



Welcome to IADL,  
International Association of Democratic Lawyers

# United Nations Activities Bulletin

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

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**Office of IADL President**

Jeanne Mirer  
150 Broadway, Suite 1200  
New York, NY 10038  
United States

**IADL Permanent Representatives to the United Nations**

Micòl Savia, Permanent Representative Geneva  
Prof. Lennox S. Hinds, Permanent Representative New York  
Evelyn Dürmayer, Permanent Representative Vienna  
Adda Bekkouche, Representative to UNESCO in Paris

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### UPDATE ON UN ACCOUNTABILITY FOR CHOLERA IN HAITI

*Beatrice Lindstrom, Staff Attorney at the Institute for Justice and Democracy in Haiti (IJDH) and IADL alternate representative to the UN in New York provided the following update.*

#### **UN Issues Public Apology for Cholera Outbreak**

On December 1, 2016, Secretary-General Ban Ki-moon issued a public apology for the UN's role in the outbreak of cholera in Haiti, saying that the UN "simply did not do enough with regard to the cholera outbreak and its spread in Haiti" and "we are profoundly sorry for our role." The statement was presented in English, French and Haitian Creole, and broadcast on national television in Haiti. Victims watching the statement in Haiti at the office of IADL-member *Bureau des Avocats Internationaux*, which has pursued legal claims for cholera victims against the UN, broke into spontaneous applause when they heard it.

The Secretary-General's apology was a crucial step

towards justice for the Haitian people. A public apology has been a central demand of the victims, along with cholera eradication and compensation for families who have suffered. By continuously denying responsibility in the face of overwhelming scientific evidence to the contrary, and by hiding behind immunity to avoid an independent hearing on the merits of victims' claims, the UN turned its back on Haitians and on its own human rights principles. Against this background, an apology from the Organization's top leadership was an important step toward a just UN response.

Along with the apology, the Secretary-General also launched a [New UN Approach](#) to cholera in Haiti, promising to reduce cholera in Haiti and provide material assistance to the most affected victims through a \$400 million plan. The New Approach comprises two tracks: Track 1 focuses on intensified efforts to treat, control and eradicate cholera, and Track 2 promises to deliver "a package of material assistance and support to those Haitians most directly affected by cholera, centered on the victims and their families and communities." The

UN seeks \$200 million to finance each track.

The New Approach presents a critical opportunity to bring the cholera epidemic in Haiti to a halt, help rebuild the lives of tens of thousands of cholera victims and significantly repair the damage done to the UN's standing and the credibility of peacekeeping in Haiti and internationally. Two key challenges stand in the way of ensuring that the New Approach will fulfill the Secretary-General's intent of serving as a "concrete and sincere expression of the Organization's regret." First, three months after the launch of the New Approach, it remains woefully underfunded. Second, the current elaboration of Track 2 is showing a departure from individual compensation, specifically through the abandonment of a feasibility study and lack of victim consultation.

The General Assembly welcomed the New Approach in a [resolution](#) passed on December 16, 2016, and called on "all Member States, relevant United Nations bodies and other international governmental and non-governmental partners to provide their full support to the new approach."

As of March 2017, however, only 2% of the total amount needed has been funded through voluntary contributions from Canada, Chile, France, India, Japan, Liechtenstein, and Republic of Korea. This severe underfunding has hampered the ability to elaborate and implement the New Approach.

Meanwhile, the elaboration and implementation of Track 2 is increasingly moving away from investigating the feasibility of an individual approach to material assistance, which would deliver compensation to those families who have lost loved ones to cholera. The Secretary-General's report identified challenges with an individual

compensation approach and cited the need for further assessment. It specified that "the Secretary-General will present further reports to the General Assembly on the development of the new approach, including the feasibility, costs and risks of including an individual approach as an element of Track 2..." Regrettably, no concrete plans for a feasibility study are underway, confirming that the path toward an individual approach to material assistance is being prematurely foreclosed. This would put the UN on a course to replacing the individual approach with community projects – an approach many victims view with skepticism in light of the history of failed aid projects in Haiti and the individualized harms they suffered from cholera.

