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Part Two. Legal activities of the United Nations and related intergovernmental organizations

Chapter III. General review of the legal activities of the United Nations and related intergovernmental organizations



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Part Two. Legal activities of the United Nations and related intergovernmental organizations

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Chapter III

GENERAL REVIEW OF THE LEGAL ACTIVITIES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. General review of the legal activities of the United Nations

1. DISARMAMENT AND RELATED MATTERS¹

(a) Second special session of the General Assembly devoted to disarmament²

(i) *Twelfth special session*

The twelfth special session of the General Assembly, the second devoted to disarmament, opened on 7 June 1982 and concluded its work on 10 July 1982. It was convened pursuant to the decision made at the first special session of the General Assembly devoted to disarmament in 1978, as reflected in paragraph 119 of its Final Document³ and Assembly resolution 33/71 H of 14 December 1978.

The General Assembly was unable at the special session either to adopt the comprehensive programme of disarmament which had been one of the main items on its agenda or to reach a consensus on any course of action which would help to halt and reverse the arms race. It approved only a Concluding Document containing a record of the proceedings and documentation of the special session, and an enumeration of its conclusions.⁴

The special session nevertheless did achieve certain positive results, as the General Assembly unanimously and categorically reaffirmed the validity of the Final Document adopted at the first special session as well as its solemn commitment to it.

Chapter III ("Conclusions") of the Concluding Document of the second special session is reproduced below.

III. CONCLUSIONS

57. The tenth special session of the General Assembly, the first special session devoted to disarmament, held in 1978, was an event of historic significance. The special session was convened in response to a growing concern among the peoples of the world that the arms race, especially the nuclear-arms race, represented ever-increasing threats to human well-being and even to the survival of mankind. At that session the international community of nations achieved, for the first time in the history of disarmament negotiations, a consensus on an international disarmament strategy, the immediate goal of which was the elimination of the danger of nuclear war and implementation of measures to halt and reverse the arms race. The final objective of the strategy was to achieve general and complete disarmament under effective international control. The conviction that all peoples had a legitimate right to expect early and significant progress in disarmament and a vital interest in its success led to the United Nations being given a central role and primary responsibility in the field of disarmament.

58. The historic consensus embodied in the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2) was rooted in a common awareness that the accumulation of weapons, particularly nuclear weapons, constituted much more a threat to than a protector of mankind. It was also based on recognition that the time had come to put an end to that situation, to abandon the use of force in international relations and to seek security in disarmament, that is to say, through a gradual but effective process beginning with a reduction in the current level of armaments. The Final Document recognized that in the contemporary world the security of States could be greatly enhanced by effective action aimed at preventing nuclear war, ending the arms race and achieving real disarmament. Progress in disarmament

would significantly contribute to pursuing the goals of economic and social development, particularly of developing countries. The consensus embodied in the Final Document sought to place disarmament negotiations in a unified perspective and became a most significant and integral part of the context within which negotiations on disarmament have been pursued.

59. In the course of the twelfth special session, the second special session devoted to disarmament, the General Assembly has noted that developments since 1978 have not lived up to the hopes engendered by the tenth special session. Despite the efforts that have been made by the international community to implement the decisions and recommendations of that session on a multilateral, bilateral and regional level, including action in the General Assembly and the Committee on Disarmament, and steps that have been taken on some specific measures contained in the Final Document, the objectives, priorities and principles there laid down have not been generally observed. The Programme of Action contained in the Final Document remains largely unimplemented. A number of important negotiations either have not begun or have been suspended, and efforts in the Committee on Disarmament and other forums have produced little tangible result. There has been some progress in certain negotiations and bilateral negotiations in the nuclear field have been initiated. The arms race, however, in particular the nuclear-arms race, has assumed more dangerous proportions and global military expenditures have increased sharply. In short, since the adoption of the Final Document in 1978, there has been no significant progress in the field of arms limitation and disarmament and the seriousness of the situation has increased.

60. The Final Document stated that disarmament, relaxation of international tension, respect for the right to self-determination and national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others. The past four years have witnessed increasing recourse to the use or threat of use of force against the sovereignty and territorial integrity of States, military intervention, occupation, annexation and interference in the internal affairs of States and denial of the inalienable right to self-determination and independence of peoples under colonial or foreign domination. The period has also witnessed other actions by States contrary to the Final Document. The consequent tensions and confrontations have retarded progress in disarmament and have in turn been aggravated by the failure to make significant progress towards disarmament.

61. It was stressed that in a world of finite resources there is an organic relationship between expenditures on armaments and economic and social development. The vastly increased military budgets since 1978 and the development, production and deployment, especially by the States possessing the largest military arsenals, of new types of weapon systems represent a huge and growing diversion of human and material resources. Apart from the significant capital costs that these military expenditures represent, they have also contributed to current economic problems in certain States. Existing and planned military programmes constitute a colossal waste of precious resources which might otherwise be used to elevate living standards of all peoples; furthermore, such waste greatly compounds the problems confronting developing countries in achieving economic and social development.

