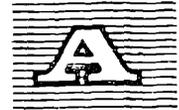


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UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING,  
STUDY, DISSEMINATION AND WIDER APPRECIATION OF  
INTERNATIONAL LAW

Report of the Secretary-General

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ANNEX

Information provided by international bodies concerning  
 their activities or topics before United Nations organs  
 concerned with international law

## I. INTRODUCTION

1. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established by the General Assembly under its resolution 2099 (XX) of 20 December 1965 and has been continued under resolutions 2204 (XXI) of 16 December 1966, 2313 (XXII) of 14 December 1967, and 2464 (XXIII) of 20 December 1968.<sup>1/</sup>

2. In resolution 2464 (XXIII), adopted unanimously at its 1751st plenary meeting, held on 20 December 1968, the General Assembly expressed its appreciation to the United Nations Educational, Scientific and Cultural Organization (UNESCO) and to the United Nations Institute for Training and Research (UNITAR) for their increasing participation in the Programme and expressed the hope that they would be able to hold jointly a regional training course in Asia in 1969. Having noted with satisfaction the Secretary-General's intention to continue his efforts to encourage and co-ordinate the activities of States and international organizations concerned in the furtherance of the objectives of the Programme, the General Assembly authorized the Secretary-General to provide the following forms of direct assistance during 1969: the award of fifteen fellowships at the request of Governments of developing countries; the provision of the advisory services of experts, if requested by developing countries, within the framework of existing technical assistance programmes or from any voluntary contributions received for that purpose; and the provision of a set of United Nations legal publications to fifteen institutions in developing countries, and of current United Nations legal publications to institutions which received publications under the Programme in 1967 and 1968. The General Assembly reiterated its request to Member States and others to make voluntary contributions towards the financing of the Programme and expressed its appreciation to those Member States which had made such contributions.

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<sup>1/</sup> Information concerning action taken under the Programme in previous years is contained in the following reports of the Secretary-General to the General Assembly: Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 36, document A/6492 and Add.1; ibid., Twenty-second Session, Annexes, agenda item 90, document A/6816; ibid., Twenty-third Session, Annexes, agenda item 89, document A/7305.

The General Assembly requested the Secretary-General to report to the General Assembly at its twenty-fourth session on the implementation of the Programme during 1969 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in 1970.

3. At its 1751st plenary meeting, on 20 December 1968, the General Assembly, on the proposal of the Sixth Committee, appointed the following Member States as members of the Advisory Committee for the period 1 January 1969 to 31 December 1971: Belgium, Ecuador, France, Ghana, Hungary, Iraq, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America.

4. In accordance with the request of the General Assembly, the present report by the Secretary-General deals with the implementation of the Programme during 1969 and submits recommendations, following consultations with the Advisory Committee, regarding the execution of the Programme in 1970. As in previous years, the report gives an account, on the basis of information supplied by UNESCO and UNITAR, of the measures which these two bodies have taken or intend to take in response to the invitation expressed in General Assembly resolutions on the Programme, as well as a description of the activities of the United Nations itself. The Secretary-General would like to emphasize that the United Nations, UNESCO and UNITAR have undertaken a number of their activities in collaboration with each other, and often with the assistance offered by States and other international organizations and institutions. The co-operative relationship that has been achieved, based on an attempt to ensure that each of the participating bodies concentrates its efforts in the sphere best suited to its individual competence, has been designed to prevent a duplication of effort and to make maximum use of the resources available for the Programme.

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## II. EXECUTION OF THE PROGRAMME DURING 1969

### A. Activities of the United Nations

#### 1. Register of experts and scholars in international law

5. An addendum to the Register of experts and scholars in international law, containing additional names forwarded, will be issued during 1969.<sup>2/</sup>

#### 2. Co-operation with other organizations

6. The Programme includes among its objectives the dissemination of information about the legal aspects of the work of the Organization and the promotion of the co-operation of the Organization with other organizations and institutions active in the field of international law. In furtherance of these aims, the Secretariat wrote, in May 1969, to seventeen international organizations and institutions concerned with international law and informed them of the topics before the following United Nations bodies: the Sixth Committee of the General Assembly; the International Law Commission; the United Nations Commission on International Trade Law (UNCITRAL); the 1969 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States; the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space; the Special Committee on the Question of Defining Aggression; and the Legal Sub-Committee of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. The Secretary-General also forwarded the texts of resolutions relating to the topics concerned and others of legal interest adopted by the General Assembly at its twenty-third session.

7. The organizations and institutions concerned, which were invited to communicate any comments or information they might have to offer in the light of these topics and of their own activities, were the following: the Asian-African Legal Consultative Committee; the Council of Europe; The Hague Academy of International Law; The Hague Conference on Private International Law; the Inter-American Institute of International Legal Studies; the Institute of International

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<sup>2/</sup> An addendum was issued in 1968 under the symbol A/7293.

Law; the International Association of Democratic Lawyers; the International Association of Legal Science; the International Bar Association; the International Commission of Jurists; the International Law Association; the International Institute for the Unification of Private Law; the League of Arab States; the Organization of African Unity; the Organization of American States; the World Federation of United Nations Associations; and the World Peace through Law Center.

8. Seven of these institutions, the Asian-African Legal Consultative Committee, the Council of Europe, the Inter-American Institute of International Legal Studies, the International Commission of Jurists, the International Institute for the Unification of Private Law, the Organization of American States and the World Peace through Law Center, submitted comments or information regarding the legal topics before United Nations bodies or their own activities. The replies received are contained in the annex below.

3. Scholarships and fellowships offered at national institutions

9. The representatives of several Member States referred during debates on the United Nations Programme at the twenty-third session of the General Assembly to the provision by their Governments of scholarships and fellowships in the field of international law and international relations to students from developing countries. In the course of 1969, the Secretary-General circulated to Member States, at the request of the Governments concerned, copies of communications giving information about the scholarships and fellowships offered at national institutions by the Governments of Belgium, Bulgaria and Romania, respectively. An offer by the Government of Czechoslovakia to provide similar assistance during the period 1969-1970 was circulated to Member States in 1968.

4. Publicity

10. Efforts to give wider publicity to international law and to the legal work of the United Nations have continued. The UN Monthly Chronicle has reported on the work of United Nations organs and conferences concerned with international law. A document containing the text of resolutions of legal interest adopted by the General Assembly at its twenty-third session was issued early in 1969 and distributed through United Nations Information Centres. The Registry of the

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International Court of Justice informed the Secretariat that it intended to undertake the preparation of a book describing the functions and work of the International Court. Lastly, it may be mentioned that, on 21 April 1969, two United Nations stamps were issued on the theme "Peace through international law".

5. Provision of advisory services of experts

11. The Secretary-General was authorized under paragraph 4 (b) of resolution 2464 (XXIII) to provide the "advisory services of experts, if requested by developing countries, within the framework of existing technical assistance programmes or from such voluntary contributions as may be received for that purpose". No voluntary contributions for this purpose having been received during 1969, requests made by developing countries for the advisory services of experts in the legal field have, as in previous years, been administered within the framework of the established technical assistance programmes.

6. Provision of United Nations legal publications

12. Under the terms of resolutions 2204 (XXI) and 2313 (XXII), a set of United Nations legal publications was supplied to fifteen institutions in developing countries during 1967,<sup>3/</sup> and to a further twenty institutions in 1968.<sup>4/</sup> In accordance with paragraph 4 (c) of resolution 2464 (XXIII), arrangements were made to supply a set of United Nations legal publications to an additional fifteen institutions in developing countries during 1969, thus bringing the total number of institutions which have received United Nations legal publications under the Programme to fifty. These institutions were chosen, following consultations with the Advisory Committee, so as to provide an over-all equitable geographical distribution among recipients, regard being also paid to the relative degrees of

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<sup>3/</sup> The institutions were situated in the following countries: Cambodia, Cameroon, Chile, Colombia, Congo (Brazzaville), Dahomey, Ecuador, Ethiopia, Iran, Iraq, Ivory Coast, Pakistan, Sierra Leone and Trinidad and Tobago. In addition, publications were supplied to the Asian-African Legal Consultative Committee, whose secretariat is in New Delhi.

<sup>4/</sup> The institutions were situated in the following countries: Algeria, Burma, Ceylon, Costa Rica, India, Indonesia, Jordan, Laos, Lesotho, Liberia, Malawi, Malaysia, Mexico, Nigeria, Peru, Tunisia, Turkey, Uruguay, Venezuela and Zambia.

need of different regions. The fifteen institutions which were selected to receive publications in 1969 were situated in the following countries: Bolivia, Burundi, Congo (Democratic Republic of), Guatemala, Guinea, Guyana, Kenya, Kuwait, Libya, Mali, Mongolia, Nicaragua, Senegal, Singapore and Thailand. The Secretary-General also arranged to provide the institutions which received legal publications in 1967 and 1968 (other than those which have become United Nations depository libraries) with the publications subsequently issued, thus bringing their collections up to date.