Moreover, for Track 2's material assistance package to be effective and credible, it is critical that it be developed in consultation with victims. The Secretary-General has stated that Track 2's individual approach "require[s] further consideration, including through consultations on the ground with victims and their communities..." Any elaboration of Track 2 must include a rigorous consultation process with the local community about the preferred remedy: community projects or an individual compensation approach. Against a background of six years of victims' voices being marginalized by the UN, safeguarding meaningful participation in the New Approach is vital to fulfilling victims' rights, restoring trust, and producing a UN response that will be viewed as legitimate in Haiti.

Civil society actors remain concerned that, to date, the UN has not consulted with victims and seems to favor community projects. Since the announcement of a new UN response in August 2016, BAI and its U.S. partner, the Institute for Justice & Democracy in Haiti (IJDH) have engaged continuously with the

UN's Track 2 team, advocating for human rights-based approach to the material assistance package. IADL continues to be a vital part of this advocacy. For example, permanent representative of the IADL at the UN in Geneva, Micòl Savia, presented a [statement](#) during the Interactive Dialogue with the Independent Expert on the situation of human rights in Haiti that urged the Human Rights Council to exercise "leadership and technical expertise to ensure that the material assistance package promised by the Secretary-General is developed and implemented consistently with cholera victims' right to an effective remedy." She reiterated that the success of the UN's response will depend on whether the UN acts upon the pledge to "place victims at the centre" of the work and be responsive to their needs and concerns.

IJDH and BAI have also continued to engage with Member States, advocating that they demonstrate their commitment to accountability and to ensuring that the UN responds justly and humanely to harms caused to civilians as a result of its operations. This will require that Member States assist the UN in living up to the promises in the New Approach and bring the cholera crisis to a resolution by providing financing.

The new UN administration is faced with the challenge of transforming the promises in the New Approach into concrete results for the people of Haiti. In response to the challenges noted above, the IJDH and BAI recently called upon the new Secretary-General Antonio Guterres in a [public letter](#) to exercise personal leadership in ensuring financial contributions by Member States and a victim-centered elaboration of the material assistance package. The mobilization of a broad network of advocates has been critical in making progress towards a just UN response thus far, and is

even more vital now to ensure [sufficient UN funding](#) to eradicate cholera in Haiti and provide victims of cholera with an effective remedy.

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## **ASSEMBLY OF STATES PARTIES**

### **15th Annual Assembly of States Parties to the International Criminal Court (ASP)**

*Report from Hitomi Takemura, Associate Professor, Aichi Prefectural University, Japan.*

#### **ASP Held as Three African States Contemplate Withdrawal, Russia Exits**

I was privileged to attend the 15th annual Assembly of States Parties (ASP) of the International Criminal Court (ICC) held at the Hague, the Netherlands, as a delegate of the International Association of Democratic Lawyers (IADL). The Assembly was held from November 16th to 24th, 2016, and I participated in the first three days of the event.

The ASP of 2016 was carefully watched around the world since three African States have announced their intentions to withdraw from the ICC during October 2016. Today the Rome Statute of the ICC was ratified by 124 Member States among which 34 States belong to the African continent. Namely, Burundi, South Africa and Gambia were reported to be ready for the exit from the ICC. As one misfortune followed another, on 16 November 2016, on the first day of the ASP, President Vladimir Putin signed an executive order removing Russia's signature from the Rome Statute.

At the General Debate during the first two days of the ASP, mainly three different positions towards the latest setback and blow to the Court may be identified from my viewpoint. Firstly, almost all

States understand and respect the sovereignty of the three African States which had expressed their intentions to withdraw from the ICC in October this year. Secondly, many States backed the Court. They emphasized the core values of the ICC, and stated that these values should not be compromised, while acknowledging the importance of promoting mutual understanding between the ICC and Africa. Thirdly, some States, such as Namibia fiercely accused the Court of the bias against Africa. Namibia even threatened the withdraw from the Court and held that: ‘Namibia joined the Rome Statute because of the promise the Court held out that at last victims of heinous atrocities would get justice. [...] in the fullness of time, Government will engage the National Assembly on its preferred position, to withdraw or stay. Whether we leave the ICC is therefore not a foregone conclusion and the discussion is ahead of us, not behind us’.