62. The General Assembly regrets that at its twelfth special session it has not been able to adopt a document on the Comprehensive Programme of Disarmament and on a number of other items on its agenda. However, on two agenda items, relating to the United Nations programme of fellowships on disarmament and the World Disarmament Campaign, there are agreed texts (see annexes IV and V) for consideration and appropriate action by the General Assembly. The General Assembly was encouraged by the unanimous and categorical reaffirmation by all Member States of the validity of the Final Document of the Tenth Special Session as well as their solemn commitment to it and their pledge to respect the priorities in disarmament negotiations as agreed to in its Programme of Action. Taking into account the aggravation of the international situation and being gravely concerned about the continuing arms race, particularly in its nuclear aspect, the General Assembly expresses its profound preoccupation over the danger of war, in particular nuclear war, the prevention of which remains the most acute and urgent task of the present day. The General Assembly urges all Member States to consider as soon as possible relevant proposals designed to secure the avoidance of war, in particular nuclear war, thus ensuring that the survival of mankind is not endangered. The General Assembly also stresses the need for strengthening the central role of the United Nations in the field of disarmament and the implementation of the security system provided for in the Charter of the United Nations in accordance with the Final Document and to enhance the effectiveness of the Committee on Disarmament as the single multilateral negotiating body. In this regard the Committee on Disarmament is requested to report to the General Assembly at its thirty-seventh session on its consideration of an expansion of its membership, consistent with the need to enhance its effectiveness.

63. Member States have affirmed their determination to continue to work for the urgent conclusion of negotiations on and the adoption of the Comprehensive Programme of Disarmament, which shall encompass all measures thought to be advisable in order to ensure that the goal of general and complete disarmament

ment under effective international control becomes a reality in a world in which international peace and security prevail, and in which a new international economic order is strengthened and consolidated. To this end, the draft Comprehensive Programme of Disarmament is hereby referred back to the Committee on Disarmament, together with the views expressed and the progress achieved on the subject at the special session. The Committee on Disarmament is requested to submit a revised draft Comprehensive Programme of Disarmament to the General Assembly at its thirty-eighth session.

64. The other items on the agenda on which the special session has not reached decisions should be taken up at the thirty-seventh session of the General Assembly for further consideration.

65. The General Assembly is convinced that the discussion of disarmament problems, which it has undertaken at the special session and in which representatives of Member States—among them some heads of State or Government and many Foreign Ministers—have participated, and the active interest shown by peoples all over the world will provide a powerful impetus to Member States to redouble their efforts in the cause of disarmament. The General Assembly hopes that the World Disarmament Campaign, which it solemnly launched at the opening meeting of the special session, will further contribute to the mobilization of public opinion to the cause of disarmament and the strengthening of international peace and security. In this regard the campaign should provide an opportunity for discussion and debate in all countries on all points of view relating to disarmament issues, objectives and conditions.

66. The third special session of the General Assembly devoted to disarmament should be held at a date to be decided by the General Assembly at its thirty-eighth session.

(ii) *Follow-up to the special sessions of the General Assembly
devoted to disarmament*

Among the items on the agenda of the General Assembly at its twelfth special session were those entitled "Review of implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session" and "Consideration and adoption of the Comprehensive Programme of Disarmament". The examination of these items in the relevant working and drafting groups of the *Ad Hoc* Committee of the Twelfth Special Session⁵ entailed exhaustive exchanges of views and considerable concerted efforts towards compromise. Nevertheless, in the general debate in plenary, expressions of disappointment were often voiced regarding the lack of progress in implementation of the disarmament measures set out in the 1978 Final Document.⁶ The importance of appropriate future follow-up action on the various issues raised during the special session and the need for positive political will were also stressed repeatedly in both the *Ad Hoc* Committee and the plenary bodies.

There were differing views in the *Ad Hoc* Committee as to how these objectives might best be achieved and therefore it was unable to reach agreement on a text for the item on the questions of review and appraisal. It also proved impossible to conclude consideration of the item on the comprehensive programme of disarmament.

Accordingly, the *Ad Hoc* Committee could only report to the General Assembly on the course and degree of progress of the work of its various groups. These reports were included in the Committee's report to the General Assembly, which was subsequently adopted as the Concluding Document of the Twelfth Special Session of the General Assembly.⁴

The parts of the Concluding Document of greatest relevance to the general question of follow-up are found in its chapter III, "Conclusions",⁷ and in annex I, entitled "Texts for the draft Comprehensive Programme of Disarmament submitted by Working Group I". In particular, paragraph 59 under "Conclusions" evaluates earlier follow-up to the tenth special session, while paragraphs 63 and 64 discuss the work to be done as a follow-up to the twelfth special session.