13. As in previous years, the International Court of Justice provided copies of its publications to institutions receiving assistance under the Programme. The Governments of Czechoslovakia and Greece continued to supply copies of national legal publications to these institutions, to which the Governments of Bulgaria and Japan also made legal literature available during 1969. In addition, the American Society of International Law offered complimentary copies of its publications to the institutions concerned. The Secretary-General would like to express his thanks to the Registry of the International Court of Justice, to the Governments of Bulgaria, Czechoslovakia, Greece and Japan, and to the American Society of International Law, for the support they have given to this item of the United Nations Programme.

#### 7. Geneva Seminar on International Law

14. During the twenty-first session of the International Law Commission, the United Nations Office at Geneva organized a fifth session of the Seminar on International Law for advanced students and young government officials. The Seminar, which was held between 16 June and 4 July 1969, was attended by participants from twenty-two countries. Participants attended meetings of the International Law Commission and heard lectures by nine members and by one former member of the Commission, by the Legal Adviser of the International Labour Organisation (ILO) and by a member of the United Nations Secretariat. The lectures were given on various topics, such as the codification and development of international law by the United Nations; problems raised by the Vienna Conventions on diplomatic law, consular law and the law of treaties; the question of special missions; the unification of international trade law and the work of

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UNCITRAL; the work of the ILO; and the principle of co-operation in international law and the problems of land-locked States.

15. The Governments of Denmark, the Federal Republic of Germany, Finland, Israel, the Netherlands, Norway and Sweden offered scholarships for participants from developing countries; these fellowships enabled candidates from Bolivia, Congo (Democratic Republic of), India, Iraq, Madagascar, Mexico and the Republic of Korea to attend the Seminar. Fellowships were also awarded to candidates from Ceylon and Nigeria, but these beneficiaries were prevented, at the last moment, from attending the Seminar. Three students held fellowships under the United Nations-UNITAR Fellowship Programme in International Law. The grant of scholarships made it possible to achieve a much better geographical distribution of participants and to bring deserving candidates from distant countries, who would otherwise be unable to attend the Seminar for pecuniary reasons. The generosity of Governments in providing scholarship aid for candidates from developing countries wishing to attend the Seminar is therefore much appreciated, and it is hoped that this help will be continued in future years. The Government of Denmark has already contributed \$1,500 in scholarship aid to enable a participant from a developing country to attend the session of the Seminar which may be organized in 1970, and the representatives of the Governments of Israel and the Netherlands, speaking in the Sixth Committee during the twenty-fourth session of the General Assembly, announced that their Governments had decided to contribute \$1,000 and \$1,500, respectively, for the same purpose.

8. Activities concerning international trade law

16. The United Nations Commission on International Trade Law (UNCITRAL), at its first session held in February 1968, considered that it should establish co-operative relations with organizations concerned with training and assistance in international trade law.<sup>5/</sup> The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, during its third session, held in October 1968,

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<sup>5/</sup> Official Records of the General Assembly, Twenty-third Session, Supplement No. 16 (A/7216), para. 67.

took note of this desire on the part of UNCITRAL and recommended "that an appropriate place should be given to the activities concerning international trade law within the framework of the activities conducted under the Programme".<sup>6/</sup> Since the adoption of this recommendation, various steps have been taken in order to give effect to the wish expressed by UNCITRAL.

17. In November 1968, the Secretary-General wrote to United Nations organs, specialized agencies and other organizations concerned, inquiring about their present and planned activities relating to training and assistance in international trade law and soliciting suggestions regarding the establishment of co-operative relations in this field. The results of this inquiry were summarized in a report of the Secretary-General<sup>7/</sup> which described the activities (such as technical assistance, conferences, training courses and seminars, fellowships, research and studies) carried out by various organizations on the subjects within the scope of international trade law. The report indicated also the specific suggestions made by some of these organizations for the purpose of establishing co-operative relations in this area.

18. At its second session, held in March 1969, UNCITRAL was pleased to note that a number of United Nations organs and international organizations had undertaken training and assistance activities in international trade law and that most of the organizations concerned had expressed their willingness to co-operate with the Commission.<sup>8/</sup> The Commission recommended, inter alia, that regional seminars and training courses under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should continue to include topics relating to international trade law; that some of the fellowships to be granted under the United Nations Programme be awarded to candidates with a special interest in international trade law; and that the names and relevant particulars of experts in international trade law be included in a supplement to the Register of experts and scholars in international law.

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<sup>6/</sup> Ibid., Annexes, agenda item 89, document A/7305, para. 89 (3).

<sup>7/</sup> A/CN.9/27.

<sup>8/</sup> Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 18 (A/7618), para. 158.

The Commission also requested the Secretary-General to consult with the Advisory Committee and with United Nations organs and other organizations active in the field of international trade law concerning the feasibility of establishing within their programmes, at selected universities or other institutions in developing countries, regional institutes or chairs for training in the field of international law, and of organizing seminars or courses for students, teachers, lawyers and government officials interested or active in this field.

19. In the course of 1969, lectures were given on topics relating to international trade law at the Geneva Seminar on International Law (paragraphs 14-15 above) and at the Asian Regional Training and Refresher Course (paragraphs 40-43 below). In addition, several holders of United Nations-UNITAR Fellowships in international law received training in the International Trade Law Branch of the Office of Legal Affairs. The Secretary-General has engaged in consultations with the appropriate United Nations organs and organizations in order to find ways of implementing the recommendations adopted by UNCITRAL, and will report to UNCITRAL at its third session in April 1970 on the results of his investigations. A representative of the Office of Legal Affairs made a statement before the Advisory Committee on the United Nations Programme, at its meeting held on 7 October 1969, in which he reviewed the various proposals which had been made with respect to the provision of training and assistance in international trade law. The Advisory Committee adopted a recommendation whereby it approved the activities concerning international trade law which the Secretary-General proposed for 1970 (paragraph 48 below) and requested him to report to the General Assembly at its twenty-fifth session, following consultations with the Advisory Committee and with UNCITRAL at its third session, on the results of his consideration during 1970 of what further steps might be taken in order to strengthen these activities.

B. United Nations-UNITAR Fellowship Programme in International Law

20. During 1969, following the same arrangement as in 1968, the fifteen international law fellowships which the Secretary-General was authorized to provide under paragraph 4 (a) of resolution 2464 (XXIII) were combined with the five fellowships offered by UNITAR, so as to form a joint fellowship programme.

(c) Preliminary Draft Uniform Law on the Conditions of Validity of Contracts for the International Sale of Goods (Corporeal Movables) (LUVAC), at present being drawn up.

In addition to such drafting activities, UNIDROIT has carried out studies, on behalf of the Council of Europe, on sales by instalments and guarantees in favour of the seller.

As regards international payments, studies have been carried out with the purpose of widening the unification in the field of bills of exchange and cheques. The conclusions of such studies were summed up in a report presented to UNCITRAL, at its second session, at the request of the Secretary-General of the United Nations.

A contribution to the unification of law concerning arbitration procedure was given by UNIDROIT through the elaboration of a Draft Uniform Law on Arbitration in Private Law Matters in International Relations. This draft, originally intended to cover international arbitration, has been used by the Council of Europe in the elaboration of a European Convention relating to a uniform law on arbitration procedure, which should replace the municipal laws on this matter.

In respect of shipping legislation, UNIDROIT has accomplished, on behalf of the Economic Commission for Europe of the United Nations (ECE), a large plan for the unification of law related to inland navigation. The drafts so far delivered to the ECE are the following:

(a) Draft Convention on the Contract for the Carriage of Goods by Inland Waterway (CMN), submitted to the Economic Commission for Europe;

(b) Draft Convention relating to the Limitation of the Liability of Boat Owners (CLN), submitted to the Economic Commission for Europe and presently being reviewed;

(c) Protocol on Attachment and Forced Sale of Inland Navigation Vessels, submitted by the Economic Commission for Europe to Governments for signature.

In addition to the topics included in the agenda of UNCITRAL, further drafts of uniform provisions have been elaborated by UNIDROIT in the fields of tourism, international carriage of goods and passengers by road, international forwarding agency of goods, international combined carriage of goods, civil liability of motorists and hotel-keepers, form and wills. Several drafts, among those mentioned above, are at present being examined by Governments.

by UNITAR<sup>2/</sup> at The Hague between 22 July and 20 August. The special lectures and seminars were eminently of a practical character, designed to provide the fellows with an opportunity of discussing legal issues of particular interest to developing countries;

(c) Scheme (b), followed by participation in the Research Course offered at the Centre for Studies and Research in International Law and International Relations of The Hague Academy, between 20 August and 26 September 1969;

(d) Scheme (b), followed by practical training between 25 August and 31 December 1969 at the legal offices of the United Nations and associated agencies or at UNITAR.