Then, at the sixth plenary meeting, there was an ASP 15 Panel Discussions on cooperation. The agenda was ‘effective cooperation and accountability for Rome Statute crimes: the contribution of national, regional and intergovernmental initiatives’. The good cooperative relationship was emphasized by Mr. AlSidiq Ahmed Al-Sour, General Prosecutor and Head of Investigation Department, Libya, and the Chief Prosecutor Fatou Bensouda of the ICC also praised the attitudes of the Libyan Prosecutor’s Office.

In the afternoon of 18th November 2016, an open bureau meeting, “Relationship between Africa and the International Criminal Court: Resuming dialogue to win the fight against impunity” was held in order to advance constructive dialogue between African states and the ICC. It seems no dialogue happened between the African States and

the other States Parties. It appeared simply a one-way communication from the side of the African states expressing their frustration. The claim of bias from some African States was grounded in grievances against former colonial rulers and empires and the unfair structure of permanent Member States of the Security Council. The sense of bias by some African countries may be valid and have a point in a way. The ICC and the ASP need a real dialogue between African States, even though the current prosecutorial focus on the African continent partially resulted from the African States’ self-referrals.

At this 15th ASP another point of notice may be the discussion of the amendment of rule 165 of the Rules of Procedure of Evidence which was provisionally amended by the Judges of the Court earlier this year. Even though there was seemingly an intensive debate over the provisionally amended rule 165 of the Rules of Procedure and Evidence, the amended rule was not adopted in accordance with article 51(3) of the Rome Statute. Eventually, the legal effects of the provisionally amended rule 165 by the Judges is not so apparent as set forth in article 51(3) of the Rome Statute, which provides that ‘After the adoption of the Rules of Procedure and Evidence, in urgent cases where the Rules do not provide for a specific situation before the Court, the judges may, by a two-thirds majority, draw up provisional Rules to be applied until adopted, amended or rejected at the next ordinary or special session of the Assembly of States Parties.’ Some States asked the Court not to apply the amended rule until the matter is settled among the States Parties, while most States endorse the amended rule.

I deeply thank Ms. Beth Lyons and the IADL for kind support to send me to the ICC ASP of 2016.

## **GENEVA REPORT**

### **34th SESSION OF THE HUMAN RIGHTS COUNCIL, 27 FEBRUARY – 24 MARCH, 2017**

Micòl Savia, IADL permanent representative to the UN in Geneva, delivered multiple oral statements on behalf of IADL during the 34<sup>th</sup> session of the UN Human Rights Council, held from 27 February to 24 March 2017, on topics including pesticides, mass surveillance, the peace agreement in Colombia, and the ECSWA report on Israeli practices towards Palestinian people. The full text of the statements can be found on the IADL website at the following web address: <http://www.iadllaw.org/newsite/category/un-activity/human-rights-council/>

#### **The adverse human rights impact of pesticides**

Micol delivered this statement during the Interactive Dialogue with the Special Rapporteur on the Right to Food. She reported that it was very well received. In the statement, the IADL gave its strong support to the Special Rapporteur's call to strengthen the accountability framework to regulate the activities of transnational corporations. It also strongly agreed with the Special Rapporteur's conclusion that *“while efforts to ban and appropriately regulate the use of pesticides are a necessary step in the right direction, the most effective, long-term method to reduce exposure to these toxic chemicals is to move away from industrial agriculture.”*

#### **C.I.A. unlawful hacking programs – Vault7**

This statement was delivered during the General Debate, Item 3 of the agenda. It concerned the 7 March 2017 publication by Wikileaks of 8,000 new classified documents demonstrating the systematic

CIA infiltration of all kinds of electronic devices around the world, including smart-TVs. Micòl reported that the statement was very positively received by colleagues, member states and other stakeholders. In its statement, the IADL reported that unlawful or arbitrary surveillance, and interception of communications or collection of personal data, in particular when carried out on a mass scale, violate a wide range of human rights and fundamental freedoms and contradict basic principles of democratic societies. It called on the Human Rights Council to unanimously and bluntly condemn the US government for the unlawful and arbitrary actions of its secret services, and called for the elaboration of an international instrument to regulate State surveillance.