Consideration by the General Assembly at its thirty-seventh session

At its thirty-seventh session, the General Assembly had on its agenda two items on the question of follow-up to its special sessions on disarmament, the established one on the implementation of the decisions and recommendations of the tenth special session and a new but similar one, entitled "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly". In connection with the two items, both of which

embraced many separate questions and proposals, the Assembly had before it a number of documents and adopted 21 draft resolutions in all (resolutions 37/78 H to 37/78 K of 9 December 1982 and 37/100 A to 37/100 J of 13 December 1982).

Of these, resolutions 37/78 B on "International co-operation for disarmament" and 37/78 F on "Implementation of the recommendations and decisions of the Tenth Special Session" are most pertinent to the present section and are therefore summarized below, while the rest are dealt with in the appropriate subsequent sections.

By resolution 37/78 B, the General Assembly, *inter alia*, called upon all States, in implementing the Final Document of the Tenth Special Session, to make active use of the principles and ideas contained in the Declaration on International Co-operation for Disarmament by actively participating in disarmament negotiations, with a view to achieving concrete results, and by conducting them on the basis of equality and undiminished security and the non-use of force in international relations, refraining at the same time from developing new directions and channels of the arms race. It also appealed to States which were members of military or political groupings to promote, on the basis of the Final Document, in the spirit of international co-operation for disarmament, the gradual mutual limitation of military activities of these groupings, thus creating conditions for their dissolution.⁸

And by resolution 37/78 F, the General Assembly invited all States, particularly nuclear-weapon States and especially those among them which possessed the most important nuclear arsenals, to take urgent measures with a view to implementing the recommendations and decisions contained in the Final Document of the Tenth Special Session, as well as to fulfilling the priority tasks listed in the Programme of Action set forth in section III of the Final Document and in the Concluding Document of the Twelfth Special Session. It also invited all States engaged in disarmament and arms limitation negotiations outside the framework of the United Nations to keep the General Assembly and the Committee on Disarmament informed of the results of such negotiations, in conformity with the relevant provision of the Final Document.⁹

(b) General and complete disarmament and other comprehensive approaches to disarmament

(i) *General and complete disarmament*

Deliberations of the Disarmament Commission

During the 1982 substantive session, held from 17 to 28 May, the goal of general and complete disarmament continued to play a key role both in determining the framework for the discussions of the Commission and in the drafting of its output, as evidenced by the numerous references to general and complete disarmament in the agreed texts submitted to the Assembly at its twelfth special session. *Inter alia*, within the agreed guidelines to the study of conventional disarmament, the Commission, in citing one of the principles governing the general approach to the study, stated, "Together with the negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament".¹⁰

The twelfth special session of the General Assembly

Throughout the session, the main preoccupation of the international community was with the nuclear danger, but the importance it continued to attach to the ultimate objective of general and complete disarmament found clear expression in its Concluding Document.¹¹

Work of the Committee on Disarmament

In setting out the agenda and programme of work of its 1982 sessions (held at Geneva from 2 February to 23 April and from 3 August to 17 September), the Committee stated: "The

Committee on Disarmament, as the multilateral negotiating forum, shall promote the attainment of general and complete disarmament under effective international control.¹²

Consideration by the General Assembly at its thirty-seventh session

Under the agenda item entitled "General and complete disarmament", 11 resolutions were adopted by the General Assembly as resolutions 37/99 A to K of 13 December 1982. Resolutions B, G, H, J and K are summarized below, while the remainder are dealt with subsequently under the respective headings of the present summary.

By resolution B, the Assembly, expressing its conviction of the importance of ensuring an effective follow-up to the report of the Independent Commission on Disarmament and Security Issues in the United Nations system and in other relevant contexts, requested the Disarmament Commission to consider those recommendations and proposals in the report that related to disarmament and arms limitation and to suggest, in a report to the General Assembly, how best to ensure an effective follow-up thereto within the United Nations system or otherwise.¹³

By resolution G, the Assembly, being aware that objective information on military capabilities, in particular among nuclear-weapon States and other militarily significant States, could contribute to the building of confidence among States and to the conclusion of concrete disarmament agreements and, thereby, help to halt and reverse the arms race, called upon those States to consider additional measures to facilitate the provision of objective information on, and objective assessments of, military capabilities.¹⁴

By resolution H, the General Assembly, noting the provisions of article VII of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof concerning the holding of review conferences, requested the Secretary-General to render the necessary assistance and to provide such services as might be required for the Second Review Conference in 1983 and its preparation. The Assembly recalled also its expressed hope for the widest possible adherence to the Treaty.¹⁵

By resolution I, the Assembly recalled that, in accordance with paragraph 1 of article VIII of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, five years after the entry into force of the Convention a conference of the States parties should be convened by the depositary at Geneva. Noting that the Secretary-General, as depositary of the Convention, intended to convene the Review Conference at the earliest practicable time after 5 October 1983, that is, after the expiration of the five-year period, the Assembly requested him to render the necessary assistance and to provide such services as might be required for the Review Conference and its preparation.¹⁶

By resolution K, the Assembly, recalling its resolution 31/90 of 14 December 1976, by which it had decided to keep the strengthening of the role of the United Nations in the field of disarmament under continued review, as well as resolution 34/87 E of 11 December 1979, in which it, *inter alia*, had reaffirmed that the United Nations had a central role and a primary responsibility in the field of disarmament, made an institutional arrangement to that effect.