The nine fellows receiving practical training under schemes (a) and (d) were attached to the United Nations Office of Legal Affairs, UNHCR, UNITAR, UNCTAD, the Agreements Section of UNDP, and the Legal Departments of the International Atomic Energy Agency, the International Bank for Reconstruction and Development (IBRD), the ILO and the Office of the United Nations High Commissioner for Refugees.

24. The Secretary-General and the Executive Director of UNITAR wish to express their thanks to the members and officials of the International Court of Justice, the Netherlands Foreign Ministry and The Hague Academy of International Law for their assistance in ensuring the successful organization of the fellows' study programme at The Hague.

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9/ The following distinguished lawyers gave the special lectures or led the seminars: Mr. F. Boulouois, Deputy Director of the Treaty Division, Netherlands Foreign Ministry; Mr. R.J. Dupuy, Secretary-General, The Hague Academy, and Professor in the Faculty of Law of Nice; Mr. J.H. Eckelaar, Fellow of Pembroke College and Lecturer in Law at the University of Oxford; Mr. A. Elkin, former Legal Adviser of the Organization for Economic Co-operation and Development; Mr. W. Friedmann, Professor of Columbia University; Mr. P.C. Jessup, Judge of the International Court of Justice; Mr. H. Lachs, Judge of the International Court of Justice; Mr. A. Pillopich, First Secretary, International Court of Justice; Mr. J. Salmon, Professor at the University of Brussels; Mr. O. Schachter, Deputy Executive Director and Director of Research, UNITAR; Mr. E.L.C. Schiff, Secretary-General, Netherlands Ministry of Foreign Affairs; and Mr. P.M. Vendrell, Associate Research Officer, UNITAR.

### C. Activities of UNESCO

25. During 1969, UNESCO has undertaken various activities, chiefly concerning the development of university teaching and research in international law, in implementation of resolution 3,231 adopted by the General Conference of UNESCO at its fifteenth session in 1968. These activities have fallen within the framework of a long-term project in the field of international law adopted by the UNESCO General Conference at its fourteenth session in 1966, in response to the invitation of the General Assembly that UNESCO participate in the implementation of the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. UNESCO's Programme and Budget for 1969-1970 includes an allocation of \$102,000 for international law activities.

#### 1. Participation in the Regional Training and Refresher Course

26. In response to the hope expressed by the General Assembly in paragraph 3 of resolution 2464 (XXIII), UNESCO collaborated with UNITAR in the organization of the Regional Training and Refresher Course held in the Philippines between 11 and 29 August 1969, under the joint responsibility of the two bodies (see paragraphs 40-43 below). It may be recalled that this is the second in the series of regional training and refresher courses which have been organized under the Programme, the first of which was held in Dar-es-Salaam in August 1967<sup>10</sup>

#### 2. Provision of fellowships

27. A fellowship scheme has been initiated which will enable young scholars from developing countries to spend an academic year at a university distinguished for its teaching of international law and to attend The Hague Academy of International Law during the vacation period. Ten fellowships were authorized for the period 1969-1970, of which six were awarded in 1969. The selection was made on the basis of individual qualifications and experience and the submission of a brief essay describing the main issues of international law relevant to the foreign relations of the candidate's country. States members of UNESCO have also been invited to request assistance, under the UNDP Technical Assistance country programme, in the form of fellowships for post-graduate study leading to a teaching career.

<sup>10/</sup> Ibid., Twenty-second Session, Annexes, agenda item 90, document A/6816, paras. 21-24.

3. Teaching of international law

28. A consultant was sent for a period of two months to Kenya, Uganda, the United Republic of Tanzania and Zambia, to study the possibility of establishing a chair of international law or a specialized documentation centre in one of those countries which could usefully serve all four Member States with respect to the training of specialists. This visit followed a mission to a number of African countries organized in collaboration with the International Law Association in 1968 (see paragraph 30 below). The teaching to be provided would place special emphasis on the progress of international law in the economic and social fields, in particular, in so far as it has a bearing on the development of international trade and natural resources and on the improvement of international economic relations. Assistance will also be available to Member States, upon their request and in accordance with the normal procedures, under the UNDP Technical Assistance country programme, in the form of experts' services with regard to the organization of university departments or research institutes specializing in international law.

29. As part of its activities relating to the teaching of international law, UNESCO has prepared a basic list of 100 to 150 works on international law as a teaching aid. Copies of the list will be distributed to universities, research centres and specialized libraries in developing countries. The list will also be used in the preparation of "kits of basic works in international law", which will be made available to interested institutions upon request, under the UNESCO Programme of Participation in the Activities of Member States. Furthermore, UNESCO intends, if requested by member States, to organize two regional information sessions for university professors and senior government officials, which will deal with recent techniques in the field of international law used for improving international economic and social co-operation.

4. Study concerning the formation of national associations of specialists in international law

30. The International Law Association submitted a report to UNESCO on a mission carried out in 1968, at the request of UNESCO, by Mr. H. Cochaux, Vice-President of the Association, to eleven African countries (Ethiopia, Ghana, the Ivory Coast, Kenya, Nigeria, Senegal, the Sudan, Tunisia, Uganda, the United Arab Republic and the United Republic of Tanzania) to encourage specialists in international law to form national associations which could subsequently apply for affiliation with large international associations. The report stressed the keen interest shown in the countries visited in the development of legal co-operation in this field. In some of the countries visited, efforts are now under way to constitute national groups with a view to adherence to the International Law Association.

5. Comparative studies relating to international law

31. Within the framework of UNESCO's over-all programme concerning the comparability and international equivalences of secondary school certificates and university degrees, UNESCO has requested Professor R.J. Dupuy of the University of Nice and Professor G.I. Tunkin of the University of Moscow to prepare a study intended to facilitate the comparability and international equivalence of degrees and diplomas for higher studies in the field of international law. The study will deal with (a) the structure and organization of systems of higher education in international law; (b) teaching programmes in this field, and, in particular, their content and structure, the duration of studies, the system of examinations and the requirements for university degrees and diplomas; and (c), an analysis of the information mentioned under (a) and (b), in order to arrive at criteria and the most efficient methods of comparison in order to establish equivalences between university degrees and diplomas in international law. The study will concentrate on the most representative academic institutions of one African, one Asian and one Latin American country, and of France, the United Kingdom and the United States. A similar study relating to socialist countries will be made by Professor Tunkin.

32. In addition, and within the framework of UNESCO's programme of peace research, a study is in progress, under the direction of Professor Dupuy, on the extent to which the teaching of international relations, international law and other academic disciplines actually (a) takes into account the concept of living peacefully together, and (b) contributes to the organization of the international community.

6. Prcmotion of the exchange of publications

33. UNESCO has continued its efforts to promote the exchange of publications by encouraging its member States to adhere to the two relevant Conventions adopted by the General Conference at its tenth session in 1958, namely, the Convention concerning the Exchange of Official Publications and Government Documents between States.<sup>11/</sup> and the Convention concerning the International Exchange of Publications.<sup>12/</sup> By May 1969, twenty-nine member States of UNESCO had become parties to these two Conventions.

D. Activities of UNITAR<sup>13/</sup>

1. Studies

34. UNITAR has completed its first major study in the field of international law, a comprehensive review of the question of wider acceptance of multilateral treaties.<sup>14/</sup> The study includes a detailed analysis of the ratification of, and accession to, eighty-one United Nations treaties, an examination of methods used to increase acceptance and an analysis of the conditions which may affect acceptance. Before publication, the study was reviewed by a number of legal scholars and legal advisers to national Governments and international organizations.

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<sup>11/</sup> United Nations, Treaty Series, vol. 398 (1961), No. 5715. The Convention entered into force on 30 May 1961.

<sup>12/</sup> United Nations, Treaty Series, vol. 416 (1961), No. 5995. The Convention entered into force on 23 November 1961.

<sup>13/</sup> The participation of UNITAR in the United Nations-UNITAR Fellowship Programme in International Law is dealt with in paras. 20-24 above.

<sup>14/</sup> UNITAR Series No. 2.

Copies of the study were sent to the permanent missions of member States, to members of the International Law Commission and to persons engaged in legal work in foreign ministries and in international organizations, and to various legal scholars and selected libraries and research centres in different countries.

35. A publication on multinational public enterprises is being brought out in Spanish; it is hoped to publish the English and French translations of this work at a later date. This volume will contain a number of papers presented at the Regional Seminar in International Law for Latin America, which was held in January 1969. These papers cover the legal features of multinational public enterprises, multinational public corporations for Latin America, loans by public international organizations to multinational public enterprises, legal administrative formulas for multinational projects of physical infrastructure, a study concerning the functions and organization of a public international corporation, regional multinational enterprises and European multinational projects.