#### **Alert on the dangerous delays and breaches affecting the implementation of the Peace Agreement in Colombia**

This statement, which is in Spanish, was delivered during the General Debate, Item 4 of the agenda. It was prepared in collaboration with IADL colleague Enrique Santiago (legal adviser for FARC). Micol reported that it was received with a lot of interest by member states and NGO colleagues. In the statement, IADL urged the Human Rights Council, its member states, and observers, to support the peace process and make all necessary efforts to prevent a deadlock, which would have significant negative impacts on the country and region.

#### **IADL requests the Human Rights Council to endorse the ESCWA report and to reinforce its recommendations**

Micol delivered this oral statement on behalf of IADL during the General Debate, Item 7 of the agenda. The IADL expressed its deep regret at the

UN Secretary General's request to withdraw the report entitled "Israeli Practices towards the Palestinian People and the Question of Apartheid" released on 15 March 2017 by the United Nations Economic and Social Commission for Western Asia (ESCWA). It stated that the well-documented report concluded that available evidence established beyond a reasonable doubt that Israel is guilty of policies and practices that constitute the crime of apartheid as defined in the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid, and recalled that the prohibition of apartheid is considered *jus cogens* in international customary law and that States have a separate and collective duty (a) not to recognize an apartheid regime as lawful; (b) not to aid or assist a State in maintaining an apartheid regime; and (c) to cooperate with the United Nations and other States in bringing apartheid regimes to an end.

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## **NEW YORK REPORT**

*Alternate representatives Beth Lyons and Aaron Ogletree provided the following reports on their UN activities in New York. Beth worked on administrative and organizational tasks in this last period. For the report from alternate representative Beatrice Lindstrom, please see the Haiti cholera update. Alternate representative Claire Gilchrist produced this period's Bulletin.*

### **Member States Focus on Labor and Economics at 61<sup>st</sup> Commission on the Status of Women 13-24 March 2017, New York**

The 61<sup>ST</sup> session of the Commission on the Status of Women (CSW61) took place at the United Nations Headquarters in New York, from 13 –24 March 2017, with the priority theme of "women's

economic empowerment in the changing world of work," and its focus area on "the empowerment of indigenous women." For the agreed conclusions from CSW61, negotiated by member states, please see <http://undocs.org/E/CN.6/2017/L.5>.

IADL alternate representative to the UN Aaron Ogletree attended the NGO side event "Barriers to the Realization of Women's Economic, Social and Cultural Rights in the Realm of Work" hosted by the Economic, Social and Cultural Rights Working Group and the Permanent Mission of Finland. He made the following report: The program emphasized that women are entitled to be treated equally, free from sexual violence and other forms of physical violence, and fairly compensated for their work. It examined two case studies of working conditions of women in Colombia and the Philippines. Maria Virginia Bras Gomes, a member of the UN Committee on Economic, Social and Cultural Rights, discussed international legal instruments that can help women achieve equality on the basis of the right to just and favorable conditions of work. The event was full to capacity with attendees standing and sitting on the floor. The invitation to this event is attached in the Annex.

### **UN Holds Negotiations on the World-wide Prohibition of Nuclear Weapons**

By resolution 71/258, the General Assembly resolved to convene in 2017 a United Nations conference ("the Conference") to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. The first substantive session of negotiations was held from 27 to 31 March at United Nations Headquarters in New York. The conference was the first multilateral negotiation on nuclear disarmament at the United Nations in more than 20 years. It came on the heels

of three international conferences held in 2013 and 2014 in Norway, Mexico, and Austria, in which member states engaged in discussion on the catastrophic humanitarian impact of any detonation of nuclear weapons. (<https://www.un.org/press/en/2017/dc3689.doc.htm>)

The Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations, which informed the conference, reported that the legal instrument aims to contribute to the progressive stigmatization of nuclear weapons through prohibitions and obligations as well to establish a political commitment to achieve and maintain a nuclear-weapon-free world. (<http://undocs.org/A/68/514>) According to the UN Office of Disarmament Affairs, “there has been growing frustration in recent years over the declining pace of reductions, continued reliance on nuclear weapons in security doctrines and continuing programmes to modernize and improve nuclear weapons.” (<https://www.un.org/press/en/2017/dc3689.doc.htm>)