(ii) Development of a comprehensive programme of disarmament

Consideration by the Committee on Disarmament

On 21 April 1982, the Committee adopted the report of the *Ad Hoc* Working Group to which it annexed a draft Comprehensive Programme of Disarmament, which became an integral part of the special report of the Committee on Disarmament to the second special session of the General Assembly devoted to disarmament.¹⁷

Consideration by the General Assembly at its twelfth special session

At the second special session of the General Assembly devoted to disarmament, the question of a comprehensive programme of disarmament occupied a prominent place on the agenda.

Generally, Member States considered that it was a major task of the session to complete the elaboration of a comprehensive programme and to adopt it as a basis for disarmament endeavours in the years to come, and that all parties concerned should participate in a constructive way in the negotiations in the relevant subsidiary bodies of the session with a view to reaching a realistic and meaningful agreement. The result of the negotiations, however, fell short of expectations and accordingly the General Assembly stated in paragraph 63 of the Concluding Document that the draft Comprehensive Programme of Disarmament had thus been referred back to the Committee on Disarmament, together with the views expressed and the progress achieved on the subject at the special session. The Committee was requested to submit a revised draft Comprehensive Programme to the General Assembly at its thirty-eighth session.

Consideration by the General Assembly at its thirty-seventh session

The thirty-seventh regular session of the General Assembly, which opened only a few weeks after the conclusion of the second special session devoted to disarmament, did not yield any significant developments on the question, and no resolution was adopted.

(iii) World Disarmament Conference

The *Ad Hoc* Committee on the World Disarmament Conference continued its work during two sessions in 1982. In its report to the General Assembly at its second special session devoted to disarmament, the *Ad Hoc* Committee included a round-up of its work since the 1978 special session and reiterated the conclusions and recommendations contained in its report to the General Assembly at its thirty-sixth session.¹⁸

In its report to the thirty-seventh session of the General Assembly,¹⁹ the *Ad Hoc* Committee reiterated that a world disarmament conference had received wide support among the membership of the United Nations, albeit with varying degrees of emphasis and different conditions related to its convening. It was evident from the updated positions of the nuclear-weapon States that they had reached no consensus, although their participation in such a conference had been deemed essential by most States Members of the Organization.

The special session did not make any recommendation concerning the convening of a world disarmament conference, except in the general context that the General Assembly at its thirty-seventh session should take up those items on which the special session had not reached a decision.

By resolution 37/97 of 13 December 1982,²⁰ the General Assembly renewed the mandate of the *Ad Hoc* Committee on the World Disarmament Conference and requested it to report to the General Assembly at its thirty-eighth session.

(c) Nuclear Disarmament

(i) Nuclear arms limitation and disarmament

In the absence of any specific recommendation evolving from the special session in the area of nuclear weapons and related issues, the General Assembly, in the Concluding Document of the session, limited itself to expressing its grave concern about the continuing arms race, especially in the nuclear sphere, and its profound preoccupation over the danger of war, in particular nuclear war, the prevention of which remained the most acute and urgent task.²¹

At its thirty-seventh session, the General Assembly adopted a number of draft resolutions dealing with nuclear questions; some of them are summarized below, while others are dealt with under the respective headings of the present summary.

By resolution 37/78 A,²² the Assembly requested the Governments of the Union of Soviet Socialist Republics and the United States of America to transmit to the Secretary-General a joint report or two separate reports on the stage reached in their bilateral nuclear-arms negotiations.

By resolution 37/78 C,²³ the Assembly called upon the Committee on Disarmament to proceed without delay to negotiations on the cessation of the nuclear-arms race and nuclear disarmament, in accordance with paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly, and especially to elaborate a nuclear-disarmament programme, and to establish for that purpose an *ad hoc* working group on the cessation of the nuclear arms race and on nuclear disarmament.

By resolution 37/78 E,²⁴ the Assembly reiterated its request to the Committee on Disarmament to start without delay negotiations within an appropriate organizational framework with a view to concluding a convention on the prohibition of the development, production, stockpiling, deployment and use of nuclear neutron weapons.

By resolution 37/99 A,²⁵ the Assembly once again requested the Committee on Disarmament to proceed without delay to talks with a view to elaborating an international agreement on the non-stationing of nuclear weapons on the territories of States where there were no such weapons at the time.

By resolution 37/99 E,²⁶ the Assembly requested the Committee on Disarmament, at an appropriate stage of its work on the item entitled "Nuclear weapons in all aspects", to pursue its consideration of the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices.