## 2. Regional Seminar

36. As envisaged in the Secretary-General's report last year,<sup>15/</sup> a regional Seminar in International Law was organized by UNITAR and held in Quito, Ecuador, between 13 and 25 January 1969. The Government of Ecuador offered host facilities at the Central University of Ecuador in Quito and provided board and lodging for the participants. In the planning and organization of the Seminar, UNITAR benefited from the advice of a consultative panel of diplomats and jurists from the region, as well as from the co-operation of the United Nations Office of Legal Affairs, UNESCO, the Organization of American States and other international organizations.

37. The Seminar, which was ceremonially opened by the President of Ecuador, brought together senior and middle-grade government officials and scholars from sixteen countries in the region.<sup>16/</sup> Observers attended the Seminar from

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<sup>15/</sup> Official Records of the General Assembly, Twenty-third Session, Annexes, agenda item 89, document A/7305, paras. 53-56.

<sup>16/</sup> The following countries were represented at the Seminar: Argentina, Barbados, Bolivia, Brazil, Colombia, Chile, the Dominican Republic, Ecuador, Guyana, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela.

intergovernmental and non-governmental organizations and from institutes interested in the various subjects considered.<sup>17/</sup> Officials from the United Nations Office of Legal Affairs and UNITAR were also present. The Seminar was intended to provide a forum for an informal exchange of opinions on matters of particular interest to the region. It was therefore decided that the opinions expressed and suggestions made in the course of the discussions would be regarded as the personal views of the participants. Likewise, it was also agreed that no decisions would be adopted or votes taken at the Seminar.

38. As mentioned in the previous report of the Secretary-General, the following subjects were selected for consideration at the Seminar:

- (a) Legal and institutional problems of multinational water development projects;
- (b) Multinational public enterprises, with particular reference to the economic integration of Latin America; and
- (c) Regional problems arising out of treaties relating to the resources of the sea.

For each topic, a seminar leader was designated who, besides introducing the subject, was responsible for the conduct of the proceedings and for the preparation of a summary report on his particular subject.<sup>18/</sup> In addition, background papers and documents were prepared on the various topics by experts selected on a wide geographical basis.

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<sup>17/</sup> The following agencies and intergovernmental organizations sent observers to the Seminar: IBRD, UNESCO, the Organization of American States, the Inter-American Development Bank and the Institute for Latin American Integration. Observers from non-governmental organizations and institutes came from the Inter-American Institute for International Legal Studies, the International Law Association, the Inter-American Bar Association, the International Legal Centre of the Carnegie Endowment for International Peace, the Latin American School of Political Science and Public Administration, and the International Association for Water Law.

<sup>18/</sup> The following persons were designated as seminar leaders:

- For subject (a): Mr. G. Cano, Co-ordinator, Water Resources Section, Resources and Transport Division, United Nations Secretariat.
- For subject (b): Mr. M. Kaplan, Professor of Sociology, Latin American School for Political Science and Public Administration (FLACSO), Santiago, Chile.  
Mr. F. Peña, Institute for Latin American Integration (INTAL), Buenos Aires.  
Mr. P. Vellas, Professor at the Faculty of Law and Director of the Institute of International Studies and of Developing Countries, University of Toulouse.
- For subject (c): Mr. R. Hayton, Dean of Graduate Studies, Hunter College, New York

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39. The objective of the Seminar was to foster the role of international law as a means of promoting the purposes of the United Nations and, at the same time, to assist in the development of international co-operation at regional and universal levels. Having regard to the keen degree of interest shown by the participants in the topics considered and the high level of the discussions, it was generally felt at the conclusion of the Seminar that these aims had been achieved. The Executive Director of UNITAR wishes to thank the Government of Ecuador and the Central University of Ecuador for their hospitality and co-operation, which greatly contributed to the success of the Seminar.

3. Regional training and refresher course

40. In accordance with General Assembly resolution 2464 (XXIII), a regional training and refresher course in international law for Asia was jointly organized by UNITAR and UNESCO, with the co-operation of the United Nations Office of Legal Affairs. The Government of the Philippines extended host facilities and provided board and lodging for the participants, lecturers and representatives of international organizations. The Government of Japan made a contribution of \$2,000 to UNITAR in order to help meet the expenses of the course. The course was held in Quezon City, from 11 to 29 August 1969.

41. The main object of the programme was to provide practical training to junior and middle-level government officials and university teachers on international legal problems of immediate interest in Asia. Twenty participants from thirteen countries<sup>19/</sup> in the region attended the course. There were also ten observers from the Philippines.

42. The topics of the training course were the following:

- (a) international legal aspects of economic development, such as trans-national development projects and international loan requirements;
- (b) international protection of human rights;
- (c) international law relating to maritime resources and international rivers;

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<sup>19/</sup> The Republic of China, India, Indonesia, Iran, Iraq, Japan, Laos, Malaysia, the Philippines, the Republic of Korea, the Republic of Viet-Nam, Singapore and Thailand.

(d) techniques and processes of international law-making through the United Nations and its specialized agencies; and

(e) international legal problems relating to peace and security.

43. The lectures were supplemented by seminars in which the participants were encouraged to present reports on specific issues of a practical nature. Two special lectures were given, one on the work of UNCITRAL and the other on the wider acceptance of multilateral treaties. The representatives of the United Nations, UNESCO and UNITAR present at the training course acted as discussion leaders. A number of documents and a working library were provided for those attending the course. The lectures were given by legal scholars and experts selected on a wide geographical basis.<sup>20/</sup> The Executive Director of UNITAR wishes to express his appreciation to the Government of the Philippines for its hospitality and to those persons whose co-operation assisted in the successful implementation of the course.

#### 4. Other activities

44. As in previous years, the training programmes conducted by UNITAR have included lectures and seminars on subjects in international law. The Seminars in multilateral diplomacy and international organization held in New York for members of permanent missions of States Members of the United Nations and for members of the Secretariat had a number of lectures and seminars devoted specifically to such subjects as "The impact of the United Nations on international law", "The organization and procedures of the General Assembly", "Resolutions of

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<sup>20/</sup> The following persons acted as lecturers:

For subject (a): Mr. V. Abad Santos and Mr. F. Feliciano, University of the Philippines, and Mr. T. Atkeson, General Counsel, Asian Development Bank, assisted by members of the legal staff of the Bank.

For subject (b): Mr. P. Juvigny, Maître des requêtes au Conseil d'Etat, France.

For subject (c): Mr. D. C'Connell, University of Adelaide, and Mr. A. Garretson, New York University.

For subject (d): Mr. C. Alexandrowicz, Centre of International Studies, University of Cambridge, and Mr. V. Pechota, Senior Fellow, UNITAR.

For subject (e): Mr. B.S. Murty, Andhra University.

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the General Assembly", "Progressive development and codification of international law", "The International Court of Justice", and "The privileges and immunities of the United Nations". Similarly, the basic courses in diplomacy for foreign service officers contained lectures in international law and allied subjects.

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III. RECOMMENDATIONS OF THE SECRETARY-GENERAL REGARDING  
EXECUTION OF THE PROGRAMME IN 1970

45. The General Assembly, in paragraphs 6 and 7 of resolution 2464 (XXIII), approved in principle, subject to further consideration by the Advisory Committee before the twenty-fourth session of the General Assembly, the Secretary-General's recommendations regarding the execution of the Programme after 1969 and requested the Secretary-General to report, following consultations with the Advisory Committee, regarding the execution of the Programme in 1970.

46. The recommendations set out below, which follow those outlined by the Secretary-General in his previous report, were endorsed by the Advisory Committee at its meetings held on 6 and 7 October 1969. The Advisory Committee recommended that the Secretary-General should submit these recommendations to the General Assembly for its approval.

A. Activities of the United Nations

47. The Secretary-General recommends that in 1970 the United Nations should continue to conduct the activities referred to in section II A, paragraphs 5-19 above. One change by comparison with earlier years is proposed, however, with respect to the provision of United Nations legal publications. The stocks of the earlier United Nations legal publications have now been largely depleted. Because of this fact, and the administrative difficulties involved in arranging for the dispatch of publications on an intermittent basis, it is proposed that the institutions which have previously received legal publications should in future receive United Nations legal publications as they appear, thus keeping their collections up to date. This would allow the standard United Nations procedures with respect to the distribution of publications to be applied. In the case where recipient institutions become United Nations depository libraries (as has happened in some instances), they would receive legal and other United Nations publications under the depository library scheme, and would not, therefore, receive legal publications under the Programme. While in principle the present number of recipient institutions would be maintained,

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the United Nations would be prepared to consider supplying current legal publications to a limited number of additional institutions, upon request from Member States, if no institution in the developing country concerned previously received publications and the State in question considered that the provision of United Nations legal publications would aid in the international law training given at the recipient institution.