IADL President Jeanne Mirer hosted a dinner for the delegates to the Conference from the Japan Federation of Bar Associations. The delegation included Ms. Kazue Mori, a member of JALANA (Japan Lawyers Association Against Nuclear Arms, the Japanese Branch of IALANA) and Prof. Osamu Niikura, IADL former Secretary-General and former President of JALISA. The dinner was attended by Dr. John Burroughs, Executive Director, Lawyers Committee on Nuclear Policy and Director, UN Office of International Association of Lawyers Against Nuclear Arms; Jacqueline Cabasso, Executive Advisor/North American Co-ordinator, Mayors for Peace; Mari Maemoto, formerly of

Human Rights Now, who works with anti-nuclear groups; Vanessa Ramos, President, AAJ; Frank Mirer; and Beth Lyons, IADL Alternate Representative to the U.N.

A legally binding instrument to prohibit nuclear weapons is considered an interim step towards nuclear disarmament because it would not include measures for elimination. A second round of negotiations is scheduled to take place from 15 June to 7 July 2017. For more information, please visit <https://www.un.org/disarmament/ptnw/>

### **President of the UN General Assembly Calls for Urgent Action on Climate Change on World Water Day, 22 March 2017, New York**

On the occasion of UN World Water Day, a special event was held on “Priority Actions for Water and Disasters in the Next Decade.” It was co-organized by the High-level Experts and Leaders Panel on Water and Disasters (HELP), the Office of the Special Envoy of the Secretary-General on Disaster Risk Reduction and Water and UN-Water; and the Permanent Missions of Japan, Mauritius, Mexico, the Republic of Korea, Switzerland and Tajikistan. Aaron Ogletree attended for the IADL and reported the following: This event featured several speakers including but not limited to Mr. Peter Thomson, President of 71<sup>st</sup> session of United Nations General Assembly, and Mr. Teru Fukui, a member of the House of Representatives of Japan. These speakers each emphasized the devastating effects of climate change through changing weather patterns and rising water levels. There was also a discussion on the strategies that several countries, such as Tajikistan and the island of Dominica are implementing to mitigate these devastating effects.



## VIENNA REPORT

*IADL Permanent Representative to the United Nations in Vienna Evelyn Dürmayer provided the following report on her recent United Nations activities.*

I attended the meetings of the Vienna NGO Committee on the Status of Women meetings held on October 20, November 17, February 16, April 6 and May 18. There were no meetings in December 2016 and in March 2017 (CSW 61 in New York). The June meeting 2017 has yet to be determined. The first meetings were dedicated to formulating the written and oral statements for CSW 61 (see Annex).

On October 11, International Day of the Girl, a dancing flashmob was organized at a school in Vienna (Parhamerplatz) in parallel with an event of the Geneva NGO Committee on the Status of Women in front of the Palais des Nations, with the support of members of the Committee, who arranged guided tours to the VIC for school classes and discussions (Kids rights project).

During the 16 days of activism against gender-based violence campaign (November 25 – December 10) an Oscar winning film “A Girl in the River: The Price of Forgiveness“ was shown with an introduction by the Chair of the NGO CSW Committee, Vienna on November 21 by UNIS ( see Annex).

On January 25 I participated at a meeting organized by the NGO Committee on Peace, Vienna about the task force on dialogue among cultures (Austrian Federal Ministry For Europe, Integration and Foreign Affairs) presented by the former Austrian ambassadress to Algeria. At the meetings in January

and February guest speakers were present. In the first of these two Pierrette Pape, European Women’s Lobby and panelist at the CTOC side event on preventing trafficking insisted on the necessity of NGO’s to do more lobbying before and during the negotiations with member state delegations regarding CSW and the agreed conclusions. This was also the position of the ambassadress from Iceland at the February encounter. She described the strong presence of women in her country, and that the gender pay- gap is reduced to 5%, due also to the work of a Women’s Party, dismantled after this achievement.