By resolution 37/100 A,²⁷ the Assembly called upon all nuclear-weapon States to agree to a freeze on nuclear weapons, which would, *inter alia*, provide for a simultaneous total stoppage of any further production of nuclear weapons and a complete cut-off in the production of fissionable material for weapons purposes.

Lastly, by resolution 37/100 B,²⁸ the Assembly urged the Union of Soviet Socialist Republics and the United States of America, as the two major nuclear-weapon States, to proclaim, either through simultaneous unilateral declarations or through a joint declaration, an immediate nuclear-arms freeze which would be a first step towards the comprehensive programme of disarmament.

(ii) *Non-use of nuclear weapons and prevention of nuclear war*

In the Concluding Document of the Twelfth Special Session, the General Assembly expressed its profound preoccupation over the danger of war, especially nuclear war, the prevention of which had remained the most acute and urgent task of the day, and urged all Member States to consider, as soon as possible, relevant proposals designed to secure the avoidance of war, in particular nuclear war, thus ensuring that the survival of mankind would not be endangered.²⁹ At its thirty-seventh session of the General Assembly three resolutions were adopted on the subject.

By resolution 37/100 C,³⁰ the Assembly requested the Committee on Disarmament to undertake, on a priority basis, negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text of the draft Convention on the Prohibition of the Use of Nuclear Weapons.

By resolution 37/78 I,³¹ the Assembly requested the Committee on Disarmament to undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war.

By resolution 37/78 J,³² the Assembly considered that the solemn declarations by two nuclear-weapon States made or reiterated at the twelfth special session of the General Assembly concerning their respective obligations not to be the first to use nuclear weapons offered an important avenue to decrease the danger of nuclear war, and expressed the hope that the other nuclear-weapon States would consider making similar declarations with respect to not being the first to use nuclear weapons.

(iii) *Strengthening of the security of non-nuclear-weapon States*

Detailed consideration of the issue had taken place mainly in the Committee on Disarmament. Various views had been expressed on the scope, the nature and the substance as well as the form of possible arrangements on effective international assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons. Although many issues involved had been clarified and there had been no objection, in principle, to the idea of an international convention, the adoption of a Security Council resolution had also been considered as an interim measure. No agreement had been reached on either solution. However, the two resolutions adopted by the General Assembly ensured that the Committee on Disarmament would continue in 1983 to explore ways and means of overcoming the difficulties.

By resolution 37/81 of 9 December 1982,³³ the Assembly appealed to all States, especially the nuclear-weapon States, to demonstrate the political will necessary to reach agreement on a common approach and, in particular, on a common formula which could be included in an international instrument of a legally binding character.

By resolution 37/80 of 9 December 1982,³⁴ the Assembly called once again upon all nuclear-weapon States to make solemn declarations, identical in substance, concerning the non-use of nuclear weapons against non-nuclear-weapon States having no such weapons on their territories, as a first step towards the conclusion of an international convention, and recommended that the Security Council should examine such declarations and, if they all met the objective mentioned in the resolution, should adopt an appropriate resolution approving them.

(iv) *Cessation of nuclear-weapon tests*

After years of arduous discussion, the Committee on Disarmament was finally able to establish an *Ad Hoc* Working Group under the item "Nuclear test ban." The mandate called for the Working Group to "discuss and define, through substantive examination, issues relating to verification and compliance with a view to making further progress towards a nuclear test ban."³⁵

At the thirty-seventh session, the General Assembly adopted on 9 December three resolutions on the subject.

By resolution 37/85,³⁶ the Assembly, taking note of the "Basic provisions of a treaty on the complete and general prohibition of nuclear-weapon tests", urged the Committee on Disarmament to proceed promptly to practical negotiations with a view to elaborating a draft of the treaty. The Assembly furthermore called upon all the nuclear-weapon States, as a gesture of goodwill and with a view to creating more favourable conditions for the formulation of the treaty, not to conduct any nuclear explosions, starting from a date to be agreed among them and until the treaty was concluded, after the appropriate declarations had been made by them to that effect well in advance.

By resolution 37/72,³⁷ the Assembly urged all States that had not yet done so to adhere without delay to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water and, meanwhile, to refrain from testing in the environments covered by the Treaty and also urged the three original parties to the Treaty to abide strictly by the undertakings contained therein to seek "to achieve the discontinuance of all test explosions of nuclear weapons for all time" and "to continue negotiations to this end".

Finally, by resolution 37/73,³⁸ the Assembly reaffirmed its conviction that a treaty to achieve the prohibition of all nuclear-test explosions by all States for all time was a matter of the greatest urgency and highest priority, noted that the Committee on Disarmament had established an *Ad Hoc* Working Group under item 1 of its agenda, entitled "Nuclear test ban", and urged all members of the Committee on Disarmament, in particular the nuclear-weapon States, to co-operate with the Committee in fulfilling those tasks.