48. As regards the promotion of training and assistance relating to international trade law, the Secretary-General intends to make arrangements with UNITAR and UNESCO for the continued inclusion of topics relating to international trade law in the agenda of regional seminars and courses. When making awards under the United Nations-UNITAR Fellowship Programme, attention will be paid to candidates having a special interest in this branch of law. In addition, arrangements will be made for the inclusion of names and relevant particulars of experts in international trade law in a special supplement to the Register of experts and scholars in international law. These three proposals with respect to international trade law were approved by the Advisory Committee. The Advisory Committee requested the Secretary-General to report to the General Assembly at its twenty-fifth session, following consultations with the Advisory Committee and with UNCITRAL at its third session, on the results of his consideration during 1970 of what further steps might be taken in order to strengthen activities concerning international trade law.

B. United Nations-UNITAR Fellowship Programme in International Law

49. It is recommended that this should be continued and conducted along the same lines as in 1969.

C. Activities of UNESCO

50. The activities of UNESCO referred to in section II C, paragraphs 25-33 above are expected to continue during 1970. The Secretary-General recommends that the General Assembly should express its appreciation to UNESCO for its continued participation in the United Nations Programme, particularly with respect to the assistance provided with regard to the development of the teaching of international law.

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D. Activities of UNITAR

51. The activities which UNITAR plans to conduct in 1970 include the production of a number of studies relating to international law and the organization of a regional seminar, to be held in Africa. Further information regarding these activities is given below.

1. Studies

52. In 1970, UNITAR will produce research papers on different aspects of international law with special reference to the African region. Such papers would, in the first instance, be used for the proposed regional seminar.

53. UNITAR has convened a panel of experts in international law to advise on the studies to be conducted by UNITAR itself and also on those which can be stimulated by the Institute. Future studies in the field of international law carried out by UNITAR will be integrated with research related to United Nations structures and procedures, the resolution of conflicts, economic development, and science and technology. UNITAR has, in fact, already begun to conduct studies relating to the peaceful settlement of disputes, which would cover a number of the legal aspects involved.

2. Regional seminar

54. Preliminary work is already being carried out for the regional seminar to be held in Africa in 1970. The topics being considered for discussion at the seminar include the international legal aspects of decolonization, legal problems relating to economic and political integration in Africa, the peaceful settlement of disputes and legal questions arising from technological developments.

55. The Secretary-General recommends that the General Assembly should express its appreciation to UNITAR for its participation in the Programme, particularly in the organization of regional seminars and training courses, in the preparation of studies in international law, and in the conduct of the United Nations-UNITAR Fellowship Programme in International Law.

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IV. MEETINGS OF THE ADVISORY COMMITTEE ON THE UNITED NATIONS  
PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY,  
DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

56. The fourth session of the Advisory Committee was convened by the Secretary-General on 6 October 1969. Meetings of the Committee were attended by the representatives of Belgium, Ecuador, France, Ghana, Hungary, Iraq, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. The representative of Ghana was re-elected Chairman. The Advisory Committee had before it the Secretary-General's draft report on the Programme, which was introduced by the representative of the Secretary-General.

Representatives of UNESCO and UNITAR, who were invited to attend, made statements and answered questions raised by members of the Advisory Committee. In addition, an official of the Office of Legal Affairs having special responsibility for international trade law made a statement regarding activities in this field.

57. The Advisory Committee considered the Secretary-General's draft report at two meetings held on 6 and 7 October 1969. The Advisory Committee expressed its approval of the contents of the report and thanked the Secretariat of the United Nations and the secretariats of UNESCO and UNITAR for the work they had carried out during 1969.

58. The Advisory Committee endorsed the recommendations which the Secretary-General had submitted regarding the execution of the Programme in 1970 and recommended that he should submit these recommendations to the General Assembly for its approval.

59. With respect to activities concerning international trade law, the Advisory Committee approved the steps proposed by the Secretary-General in order to give an appropriate place to such activities within the framework of the present Programme. The Advisory Committee requested the Secretary-General to report to the General Assembly at its twenty-fifth session, following consultations with the Advisory Committee and with UNCITRAL at its third session, on the results of his consideration during 1970 of what further steps might be taken in order to strengthen these activities.

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60. As regards the financial implications of United Nations activities under the Programme, the Advisory Committee recommended that the Secretary-General should recommend to the General Assembly that the Assembly should reiterate its request for voluntary contributions from Member States and others. The Assembly should approve the application, in the first instance, of any voluntary contributions of Member States and others to meet the costs of the items of the Programme to be conducted by the United Nations in 1970; to the extent that these resources prove insufficient, the Secretary-General should use such credits for this purpose as are included in his budget for the financial year 1970.

61. The Secretary-General has concurred in these recommendations of the Advisory Committee. The Secretary-General therefore wishes to submit these recommendations to the General Assembly for its consideration and to request that appropriate action be taken by the Assembly. Having regard to the Advisory Committee's recommendation (paragraph 58 above) concerning the Secretary-General's recommendations with respect to the execution of the Programme in 1970, the Secretary-General wishes to draw the attention of Members of the General Assembly to the recommendations concerned, which are contained in section III, paragraphs 47-50 and 55 above.

V. ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF UNITED NATIONS  
PARTICIPATION IN THE PROGRAMME

62. The Secretary-General recommends in paragraph 47 above that the institutions which have received United Nations legal publications previously issued should in future receive these publications as they appear, and that other institutions in developing countries should also receive such future legal publications, if the Member State concerned so requests. The Secretary-General estimates the cost of implementing this recommendation at \$1,000, which is the estimated cost of shipping the publications in question. This amount could be absorbed within the level of the initial estimates already submitted by the Secretary-General under section 10 (General expenses) of the budget estimates for the financial year 1970.

63. In paragraph 49 above, the Secretary-General proposes that the United Nations-UNITAR Fellowship Programme in International Law should be maintained in 1970 on the same lines as in 1969. For this purpose, an amount of \$40,000 would be required to provide for fifteen fellowships to be awarded by the United Nations at the request of governments of developing countries.

64. In resolution 2313 (XXII) of 14 December 1967, the General Assembly, as in previous resolutions, invited Member States and others to make voluntary contributions towards the financing of the Programme. During 1968, voluntary cash contributions of £100, \$1,200 and \$2,000 were made by the Governments of Cyprus, Jordan and Yugoslavia, respectively; the contribution of the Governments of Jordan and Yugoslavia were received too late to be recorded in the last report of the Secretary-General. In accordance with the General Assembly's instructions that voluntary contributions should be used for the Programme before recourse is had to the regular budget, these contributions were applied towards meeting the costs incurred by the United Nations during 1968 in providing fellowships.

65. In paragraph 5 of resolution 2464 (XXIII), the General Assembly reiterated its request to Member States, interested bodies and individuals to make voluntary contributions towards the financing of the Programme. By 1 October 1969 three voluntary cash contributions had been received or pledged. The Governments of Cyprus and Nigeria contributed £100 and \$2,240 respectively, and a contribution

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of \$500 has been pledged by the Government of the United Arab Republic. Pending the outcome of the consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law on the Programme for 1970, a tentative provision was made under chapter VI, section 12 (Special expenses) of the budget estimates for the financial year 1970, at the same level as the appropriation for 1969. That appropriation was in the amount of \$40,000 to provide for the costs of fifteen fellowships. Should the General Assembly approve the recommendation in this report for a similar Programme for 1970, the Secretary-General will confirm the need for an appropriation of \$40,000 under chapter VI of section 12 (Special expenses) of the budget for the financial year 1970.

ANNEX

INFORMATION PROVIDED BY INTERNATIONAL BODIES CONCERNING THEIR  
ACTIVITIES OR TOPICS BEFORE UNITED NATIONS ORGANS CONCERNED  
WITH INTERNATIONAL LAW\*

The information set out below was provided, as noted in paragraph 8 of the report, by the following bodies:

- The Asian-African Legal Consultative Committee;
- The Council of Europe;
- The Inter-American Institute of International Legal Studies;
- The International Commission of Jurists;
- The International Institute for the Unification of Private Law;
- The Organization of American States;
- The World Peace through Law Centre.

THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

The Committee provided a list of the subjects which had been previously dealt with by the Committee, and of those now before it. As its eleventh session, to be held in January 1970, the Committee will be considering the topic of the international sale of goods as a priority item. In his covering letter, the Secretary declared that the Committee would be prepared to assist in the implementation of the United Nations Programme of Assistance in International Law.

