-3.

51. See *id.*, at ¶ 3.

52. See *id.*, at ¶ 82.

53. See *id.*, at ¶¶ 119-25.

54. See U.N. Secretary-General, *Special Measures for Protection from Sexual Exploitation and Abuse*, U.N. Doc. A/69/779 (Sept. 15, 2015).

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4. *International Criminal Courts and Ad Hoc Criminal Tribunals*

The Security Council addressed accountability for serious crimes through the International Criminal Court (ICC) and ad hoc criminal tribunals. In 2015, separate resolutions recognized the need for accountability of serious crimes in the Central African Republic and Côte d'Ivoire, including potential prosecutions under the Rome Statute of the ICC.⁵⁵ One resolution recalled the obligation of Libya to immediately surrender Saif Al-Islam Gaddafi to the ICC.⁵⁶ The Security Council held a briefing on the closing of the ad hoc International Criminal Tribunal for Rwanda (ICTR) in early 2016 upon the completion of its work in December.⁵⁷ The International Criminal Tribunal for the Former Yugoslavia (ICTY) requested an extension through 2017 to allow for the completion of its work.⁵⁸ The Security Council failed to adopt a new resolution to establish an ad hoc international tribunal to prosecute individuals responsible for the downing of the civilian Malaysia Airlines flight MH17 in Eastern Ukraine and to recognize the incident as a threat to international peace and security, after a veto by the Russian Federation as a permanent member; China, Angola, and Venezuela abstained.⁵⁹

C. PROCEDURAL MATTERS

The 2015 Resolutions arguably displayed a lack of enforcement of the obligation to abstain from voting with respect to disputes under paragraph 3 of Article 27 of the Charter of the United Nations.⁶⁰ A situation, which in our view, damages the pillars of its authority: permanent membership and the veto power.

Some degree of self-censorship is present when a significant attempt to pass a resolution is made, such as in the 7498 Meeting.⁶¹ While for most people following international affairs, the downing of Malaysia Airlines Flight MH-17 happened in the context of a bilateral dispute between Russia and Ukraine, the draft resolution of the 7498 Meeting, S/2015/562, made no mention of Russia, nor did it attempt to formally deem it as a party in a dispute. Such a description of Russia would have triggered the exemption in paragraph 3 of Article 27 and required Russia to abstain from voting. Although the very concept of the dispute and the boundaries of this provision are generally debatable, in this case, the issue was not free from doubt as the 7498 Meeting sought the adoption of the Statute of

55. See S.C. Res. 2226 (June 25, 2015); S.C. Res. 2217 (Apr. 28, 2015); S.C. Res. 2196, *supra* note 19.

56. See S.C. Res. 2238 (Sept. 10, 2015).

57. The ICTR was closed on Dec. 31, 2015. See ICTR Legacy Website, U.N. MECHANISM INT'L CRIM. TRIBUNALS, <http://www.unictt.org> (last visited Apr. 10, 2016).

58. See U.N. INT'L CRIM. TRIBUNAL FOR FORMER YUGOSLAVIA, <http://www.icty.org> (last visited Apr. 10, 2016).

59. See U.N. Doc. S/PV.7498, *supra* note 3, at 3 (The Russian Federation vetoed draft Resolution S/2015/562).

60. "Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting". U.N. CHARTER art. 27, ¶ 3. The sections cross-referenced by this clause, Chapter VI and paragraph 3 of Article 52, deal with the pacific settlement of disputes, the former generally, and the latter with respect to regional arrangements. U.N. CHARTER ch. VI; art. 52, ¶ 3.

61. See U.N. Doc. S/PV.7498, *supra* note 3. Also on this subject, see Adam Hehir, *World Order, Human Rights, and the Security Council Veto*, E-INT'L REL. (Sept. 2, 2014), <http://www.e-ir.info/2014/09/02/world-order-human-rights-and-the-security-council-veto/>.

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the International Criminal Tribunal Malaysia Airlines Flight MH-17, and, therefore, it could be argued that its goal was not directly related to any bilateral dispute of a P5. But it is probably a matter of common sense to consider such a tragic event as a direct consequence of the conflict in the Ukrainian Eastern Provinces. Certainly, there was a good reason to avoid the prior discussion about whether there was actually a dispute as it would have also garnered a veto and, therefore, it was decided to avoid bringing it up.⁶² This self-censorship, however, underestimates the importance of all P5 members engaging in a definitive discussion on the only exemption to the concurring vote in order to explore the possibility of reaching a reasonable construction of paragraph 3 of Article 27 of the U.N. Charter.