The inclusion of the additional item entitled "Immediate cessation and prohibition of nuclear-weapon tests" (resolution 37/85), in addition to the two items on the agenda pursuant to

previous resolutions on the subject, raised questions about the excessive number of resolutions dealing with a nuclear test-ban treaty and gave further evidence of the polarization of points of view regarding specific aspects of a test-ban agreement, i.e., verification and compliance and its modes and methods, participation and questions concerning peaceful nuclear explosions.

(v) *Nuclear-weapon-free zones*

In 1982, both at the second special session of the General Assembly on disarmament and at its subsequent regular session, the idea of establishing further nuclear weapon-free zones in various regions, along the lines of the one set up in Latin America, continued to receive support from a very large number of delegations. Nevertheless, in practical terms, it seemed unlikely that a new nuclear-weapon-free zone would soon emerge in any of the regions for which concrete proposals were before the Assembly, namely, Africa, the Middle East and South Asia. It was repeatedly stated in the debate and in explanations of vote that initiatives to establish such zones could be effective only if all the countries in the region concerned were to agree to the concept.

At its thirty-seventh session, the General Assembly had four items on the subject on its agenda: (a) Implementation of General Assembly resolution 36/83 of 9 December 1981 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco); (b) Implementation of the Declaration on the Denuclearization of Africa; (c) Establishment of a nuclear-weapon-free zone in the region of the Middle East; and (d) Establishment of a nuclear-weapon-free zone in South Asia. In the context of the zone in the Middle East, a separate item entitled "Israeli nuclear armament" was also considered. The following resolutions were adopted by the General Assembly on 9 December under the above-mentioned items.

By resolution 37/71 of 9 December 1982,³⁹ the Assembly, taking into account that within the zone of application of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) there were some territories which were in a position to receive the benefits deriving from the Treaty through its Additional Protocol I, to which the States that *de jure* or *de facto* were internationally responsible for those territories might become parties, regretted that the signature of Additional Protocol I by France had not yet been followed by the corresponding ratification and urged France not to delay any further such ratification.

By resolution 37/74 A of 9 December 1982,⁴⁰ the Assembly once again reiterated its call upon all States to consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone, condemned all forms of nuclear collaboration by any State, corporation, institution or individual with the racist régime of South Africa since such collaboration enabled it to frustrate, *inter alia*, the objective of the Declaration on the Denuclearization of Africa, and demanded that South Africa submit all its nuclear installations and facilities to inspection by the International Atomic Energy Agency.

By resolution 37/75 of 9 December 1982,⁴¹ the Assembly urged all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East, called upon all countries of the region that had not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards and invited those countries, also pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices.

By resolution 37/82 of 9 December 1982,⁴² the Assembly reaffirmed its demand that Israel renounce any possession of nuclear weapons and place all its nuclear activities under international safeguards, called again upon all States and other parties and institutions to terminate forthwith all nuclear collaboration with Israel and again requested the Security Council to investigate Israel's nuclear activities and the collaboration of other States, parties and institutions in those activities.

The related question of Israeli nuclear armament came up also in connection with the agenda item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security".⁴³

And, finally, by resolution 37/76 of 9 December 1982,⁴⁴ the Assembly once again urged the States of South Asia and such other neighbouring non-nuclear-weapon States as might be interested to continue to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and to refrain, in the meantime, from any action contrary to that objective.

(vi) *International co-operation in the peaceful uses of nuclear energy*

The Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy⁴⁵ held two substantive sessions in 1982 from 21 to 30 June and 27 October to 2 November. The Committee was unable to reach agreement on the draft provisional agenda of the Conference or on several other matters relating to its preparation.

During the deliberations of the General Assembly on the subject at its thirty-seventh session the general dichotomy of views between supplier and recipient countries as to whether the emphasis should be on non-proliferation or on technological dissemination continued to be in evidence and contributed to controversy over the texts of the relevant disarmament-related resolutions subsequently adopted by the Assembly.

By resolution 37/19 of 19 November 1982,⁴⁶ the Assembly urged all States to strive for effective and harmonious international co-operation in carrying out the work of the International Atomic Energy Agency and to implement strictly the mandate of its statute, in promoting the use of nuclear energy and the application of nuclear science and technology for peaceful purposes, in strengthening technical assistance and co-operation for developing countries and in ensuring the effectiveness of the Agency's safeguards system. It furthermore considered that Israel's threat to repeat its armed attack against nuclear facilities, as well as any other armed attack against such facilities, constituted, *inter alia*, a serious threat to the role and activities of IAEA in the development and further promotion of nuclear energy for peaceful purposes.

(d) *Prohibition or restriction of use of other weapons*

(i) *Chemical and bacteriological (biological) weapons*

With regard to the views expressed at the twelfth special session of the General Assembly on negotiations towards a chemical weapons treaty, the questions surrounding the elaboration of the new convention received the most attention and many specific proposals were made, some of them dealing with a ban on chemical weapons (e.g., a proposal by the USSR on basic provisions of the convention⁴⁷) or the questions of verification of such a ban (e.g., a document by the Federal Republic of Germany⁴⁸) and others with means of ensuring compliance with existing agreements and preventing controversy in that regard.⁴⁹ Furthermore, several other proposals dealing with disarmament on a comprehensive basis or with questions of verification and compliance in general⁵⁰ also included considerations regarding chemical weapons.