List of subjects finalized at previous sessions of the Committee

1. Functions, privileges and immunities of diplomatic envoys or agents, including enactment of legislation (third session).
2. Restrictions on immunity of States in respect of commercial transactions entered into by, or on behalf of, States and by State trading corporations (third session).

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\* In several cases, these bodies forwarded copies of documents and studies referred to in their statements. These are available for consultation upon request to the Secretariat.

3. Principles for extradition of offenders taking refuge in the territory of another, including questions relating to the desirability of the conclusion of extradition treaties and simplification of the procedure for extradition (fourth session).
4. Status and treatment of aliens (excluding the question of diplomatic protection and *State responsibility for maltreatment of foreign nationals*) (fourth session).
5. Questions relating to free legal aid (fourth session).
6. Questions relating to reciprocal enforcement of foreign judgements in matrimonial matters (fourth session).
7. Arbitral procedure (fifth session).
8. Legality of nuclear tests (sixth session).
9. Dual nationality (sixth session).
10. Enforcement of judgements, the service of process and the recording of evidence (seventh session).
11. The rights of refugees (eighth session).
12. Relief against double taxation and fiscal evasion (ninth session).

List of subjects pending consideration by the Committee

- A. Matters considered by the International Law Commission (article 3 (a) of the statutes of the Committee)
  1. Law of treaties.
  2. Participation in general multilateral treaties concluded under the auspices of the League of Nations.
  3. State succession.
  4. Special missions.
  5. Relations between States and intergovernmental organizations.
- B. Matters referred to the Committee by Governments of participating countries (article 3 (b) of the statutes)
  1. Status of aliens:
    - (a) Diplomatic protection of nationals abroad;
    - (b) State responsibility for maltreatment of aliens.

2. Law relating to the régime of the high seas, including questions relating to the sea-bed and subsoil.
  3. Law of the territorial sea.
  4. United Nations Charter, from the viewpoint of Asian-African countries.
  5. The rights of refugees (question of implementation of the right of a refugee to return to his State or country of nationality or habitual residence, and the right to claim compensation).
  6. Codification of the principles of peaceful coexistence.
  7. Consideration of the Vienna Conventions on diplomatic and consular relations, and on civil liability for nuclear damage.
  8. Law of outer space.
  9. Law of international rivers.
- C. Matters taken up by the Committee (article 3 (c) of its statutes)
1. Rules of private international law relating to sales and purchases in commercial transactions between States or their nationals.
  2. Consideration of the Judgement of the International Court of Justice on South West Africa.
  3. Transport law.
- D. Collection of materials and preparation of compilations by the secretariat of the Committee (article 3 (c) of its statutes)
1. Compilation of laws and regulations relating to industry, commerce and related labour problems in member States.
  2. Compilation of constitutions of African countries.
  3. Digest of decisions of superior courts of Asian-African countries on international and constitutional law.
  4. List of recent treaties to which Asian-African countries are parties.

THE COUNCIL OF EUROPE

The Secretariat General of the Council of Europe stated that it follows regularly the legal work carried out within the United Nations, in particular the work of the International Law Commission, the United Nations Commission on

International Trade Law, the Commission on Human Rights and the Social Defence Research Institute. Information with respect to the Council of Europe's activities was grouped in four chapters, concerning public international law, international trade law, human rights and international penal law.

A. Public international law

1. Model plan for the classification of documents concerning State practice in the field of public international law. This model plan, which was prepared and adopted by a committee of governmental experts, was transmitted to the Secretary-General of the United Nations in 1968, as a contribution by the Council of Europe towards the implementation of resolution 2099 (XX) of the General Assembly. (The Secretary-General communicated the text of the model plan to States Members of the United Nations in 1968.) A model index to digests of national State practice is in the course of preparation, and will similarly be forwarded to the Secretary-General.

2. Privileges and immunities of international organizations. Under resolution (69) 29, adopted in September 1969 by the Committee of Ministers of the Council of Europe, the Governments of member States were invited to take into account the considerations, set out in a report drafted by a committee of governmental experts, in any future negotiations concerning the privileges and immunities of international organizations. The Secretary-General of the Council of Europe was authorized to communicate the report to the Secretary-General of the United Nations, for the attention of the International Law Commission in connexion with its work on the relations between States and international organizations.

3. Uniform interpretation of European treaties. In September 1969, the Committee of Ministers of the Council of Europe adopted resolutions (69) 27 and 28, recommending to member States various means whereby uniform interpretation could be given to the treaties concluded under the auspices of the Council. Such means include the preparation of agreed translations of the authoritative texts of such treaties, and the annual communication to the secretariat of the Council of Europe of judicial decisions and other measures taken by national authorities bearing on the application and interpretation of selected treaties.

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4. Harmonization of the means of programming legal data into computers.

The Committee of Ministers has instructed a committee of governmental experts to study a possible harmonization of the means of programming into computers treaties, legal texts, judicial decisions and other legal data, with a view to the preparation of a recommendation to member States on the subject.

5. Comprehensive publication of the conventions and agreements concluded within the framework of the Council of Europe. The above publication is being prepared by the secretariat of the Council of Europe.

6. Ratification of multilateral treaties in the legal field. The European Committee on Legal Co-operation, a permanent subsidiary body established by the Committee of Ministers, carries out periodic reviews of the state of signatures and ratifications of multilateral treaties concluded in the legal field under the auspices of international organizations, such as the Council of Europe and the United Nations.

7. Most-favoured-nation clause. The secretariat is studying the problems raised with respect to the most-favoured-nation clause, in particular as regards the European Convention on Establishment and the European Convention on Consular Functions. The study will be forwarded to the International Law Commission and to its special rapporteur on the subject.

8. State immunity. A draft European convention on this topic is now being completed by a committee of governmental experts.

9. Exploration and exploitation of the sea-bed and ocean floor and their subsoil. The Consultative Assembly of the Council of Europe is examining this question with a view to the preparation of a recommendation on the subject to the Committee of Ministers.

10. Protection of fresh water against pollution. The Committee of Ministers is examining recommendation 555 of the Consultative Assembly concerning a draft European convention on this topic; the draft instrument covers problems concerning State responsibility for water pollution.

11. Secondment of young lecturers in international law. A scheme has been established whereby young lecturers from member countries may be seconded to the Council of Europe's secretariat in order to acquaint themselves with the legal work of the Council.

B. International trade law

The Secretariat General of the Council of Europe has transmitted to the United Nations the replies of Governments of member States to a questionnaire concerning time limits, together with the documents prepared by a committee of governmental experts regarding the possible harmonization of the pertinent national legislation of member States.

C. Human rights

The Council of Europe's recent activities in the field of human rights include participation in the International Human Rights Year in 1968, the adoption by the Committee of Ministers of resolution (68) 30 whereby member States were invited to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, and the inclusion in the Council's work programme of a study of the advisability of preparing a recommendation to member States on the right to privacy as affected by scientific and technological developments. The European Committee on Crime Problems was instructed in June 1969 to study the advisability of a recommendation to Governments concerning the applicability of statutory limitations with respect to war crimes and crimes against humanity. In addition, the Council's Committee of Experts on Human Rights is preparing a draft protocol to the European Convention on Human Rights concerning the punishment of persons giving false evidence or failing to appear as witnesses and experts in proceedings before the European Commission of Human Rights and the European Court of Human Rights.

D. International penal law

1. International validity of criminal judgements. The European Committee on Crime Problems has completed the elaboration of a draft convention on the international validity of criminal judgements, supplementing the existing European Convention on Extradition and European Convention on Mutual Assistance in Criminal Matters.

2. Transfer of criminal proceedings. The European Committee on Crime Problems is currently examining a preliminary draft convention on the transfer of criminal proceedings from the State of offence to the State of the offender's residence.

3. Sentence rendered in absentia. The European Committee on Crime Problems has been instructed to undertake a study of the legislative provisions of member States relating to sentences rendered in absentia, with a view to examining to what extent such provisions adequately safeguard the accused person.

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4. Repatriation of minors. The Committee of Ministers is examining a draft convention which provides means and procedures for the repatriation of minors.
5. Crimes committed by migrant workers. The European Committee on Crime Problems is currently examining the question of crimes committed by foreign workers in the host country and by workers returning to their country of origin. This problem is being considered in its legal, sociological and criminological aspects.

#### THE INTER-AMERICAN INSTITUTE OF INTERNATIONAL LEGAL STUDIES

The Inter-American Institute of International Legal Studies stated that it had taken due note of the topics before the organs of the United Nations principally concerned with questions of international law and wished to submit the following comments on those related to the activities of the Institute.