In 2015, the definition of “dispute” should already be broad enough to capture the reality of the situation without an engaging in a debate over semantics. It is simply unacceptable that a P5 member is not specifically required by the other members of the Security Council to abstain from voting in the presence of a dispute under the light of paragraph 3, Article 27 of the UN Charter.

When a concurring vote is denied in the context of a global or regional conflict or with regard to a resolution affecting a third-party such as in the 7481 Meeting of July 8, 2015, in which the Russian Federation voted against the resolution,⁶³ it is a different situation than when a veto is threatened in connection with a conflict that involves a P5 member such as in the 7498 Meeting of July 29, 2015.

II. The United Nations General Assembly

The U.N. General Assembly marked its seventieth session with a “New Commitment to Action.” Among the commitments, the international community adopted a new international development agenda to promote peace, justice, strong institutions, and sustainable development during the next fifteen years. Major issues included eliminating hunger and malnutrition, and mobilizing international action to combat the threat of climate change.

A. SUSTAINABLE DEVELOPMENT AGENDA 2030

The international community pledged to support a new international development agenda through 2030 comprised of seventeen goals, known as the Sustainable Development Goals (SDGs).⁶⁴ The new SDG global goals build on the Millennium Development Goals (MDGs). The goals emphasize the need for all states to play a role in

62. The concept of the “double veto” is described as the use of a veto to “block the characterization of any question as ‘procedural,’” which is one of the two types of voting procedures, pursuant to Article 27 of the UN Charter. See David D. Caron, *The Legitimacy of the Collective Authority of the Security Council*, 87 A.J.I.L. 552, 569 (1993).

63. The goal of this Article is not to judge the Ukrainian Eastern Provinces conflict or the Russian actions in this regard. In fact, this Article refers to the tragic downing of the Malaysia Airlines Flight MH-17 only because it is incidentally linked to one of the two vetoes of 2015, but the procedural weakness arising from the conflict of interest in the construction of paragraph 3 of Article 27 of the U.N. Charter discussed in this Article are probably applicable to other past cases related to different P5 members.

64. See G.A. Res. 70/1 (Oct. 21, 2015) (adopted Sept. 25, 2015); see generally *Sustainable Development Goals*, U.N. DEP’T ECON. & SOC. AFF., <https://sustainabledevelopment.un.org/sdgs> (last visited Apr. 10, 2016).

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promoting sustainable development through economic development, social development, and environmental protection. The proposed goals are supported by targets and global monitoring indicators to help assess progress in major areas, including related to extreme poverty, education, labor practices, health and safety, human rights, governance and ethics, sustainable energy, water use, climate change, local impacts on communities, environmental stewardship, gender equity, and rule of law.

B. MAJOR ISSUES OF 2015

1. *Ending Hunger*

SDG Goal 2 aims to eradicate hunger and malnutrition by 2030 working specifically to “end hunger, achieve food security and improve nutrition, and promote agriculture.”⁶⁵ Although considerable achievement has been made in Central America, East Asia, Latin America, and the Caribbean in eliminating extreme hunger and meeting the targets of the MDGs, in 2015, there are still 795 million people who remain undernourished and 800 million suffer from hunger.⁶⁶ More than 90 million children under the age of five are chronically underweight. Although the major drivers of hunger traditionally have been “environmental degradation, drought, and loss of bio-diversity,”⁶⁷ the escalation of conflicts displaced millions of people this past year placing them at risk of hunger, with an average of 42,000 people forced to abandon their homes each day, nearly four times the rate four years ago.⁶⁸

According to the U.N. Development Programme (UNDP), the international community needs to make targeted efforts to achieve SDG Goal 2: (1) increase the availability of nutrition; (2) provide safe water, sanitation, and hygiene to reduce diseases; (3) provide target nutrition programs for vulnerable children, pregnant women, and new mothers; and (4) establish food safety mechanisms in natural disasters and emergencies.⁶⁹ Strategies include improving agriculture, which may be achieved through enhancing access by small scale farmers to “land, technology and markets” and encouraging investment in agriculture by the international community.⁷⁰

Specialized U.N. agencies will be critical to achieving this goal. UNICEF, operating in 190 countries to provide food aid to children, is an integral actor in achieving this goal.⁷¹ Upholding the Convention on the Rights of the Child, UNICEF ensures that proper ethical and relief standards are used. It assists in extinguishing the worst effects of malnutrition by providing funding and support for vaccination campaigns and improved child nutrition through fortified foods. Similarly the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) is significant to the mobilization and coordinated efforts to bring humanitarian food aid to crisis and conflict zones.⁷² OCHA’s network of civil

65. See *Goal 2: Zero Hunger*, UN DEV. PROGRAMME, <http://www.undp.org/content/undp/en/home/mdgoverview/post-2015-development-agenda/goal-2.html> (last visited Apr. 11, 2016).