A side event during the session of the Commission on Narcotic Drugs on the gender aspects of drugs was prepared by some members of the Committee with experts and the ambassadress from Israel.

I had planned a side event with Barkin Timtik from Turkey about a rehabilitation center in Istanbul and her work. However, she was arrested while meeting a client in an Alevite Center in Istanbul, and tortured. Her trial took place in February 2017 (see the IADL/ELDH [report](#)).

From 2-12 May the Non Proliferation Treaty Conference will be held at the UN premises in Vienna. It is only held every 5 years.

The former Chair of the NGO CSW, Vienna has been elected Chair of the NGO Committee on Sustainable Development. Both Committees plan side events during the May Commission on Crime Prevention and Criminal Justice session. This election will bring closer cooperation in the future.

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## UNESCO REPORT

*IADL volunteer Héloïse L'Enfant provided the following report on the NGO UNESCO Liaison Committee meeting held on 23 February 2017 in Paris.*

### **Compte-rendu de la Réunion d'information du comité de liaison ONGs-UNESCO le 23 février 2017**

Évènements. Le président du comité, Philippe Beaussant, a fait état des prochaines réunions relatives aux ONGs partenaires de l'UNESCO : le 20 Mars se tiendra une réunion rassemblant les ONGs et la directrice générale, devant donner lieu à la réalisation d'une stratégie le 21 mars. Ont également été rappelés des prochains forums auxquels sont invitées à participer les ONGs partenaires de l'organisation : un forum sur les sciences, un forum sur l'éducation des migrants et un forum sur le changement climatique dans le cadre de la COP23. Les ONGs partenaires de l'UNESCO seront amenées à participer à la Conférence Générale de l'UNESCO qui se tiendra en octobre 2017 : invitations par secteurs et espace ONGs. Il a par ailleurs été mentionné la possibilité d'initiatives de journées internationales, de la part d'ONGs qui pourraient obtenir une autorisation du secteur envisagé. Dans cette optique, se tiendront la journée pour la paix en septembre 2017 et la journée de la petite fille en 2018.

Initiatives des ONGs. Une de nos ONGs partenaires a annoncé la création d'un forum de lutte des femmes contre la pauvreté rassemblant 25 ONGs qui oeuvrent dans le domaine de la lutte contre la pauvreté.

### Communication

Marie-Claude Machon-Honoré, chargée de la communication a présenté la stratégie de communication du comité de liaison, qui comprend l'intensification de la présence sur internet et sur les réseaux sociaux (site internet, Facebook, Twitter), ainsi qu'un projet de newsletter trimestrielle, et la mise en oeuvre d'un formulaire permettant à chaque ONG de publier ses événements sur le site internet du comité.

Jeunesse. Le comité a mis en avant l'importance de la jeunesse dans ses activités, avec notamment des jeunes occupant les postes de secrétaire chargé de la jeunesse, de chargé des relations avec la jeunesse, et de Vice-Présidente, jeunesse et relations publiques. Des événements rassemblant spécifiquement les jeunes seront mis en oeuvre, notamment en prévision du Forum en Arabie Saoudite en mai prochain.

### Forum UNESCO-ONG en Arabie Saoudite

L'Assistant Directeur Général pour les relations extérieures et les relations du public, Eric Falt, est venu présenter le Forum UNESCO-ONG qui se tiendra à Riyad, en Arabie Saoudite, les 3 et 4 mai 2017, en partenariat avec la fondation Mohammed bin Salman bin Abdulaziz (MiSK), qui offre le voyage aux représentants désignés des ONGs participantes. Le forum portera sur le thème de la jeunesse et de l'impact social, avec l'ambition de créer un réseau international de jeunes pour la paix, en parallèle des réseaux existants (réseau de la jeunesse méditerranéenne NET-MED Youth et réseau panafricain).