A. Report of the International Law Commission on the work of its twentieth session.

The Institute wishes to underscore the importance of the seminars that have been organized in conjunction with the sessions of the International Law Commission, and increasing participation by nationals of developing countries. These activities contribute to wider divulgation of the work of the Commission and of new developments in international law, particularly among young scholars and government personnel in the developing countries. These seminars might be publicized with sufficient anticipation and extent to allow for greater information among universities and other pertinent bodies. The Institute would be pleased to collaborate with the United Nations authorities in charge of the preparation of the seminars for this purpose.

B. Topics on the agenda of the International Law Commission. The Institute has also taken note of the inclusion on the agenda of the Commission of the topic of the most-favoured-nation clause, and of the first report already submitted on this matter. The Institute has followed closely the functioning of the most-favoured-nation clause within the treaties of Latin American economic integration, particularly in the Latin American Free Trade Association, and its developments and problems of interpretation, which have been very important in relation to complementary agreements and subregional agreements. The Institute will be glad to provide available information on the subject to the pertinent organs of the United Nations.

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C. Topics on the agenda of the United Nations Commission on International Trade Law. The Institute has assigned top priority to research and training on the legal and institutional problems confronting the process of Latin American economic integration. Among these problems are those related to the field of international trade law. Therefore the Institute is following very closely the activities of the United Nations Commission on International Trade Law, and has established relations with several of its members. The Institute wishes to express its satisfaction with the progress achieved by UNCITRAL and desires to promote closer collaboration with its work in accordance with the guidelines that UNCITRAL may establish in its future sessions. The Institute attaches particular importance to the possibility of issuing an UNCITRAL Yearbook and is willing to collaborate in this effort, providing any assistance which might be deemed necessary.

D. United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The Institute has dedicated much of its effort to promoting the teaching, study, dissemination and wider appreciation of international law throughout Latin America, in close co-operation with universities and other academic bodies. On several occasions, the Institute has collaborated with UNITAR in the development of the activities of the United Nations programme. The Institute is presently considering the possibility of undertaking, in conjunction with the Latin American Faculty of Social Sciences, a UNESCO programme, a post-graduate training course in international law for Latin American participants.

Since the efforts of both the United Nations Programme and the Institute are orientated towards the same objectives, the latter would be most happy to co-ordinate its activities to a greater extent with those of the United Nations Programme and eventually to undertake joint programmes in the Latin American area. An exchange of legal publications and materials might also be a positive step.

#### THE INTERNATIONAL COMMISSION OF JURISTS

The International Commission of Jurists stated that in its efforts to promote respect for, and observance of, human rights and fundamental freedoms in terms of Article 55 of the United Nations Charter, the Commission has always been mindful of

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the importance of article 28 of the Universal Declaration of Human Rights, which proclaims that everyone is entitled to an international order in which the rights and freedoms enshrined in the Declaration can be fully realized. For this reason, it has paid great attention to the question of implementing human rights on the international and regional levels. It has consistently, through its conferences, publications and press releases, disseminated information on and drawn attention to problems relating to this aspect of international law.

In the past two years, the Commission's activities were largely centred around the International Year for Human Rights. In the special issues of its Journal devoted to the International Year, eminent jurists discussed the status of the Universal Declaration in international law, each dealing with a different set of rights embodied in the Declaration. During the International Year, 1968, the Commission held two conferences, one at Bangalore and the other at Strasbourg, where, inter alia, problems relating to the implementation of human rights at the international and regional levels were considered and recommendations were made. These included recommendations for regional conventions similar to the European Convention on Human Rights and for the adoption of the proposal now before the General Assembly for the establishment of a High Commissioner for Human Rights with an independent status.

At the United Nations International Conference on Human Rights, held at Teheran in April-May 1968, a proposal to revise the international principles applicable to war and armed conflicts in general was introduced on the initiative of the Commission. The relevant resolutions of the Teheran Conference (XXIII) and the General Assembly (resolution 2444 (XXIII)) were published in the Commission's Review (March 1969), which also contained a special study on "The need to restore the laws and customs relating to armed conflicts" by M. Jean Pictet, Director-General of the International Committee of the Red Cross.

The alarming increase in armed conflicts today renders it more than ever necessary that the fullest use be made of the General Assembly's power, under Article 14 of the Charter, to recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare of friendly relations among nations. A long-term aim of the international community should be the establishment of a permanent international criminal jurisdiction to try breaches of international conventions and to try crimes against peace, war crimes and crimes against humanity.

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The Commission has vigorously promoted co-operation among States in accordance with the Charter of the United Nations by making recommendations or working out suggestions for regional co-operation in Latin America and Asia and for the Arab League. Comments on these proposals were published in various issues of the Commission's Bulletin and Review.

The same publications drew attention to violations of the principle of self-determination or other obligations of States assumed by them under the Charter, analysing those rules of international law by which the controversies should be settled.

The Commission recognizes the importance of the concept of non-interference in the domestic jurisdiction of States and has, in particular, criticized the political and economic pressures brought to bear by the stronger States upon the weaker (see for example "Latin American integration", in the Bulletin, No. 32). At the same time, it is essential that the international community should now firmly demarcate what is and what is not within the domestic jurisdiction of States. In particular, the Commission believes, and has constantly acted in the belief, that serious violations of human rights - wherever they are committed - are a matter for international concern. This attitude of the Commission has been confirmed by resolutions of United Nations organs concerning southern Africa and by the ILO Commissions which, on the invitation of the countries concerned, have carried out investigations into given situations. On the legal level, four applications<sup>a/</sup> have been made to the European Commission of Human Rights by member States alleging that the European Convention is being infringed in another member State. These and similar actions are not such as should impair friendly relations between countries. They are essential to the international order and should be so recognized by all States.

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<sup>a/</sup> Application 176/56 Greece v. United Kingdom, 299/57 Greece v. United Kingdom, 788/60 Austria v. Italy. The Commission is now hearing the application by Scandinavian countries against Greece.

The principle that serious violations of human rights cannot be shielded behind Article 2(7) of the Charter is specially relevant in the context of the rapidly deteriorating situation in the Republic of South Africa and in Namibia. This deterioration is evidenced by the very recent enactment of the General Law Amendment Act, 1969, in South Africa, the death in Pretoria Prison of James Lenkoe, the trials now taking place in Windhoek (Namibia) and the recent trials of Mr. Laurence Gandar and other newspapermen for publishing reports of ill-treatment of prisoners in South Africa. At the moment, the Commission has sent a Special Observer, Mr. Edward Lyons, a lawyer and member of the United Kingdom Parliament, to a trial in Windhoek of a number of Namibian prisoners. The Commission considers it vital that information on the present situation in South Africa and Namibia should be widely disseminated and that the appropriate organs of the United Nations should take immediate steps to remedy the situation.

The Commission also forwarded a list of some of the studies which it had published during the past two years.

#### THE INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

As the field of activities of the Institute is confined to the unification of private law, the topics which are directly related to the programme of work and those included in the agenda of the United Nations Commission on International Trade Law, particularly those concerning the international sale of goods, international payments, international commercial arbitration and shipping legislation.

As regards the international sale of goods, UNIDROIT has drawn up, or is presently drawing up, the following draft uniform laws to complete the uniform laws on sale signed at The Hague Diplomatic Conference of 1964:

(a) Draft Convention relating to a uniform law on the Contract of Commission on the International Sale or Purchase of Goods (Corporeal Movables) (LUC), at present being examined by the Governments;

(b) Draft uniform law on the Protection of the Bona Fide Purchaser of Corporeal Movables (LUAB), at present being examined by the Governments;

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(c) Preliminary Draft Uniform Law on the Conditions of Validity of Contracts for the International Sale of Goods (Corporeal Movables) (LIJAC), at present being drawn up.

In addition to such drafting activities, UNIDROIT has carried out studies, on behalf of the Council of Europe, on sales by instalments and guarantees in favour of the seller.

As regards international payments, studies have been carried out with the purpose of widening the unification in the field of bills of exchange and cheques. The conclusions of such studies were summed up in a report presented to UNCITRAL, at its second session, at the request of the Secretary-General of the United Nations.

A contribution to the unification of law concerning arbitration procedure was given by UNIDROIT through the elaboration of a Draft Uniform Law on Arbitration in Private Law Matters in International Relations. This draft, originally intended to cover international arbitration, has been used by the Council of Europe in the elaboration of a European Convention relating to a uniform law on arbitration procedure, which should replace the municipal laws on this matter.

In respect of shipping legislation, UNIDROIT has accomplished, on behalf of the Economic Commission for Europe of the United Nations (ECE), a large plan for the unification of law related to inland navigation. The drafts so far delivered to the ECE are the following:

(a) Draft Convention on the Contract for the Carriage of Goods by Inland Waterway (CMN), submitted to the Economic Commission for Europe;

(b) Draft Convention relating to the Limitation of the Liability of Boat Owners (CLN), submitted to the Economic Commission for Europe and presently being reviewed;

(c) Protocol on Attachment and Forced Sale of Inland Navigation Vessels, submitted by the Economic Commission for Europe to Governments for signature.