66. See *id.*

67. See *id.*

68. See U.N., *THE MILLENNIUM DEVELOPMENT GOALS REPORT 2015* 23 (2015).

69. See *Goal 2: Zero Hunger*, *supra* note 65.

70. *Id.*

71. See UNICEF, <http://www.unicef.org>.

72. See U.N. OFF. FOR COORDINATION OF HUMANITARIAN AFF. [OCHA], www.unocha.org.

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society partnerships is also critical to achieving this goal. Its Central Emergency Response Fund (CERF) launched in 2006, provides support for the nutrition and health services sector in eighty-eight countries.⁷³ The World Food Programme (WFP) focuses on reducing hunger through specialized programs.⁷⁴

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

The International Law Commission (ILC) held its sixty-seventh session in 2015 at the United Nations Office at Geneva from May through August.⁷⁵ Highlights of the session included the following:

1. The ILC commended the final report of the Study Group on the Most-Favoured-Nation clause to the attention of General Assembly and encouraged its widest possible dissemination.
2. The ILC adopted the preamble and parts of the guidelines set forth by the second report of the Special Rapporteur on the protection of the atmosphere and the common concern of humankind.
3. The ILC considered the third report of the Special Rapporteur on the identification of customary international law, which addressed the two constituent elements of general practice and *opinio juris*. The report also addressed the issues of particular custom, the relevance of international organizations, and the concept of the persistent objector.
4. The ILC provisionally considered the first report of the Special Rapporteur on crimes against humanity and provisionally adopted conclusions from the Drafting Committee on the scope of application, general obligations, and the obligation of prevention.
5. The ILC decided to include the topic of *jus cogens* in its program of work and appointed a Special Rapporteur.

IV. The World Bank Group

The World Bank Group issued their *Women, Business and the Law* 2016 report.⁷⁶ This report, published every two years, measured how laws, regulations, and institutions distinguish between genders that may influence women's incentives and capacity to work or to become entrepreneurs.⁷⁷ It examined gender-based legal differences in 173 economies, covering accessing institutions, using property, getting a job, providing incentives to work, building credit, going to court, and protecting women from violence.⁷⁸

73. See *Central Emergency Response Fund*, OCHA, <http://www.unocha.org/cerf/>.

74. See *Our Work*, WORLD FOOD PROGRAMME [WFP], www.wfp.org/our-work.

75. See Int'l Law Comm'n, Rep. on the Work of Its Sixty-Seventh Session, U.N. Doc. A/70/10 (2015), available at <http://legal.un.org/ilc/reports/2015/>.

76. See WORLD BANK GROUP, *WOMEN, BUSINESS AND THE LAW 2016: GETTING TO EQUAL* (2015), available at <http://wbl.worldbank.org/-/media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>.

77. See *id.* at 2.

78. See *id.*

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The report found that 90 percent of economies monitored had at least one law that was discriminatory towards women.⁷⁹ Moreover, there were only eighteen economies that had no legal restrictions on women in the areas examined.⁸⁰ But the report found that laws protecting women from domestic violence are becoming more common around the world, partially in response to growing international efforts and commitments to combat violence against women.⁸¹ Lower gender legal equality was related to fewer girls attending secondary schools, fewer women working or running businesses, and a higher gender wage gap.⁸² Where laws did not provide protection from domestic violence, women were likely to have shorter life spans.⁸³ The most pervasive gender disparities involve labor regulations, which were different for men and women in all of the economies monitored by the report.⁸⁴ In conclusion, these and other disparities monitored by the report have far-reaching consequences, negatively affecting not only women but also their children, their communities, and their countries' economies.

79. *See id.* at 3.

80. *See id.*

81. *See id.* at 20-23.

82. *See* WOMEN, BUSINESS AND THE LAW 2016, *supra* note 76, at 5-7.

83. *See id.* at 23.

84. *See id.* at 14.

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