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## **IADL-SPONSORED CONFERENCES**

### **"The South China Sea Dispute and the Search for Peaceful Resolution"**

*The following report was provided by Le Thi Kim Thanh, Vice President, Vietnamese Lawyers Association (VLA).*

On January 9, 2017, in Tokyo, Japan, the International Association of Democratic Lawyers (IADL) in cooperation with the Confederation of lawyers of Asia and the Pacific (COLAP) and the Japanese Lawyers International Solidarity Organisation (JALISA) hosted an international conference on "The South China Sea Dispute and the Search for Peaceful Resolution," which was attended by 45 representatives from 12 countries including the United States, Belgium, Japan, France, Italy, Bangladesh, Costa Rica, India, Nepal, Pakistan, Philippines and Vietnam. The objective of the conference was to evaluate the current situation in the South China Sea, based on which delegations would discuss and seek relevant peaceful resolutions to the dispute. For the concept paper of the conference, please see the Annex. The conference was held following the COLAP Officer Bearer and Executive Council Meeting on 7-8 January 2017.

One of the sessions of the conference was to identify different dispute settlement mechanisms provided in international law in general and the United Nations Convention on the Law of the Sea (UNCLOS) in particular.

Assessing the current situation in the South China Sea, the conference expressed concerns towards China's land reclamation and militarization activities, such as deployment of vehicles and anti-aircraft batteries in all seven features of the Spratly

Islands. Those activities were concluded as reasons for increased tensions in the region and a serious threat to the marine environment of the South China Sea.

In terms of peaceful solutions to resolve disputes and reduce tensions, the majority of the delegates at the conference agreed that the Award by the Permanent Court of Arbitration established under Annex VII of the UNCLOS was an important initial and a legally binding basis for the direct stakeholders - China and the Philippines. The participants also affirmed that an ideal peaceful resolution would be based on multilateral negotiations among directly involved countries, which highlighted the need to promote the development and adoption of the Code of Conduct in the South China Sea. While no formal agreement has been reached on maritime demarcation and the dispute has not yet been resolved, concerned parties may make efforts to enter into provisional arrangements of a practical nature to defuse tensions, in particular to restraint militarization activities in the South China Sea, provided that this temporary resolution does not jeopardize or hamper the reaching of the final agreement, according to Article 83, Section 3 of the UNCLOS.

At the end of the conference, delegates recommended drawing up a conference report to be then disseminated to related parties and that the conference of similar topic be continued to be held in the coming years.

*Neri Colmenares, President of the National Union of Peoples' Lawyers (NUPL), reported the following to the IADL bureau.*

IADL members outside of the region who attended the conference were Jeanne Mirer, Roberto Zamora, Roland Weyl, Fabio Marcelli, and Yasmine

Bennamani Chettibi. The conference was well attended and presented many important facts about the situation on the ground, as well as the potential dispute resolution mechanisms. Despite efforts to have a Chinese expert present, organizers were not able to get anyone to come. Neri was tasked with presenting the Chinese position on the case filed by the Philippines against China and why China did not participate in the Arbitration proceedings. There was considerable discussion by Roberto and Neri regarding whether the ruling of the arbitration panel had legitimacy in light of China not participating. In the end attendees focused on the issue of the demilitarization of the region and finding a peaceful resolution of the disputes in the region including addressing questions of foreign military bases. Hasan mentioned the settlement of the maritime disputes between Bangladesh, India and Myanmar. All agreed that the experts from Philippines and Prof. Eric Franckx from Belgium provided important information. Jeanne took notes on the suggested resolutions and agreed to summarize them for future actions.

### **“The Judicial System under the State of Emergency in Turkey”**

On 13-15 January, 2017 in Ankara, Turkey, the IADL joined with the European Association of Lawyers for Democracy and World Human Rights, European Democratic Lawyers, and the Day of the Endangered Lawyers Foundation, together with 19 local bar associations, to hold an international conference on the state of emergency and the judicial system in Turkey. The conference brought together lawyers, judges, prosecutors, academics, journalists, and parliamentarians to discuss and analyze the conditions of the “State of Emergency,” its impact on the legal professions, its legal basis, and violations of European and

international law. Topics included martial law, anti-terror practices, deterioration of the judicial system, democracy, and access to justice. The conference welcomed an international perspective so that experiences could be shared, discussed and put together in proposals for a solution. It was envisioned as a tool for analysis, diagnosis and plans for the future.