As no substantive consideration of those proposals was possible during the session, they were listed in annex II to the Concluding Document of the Twelfth Special Session of the General Assembly⁵¹ among the many items deserving further study to be submitted to the Assembly at its thirty-seventh session.

The Committee on Disarmament, for its part, continued, in accordance with its programme of work and in pursuance of General Assembly resolution 36/96 A and B of 9 December 1981,⁵² negotiations towards a multilateral instrument on the total prohibition of chemical

weapons. Most of the work in 1982 was conducted in meetings of the *Ad Hoc* Working Group on Chemical Weapons, which was re-established at the beginning of the year with a broadened mandate. The Committee on Disarmament was able to make only limited progress in the work towards the elaboration of a chemical weapons convention, mainly by achieving a further and welcome clarification of at times divergent viewpoints. On the other hand, little tangible progress was made towards a consensus solution of the long-standing and difficult problems in the Committee regarding the question of scope and verification of the future convention.

The difficulties surrounding the question continued to be evidenced in the General Assembly during its thirty-seventh session. Although all States once again agreed that efforts to achieve an international instrument banning chemical weapons should be pursued urgently, a number of them objected to having two overlapping resolutions, i.e., 37/98 A and B of 13 December,⁵³ on the same aspect of the question. While in both resolutions the General Assembly urged the Committee on Disarmament to intensify the negotiations on a chemical weapons convention, in resolution 37/98 A the Assembly furthermore called for the resumption of the bilateral Soviet-American negotiations on the prohibition of chemical weapons and reiterated its call to all States to refrain from any action that could impede negotiations on the prohibition of such weapons and specifically to refrain from the production and deployment of binary and other new types of chemical weapons and from stationing chemical weapons on the territory of other States.

Other differences of viewpoint arose regarding proposals on the relevant existing instruments—the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction—which reflected efforts by their sponsors to build confidence in the effectiveness of those instruments. By resolution 39/98 C,⁵⁴ the Assembly recommended that the States parties should hold a special conference as soon as possible to establish a flexible, objective and non-discriminatory procedure to deal with issues concerning compliance with the biological weapons Convention and by resolution 37/98 D,⁵⁵ the Assembly requested the Secretary-General to devise procedures for the timely and efficient investigation of information concerning activities that might constitute a violation of the 1925 Geneva Protocol or of the relevant rules of customary international law and to assemble and organize systematically documentation relating to the identification of signs and symptoms associated with the use of such agents as a means of facilitating such investigations and the medical treatment that might be required.

Similarly, serious differences were evidenced in the General Assembly about reports on the alleged use of chemical weapons and the significance of the second and final report to the Assembly of the Group of Experts established in 1981 to investigate those allegations.⁵⁶ By resolution 37/98 E,⁵⁷ the Assembly, taking note of the final conclusion of the Experts Group that while it could not state that the allegations had been proved it could nevertheless not disregard the circumstantial evidence suggestive of the possible use of some sort of toxic chemical substance in some instances, called anew for strict observance by all States of the principles and objectives of the 1925 Geneva Protocol and condemned all actions that were contrary to those objectives.

(ii) *New weapons of mass destruction*

The need to ban the development and manufacture of new weapons of mass destruction and new systems of such weapons received widespread recognition and support in 1982. The consideration of the subject, however, continued to reflect the deeply rooted differences between the two approaches to the question. The Eastern European and some non-aligned States stressed the necessity of a general agreement prohibiting the development and production of all new types of weapons of mass destruction, to be listed in an annex to such an agreement, which would also provide for the conclusion of separate agreements banning such weapons, while Western States continued to hold the view that it would be more appropriate to negotiate agreements to ban

potential new weapons of mass destruction only on a case-by-case basis as such weapons were identified.

In the Disarmament Committee, a proposal to establish a group of governmental experts on the question again failed to obtain consensus. Instead, the Committee held informal meetings, with the participation of qualified governmental experts. The Committee reported to the General Assembly at its thirty-seventh session that it considered that this practice had allowed the Committee to follow the question in an appropriate and adequate manner and had enabled it to identify any case which might require particular consideration and which would justify the opening of specific negotiations.⁵⁸

At its thirty-seventh session, the General Assembly, apart from the reassertion in resolution 37/77 A of 9 December 1982 of the established proposal emphasizing a comprehensive agreement and including a call for the States permanent members of the Security Council and other militarily significant States to make substantively identical declarations renouncing the creation of new weapons of mass destruction,⁵⁹ adopted also on 9 December 1982,⁶⁰ resolution 37/77 B, in which it called for new efforts to ensure that scientific and technical achievements might be used solely for peaceful purposes.