In addition to the topics included in the agenda of UNCITRAL, further drafts of uniform provisions have been elaborated by UNIDROIT in the fields of tourism, international carriage of goods and passengers by road, international forwarding agency of goods, international combined carriage of goods, civil liability of motorists and hotel-keepers, form and wills. Several drafts, among those mentioned above, are at present being examined by Governments.

The criteria followed so far by UNIDROIT in establishing its programme of work consisted in selecting a limited number of legal relations, both in the field of contracts and of torts, deemed to be essential from an international viewpoint, and in confining the unification to those relations which were qualified as international, leaving untouched the municipal law for internal relations. These criteria were suggested by the consideration that unification of law is justified in so far as it may improve international transactions, and that the unificatory process should as little as possible alter the features and the philosophy of the national law systems.

The Governing Council of UNIDROIT is now considering the opportunity of re-examining, in the light of the recent development of international collaboration in the legal field, the basic criteria for the process of unification of law which have guided the activities of UNIDROIT since the establishment of the organization in 1926.

A fractioned and scattered unification increasingly reveals its short-comings, while at the same time it tends to become outmoded following the success of some codifications of trade law, such as the "Uniform Commercial Code" of the United States of America and the Czechoslovak International Trade Code of 4 December 1963.

The new trend which is evolving, and which will be reviewed by the Governing Council of UNIDROIT, aims at consolidating in one text the fragmentary unifications achieved so far (except for strictly technical matters that do not affect the basic principles of law systems), completing them with other subjects falling within the frame of international law relationships, and adding to these unifications of special matters a general chapter to provide the basis for the interpretation of uniform rules.

#### THE ORGANIZATION OF AMERICAN STATES

1. Teaching, study, dissemination and wider appreciation of international law

In 1968, the General Secretariat of the Organization of American States promoted the second joint meeting of Deans of Law Schools of Latin American countries and the Inter-American Juridical Committee. This meeting was held in Rio de Janeiro from 12 to 14 August 1968, and it recommended to the law schools,  
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among other things, that they establish for their teachers training programmes on the problems concerning the development and integration of Latin America and include in their curricula the topics necessary to stimulate the interest and vocation of the students for the legal problems of development and integration of that part of the world. A report on this meeting was published in Spanish in December 1968.<sup>b/</sup>

## 2. Negotiable instruments

At its 1968 regular meeting, the Inter-American Juridical Committee studied the question of negotiable instruments, and prepared a preliminary report on the matter.<sup>c/</sup> The Committee recommended, among other things, that, in the absence of a generally accepted doctrine regarding the advisability of systematizing under a single law all so-called commercial documents, it is advisable to continue the Geneva tradition, beginning with bills of exchange and cheques that, as the most feasible solution, a draft convention or draft conventions on uniform law to apply only in the international sphere should be sponsored, and that each State retain, for the time being, its domestic legislation; that the topic "Draft conventions on bills of exchange and cheques of international circulation" should be included on the agenda for the 1969 regular meeting of the Committee.

## 3. International commercial arbitration

The draft convention on international arbitration approved by the Inter-American Juridical Committee in 1967 has been under the consideration of the Governments of member States.<sup>d/</sup> Earlier, the Inter-American Council of Jurists had approved a draft uniform law on commercial arbitration.<sup>e/</sup>

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b/ "Informe sobre la Segunda Reunión Conjunta de Decanos de Facultades de Derecho y Miembros del Comité Jurídico Interamericano, Río de Janeiro, 12 al 15 de agosto de 1968 - Derecho y Desarrollo" (OAS Official Documents (CIJ-98)), 135 p

c/ "Work accomplished by the Inter-American Juridical Committee during its 1968 regular meeting (June-September) (OAS Official Documents (CIJ-96)), pp. 35-46.

d/ OAS Official Documents (CLJ-91), pp. 31-50.

e/ Third meeting, Mexico City, 1956 (OAS Official Documents (CIJ-29)), pp. 24-28.

4. Principles of international law concerning friendly relations and co-operation among States

Throughout the years, the Inter-American System has developed several principles of international law and co-operation among the American States. See, for example, articles 1, and 4 to 31 of the Charter of the Organization of American States of 1948, and articles 1 to 3 and 9 to 50 of the Protocol of Amendment to the Charter of the Organization of American States adopted in 1967.

5. Liability

At its sixth meeting, held in Rio de Janeiro in 1968, the Special Legal Committee of the Inter-American Nuclear Energy Commission approved, among others, a recommendation on the improvement and harmonization of basic legal standards on nuclear energy in the American States. In paragraph 4 of this recommendation, the Committee suggested the adoption of special legislation regarding civil liability for nuclear damage, which should be compatible with international conventions in this field. This legislation should include, among others, provisions establishing the absolute liability of the operator and cases of exemption of liability, the maximum amount of liability for a single nuclear accident, the establishment of an adequate financial guarantee for potential risk, the period for submission of claims, the adoption of procedural standards aimed at ensuring the prompt determination and payment of the indemnity and the centralization of cases in a competent court.<sup>f/</sup>

6. Reciprocal recognition of companies and juridical persons

During its 1968 regular meeting, the Inter-American Juridical Committee approved an opinion on the harmonization of legislation of the Latin American countries on commercial companies, and a draft inter-American convention on reciprocal recognition of companies and juridical persons.<sup>g/</sup> On 7 May 1969, this draft convention was submitted to the Governments of Member States, for their observations.

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<sup>f/</sup> See "Report on the sixth meeting of the Special Legal Committee of the Inter-American Nuclear Energy Commission", February 1969.

<sup>g/</sup> OAS Official Documents (CIJ-96), pp. 1-34.

7. Private international law

In view of recommendations made by the Inter-American Council of Jurists (fifth meeting, 1965), the Inter-American Juridical Committee (1966), and the decision taken by the Council of the Organization of American States, two communications were sent to the Governments of member States (1966 and 1967) requesting their opinions about the desirability of convoking an Inter-American Specialized Conference on private international law to undertake a revision of the following parts of the code of private international law, the so-called Bustamante Code: general rules, international civil law, international commercial law, as well as the incorporation of a new chapter on international labour law.

As of April 1969, the Governments of six member States had expressed their agreement that the said conference should be convoked.

In view of a new request made by the Inter-American Juridical Committee (1968) concerning the convocation of the specialized conference, the Council of the Organization of American States decided, on 7 May 1969, to urge the Governments of member States that had not yet done so to convey their opinions regarding the desirability of convoking an Inter-American Specialized Conference on private international law. It also requested the Governments of the member States that agree to the convocation of the said Conference to indicate whether they wish it to deal with the revision of the above-mentioned parts of the Bustamante Code, or whether they prefer that it deal, through special conventions, with the aspects of international commercial law whose solution the Governments may consider to be a matter of urgency.<sup>h/</sup>

THE WORLD PEACE THROUGH LAW CENTER

1. The Center stated that it continues to follow closely the activities of the International Law Commission, which are reported regularly in the Center's Bulletin. Special interest relates to the Commission's work in view of the Center's project for the establishment of a World Law Code.

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<sup>h/</sup> OAS Official Documents, OEA/Ser.G/IV, C-i-882, Rev.2 (7 May 1969).

2. The consideration of principles of international law concerning friendly relations and co-operation among States is of special interest. The World Conference on World Peace Through Law, held in Geneva, considered as a major topic the subject of "The legal aspects of peaceful co-operation among nations".

3. The activities of the United Nations Commission on International Trade Law are closely followed by the Center, and World Law Day, 1969, will be observed throughout the world with special emphasis on economic development, including international trade and commerce. The World Conference on World Peace Through Law, held in Bangkok from 7 to 12 September 1969, discussed the subject of "Transnational trade and investments" in a major working session.

4. The Bangkok Conference included a seminar on legal education and research, during which the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was considered.

5. The Geneva Conference in 1967 was one of the first international meetings to discuss the resources of the high seas and to propose that such resources be subject to the jurisdiction and control of the United Nations. The subsequent Draft Treaty Governing the Exploration and the Use of the Ocean Bed developed much interest by the United Nations and its Members in this field and will be considered at the Bangkok Conference.

6. World Law Day, 1968, was observed throughout the world in recognition of the International Human Rights Year as proclaimed by the United Nations. Legal groups worked for progress in the field of human rights on a world-wide basis and the international observance of World Law Day - Human Rights was held at the Palais des Nations and the ILO at Geneva, on 16 September 1968. The World Peace Through Law Center follows with interest all activities of the United Nations concerned with law and maintains observers of these activities at both the United Nations, New York, and the United Nations Office at Geneva.

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