The conference was prepared in close cooperation with Turkish lawyers, at a time when thousands of Turkish judges and prosecutors are in custody, and thousands who are still at liberty, are fettered by the fear of imprisonment. It was held against the backdrop of the closure of Turkish lawyers’ associations and IADL affiliates ÖHD and CHD in November 2016, and the arrest of seventeen lawyers during peaceful protest against the closings.

*The following was reported by IADL Chief Administrative Officer Jan Fermon to the bureau.*

The conference was very successful in terms of the breadth of support for the meeting. In addition to IADL, and CHD and OHD sponsorship, 10 bar associations co-sponsored and 10 other bar associations supported the conference through sending representatives. The Ankara Bar supported the conference and hosted the evening event.

The subjects of the conference were very broad describing the impact of the State of Emergency on lawyers, journalists and politicians. The support for fighting the impact of the state of emergency was counterbalanced by the incredible pace of repression. Every day more people are arrested. There are fewer and fewer people available to defend those arrested. There are so many people being attacked that it is hard to know

where to start to fight back. Jan observed that the strategy of the Erdogan government is to unleash a tsunami of repression to paralyze the opposition into quiescence.

There are specific requests for trial observation, but we need to develop a realistic response especially after Barbara Spinelli was denied entry for the March Conference. None of the European governments are going to get involved as they have an agreement with Turkey regarding Syrian refugees. Jan is going to try to set up a brainstorming session with our Turkish friends to narrow down the specific requests our friends in Turkey are making so we can develop an international defense committee.

**“International coalition against settlement and racial discrimination and for supporting the Palestinian people's rights”**

On 29 March 2017, in Brussels, Belgium, the IADL, in coordination with the National Office for the Defense of the Land and Resist Settlement and the PLO Department of Expatriates Affairs, joined the Jerusalem Committee in Sweden, the German Koba, and the European Coordination of Committees and Associations for Palestine (ECCP) in holding an emergency conference to protest the expansion of settlements in the West Bank. The date was chosen to coincide with the anniversary of Earth Day in conjunction with the 13th week of resistance to Israeli settlement and apartheid initiated by the BDS movement. A flyer for the conference is attached in the Annex. Please contact Jan Fermon for further information on this event.

**“Human Rights in the context of elections and democratisation 50 years after the UN Covenants on civil, political, economic, social and cultural rights”**

On 20-21 April 2017 in Lome, Togo, the IADL in conjunction with the Nouvelles Alternatives pour le Développement Durable en Afrique (NADDAF) held an international conference to discuss the topics of peace and the democratic process, the rule of law and peoples sovereignty in the context of elections, and how to give support to victims of human rights violations to consolidate the democratic process. The conference was co-organized by Collectif des Associations Contre l'Impunité au Togo (CACIT), WANEP Togo la Concertation Nationale de la Société Civile and the Association Internationale des Etudiants Juristes (AIEJ Togo Chapter). For more information on the conference, please click here. Please look for a report back on the conference in the next issue of the *Bulletin*.

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**UPCOMING UNITED NATIONS EVENTS AND CONFERENCES**

Please see attached PDF calendar or visit <https://conf.un.org/DGAACS/meetings.nsf/wByDate?OpenForm&Start=1&Count=30&Expand=3&Seq=2>

**WATCHING United Nations MEETINGS ON THE WEB**

If you are interested in a particular United Nations event but cannot personally attend, you can watch it on WEBTV from the United Nations. You can sign up at [webtv.un.org/subscribe](http://webtv.un.org/subscribe) to receive daily/nightly schedules of events to be webcast

The IADL *United Nations Activities Bulletin* is prepared under the direction of the Permanent Representative to the United Nations in New York, Professor Lennox S. Hinds. This issue was edited by Claire Gilchrist. Reports were contributed by Evelyn Dürmayer, Héloïse L'Enfant, Beatrice Lindstrom, Beth Lyons, Aaron Ogletree, Le Thi Kim Thanh, and Hitomi Takemura. Reports from Neri Colmenares, Jan Fermon, and Micòl Savia to the IADL bureau were reproduced and or summarized herein.