(iii) *Radiological weapons*

The ongoing work of the Committee on Disarmament on a radiological weapons treaty on the basis of the 1979 joint proposal of the Soviet Union and the United States⁶¹ had faced serious obstacles because of the divergent views which had emerged in the course of negotiations, in particular those concerning the Swedish proposal to include in the text of the future treaty the prohibition of military attacks against civilian nuclear facilities. To alleviate those difficulties, the General Assembly at its thirty-seventh session adopted resolution 37/99 C of 13 December 1982,⁶² by which it requested the Committee on Disarmament to continue negotiations with a view to an early conclusion of the elaboration of a treaty prohibiting the development, production, stockpiling and use of radiological weapons and to continue its search for a solution to the question of prohibition of military attacks on nuclear facilities.

(iv) *Prohibition of the stationing of weapons and prevention of an arms race in outer space*

The growing importance attached to the prevention of an arms race in outer space was reflected in the addition of a new item with that title to the 1982 agenda of the Committee on Disarmament. While there was widespread recognition of the need to ensure that any activity in outer space should be strictly for peaceful purposes, the questions of how best to tackle the overall subject gave rise to several different proposals suggesting various possible approaches and outlining the areas to which States felt priority should be given.⁶³ Consequently, the Committee was unable to reach consensus on the question of establishing a working group to begin negotiations on the item.

The importance of the subject was also reflected in the attention it received at the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82), held at Vienna from 9 to 21 August 1982. Especially significant was the extent to which concern was voiced with regard to the matter in the report of the Conference, particularly in its call for the competent organs of the United Nations to give "appropriate attention and high priority" to the matter.⁶⁴

In the General Assembly at its thirty-seventh session, as in the other disarmament forums during the year, the main focus of discussion was on whether work should concentrate on a general agreement to prevent an arms race in outer space in all its aspects, thus preserving it strictly for peaceful purposes, or whether it should emphasize, as a matter of priority, a verifiable agreement also prohibiting satellite systems as a step towards other agreements which would fulfil the objective of preventing an arms race in outer space. The result of this discussion was that for the second successive year the Assembly adopted two resolutions on the sub-

ject, namely resolutions 37/83⁶⁵ and 37/99 D⁶⁶ of 13 December which, while containing much common ground, reflected the two above-mentioned approaches, particularly in their respective requests to the Committee on Disarmament.

(e) Consideration of conventional disarmament and other approaches

(i) *Limitation of conventional armaments and the arms trade on a world-wide and regional basis*

Although the need for conventional disarmament was recognized, differences had long persisted on how that goal might be pursued. They concerned not only questions of approach but also questions of priority and emphasis relating to nuclear *vis-à-vis* conventional disarmament efforts. While proponents of conventional disarmament, among them several Western States and China, had called for equal emphasis on conventional and nuclear disarmament and for the two to be pursued simultaneously, several States, largely non-aligned and arms recipient, had cautioned against equating conventional disarmament with nuclear disarmament. They held that the greatest threat to mankind was posed by nuclear weapons and therefore nuclear disarmament should remain, as stated in the Final Document of the Tenth Special Session of the General Assembly,⁶⁷ the highest priority item in multilateral disarmament efforts. According to those States, conventional disarmament efforts, while important, must not undermine the agreed order of priorities. Furthermore, conventional disarmament should not be limited to restraining the acquisition and transfer of such weapons but should also aim at limiting their production, since in their view restraints without curbs on production would be prejudicial to the interests of recipient countries needing weapons for legitimate national security purposes, as well as those of peoples struggling for self-determination and freedom.

The Disarmament Commission's consideration of the conventional arms race and conventional disarmament in 1982 took place largely in the context of two agenda items, namely that covering the elaboration of a general approach to negotiations on nuclear and conventional disarmament and, more directly, the item entitled "Elaboration of the general approach to the study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, as well as its structure and scope, taking into account General Assembly resolution 36/97 A". Two working papers were submitted in connection with the Commission's discussion in 1982.⁶⁸ The Commission was able to reach agreement at the session on a consensus text on the "Guidelines for the study on conventional disarmament."⁶⁹

At the twelfth special session of the General Assembly, conventional disarmament was considered in the general debate⁷⁰ as well as under the items on the review of the implementation of the recommendations and decisions adopted at the first special session on disarmament, the comprehensive programme of disarmament and the Declaration of the 1980s of the Second Disarmament Decade. As on previous occasions, no State opposed the idea of limiting the buildup and transfer of conventional armaments, but difficulties such as differences over the modalities and measures for concrete action again caused a number of developing and recipient States to express reservations about, or to attach conditions to, the general question of reducing conventional weapons.

The question of the international arms trade, or transfers, continued to generate expressions of concern, especially over the increasing role of the developing countries, mainly as recipients, in that trade. Those countries had purchased 62 per cent of weapons sold world-wide during the period from 1974 to 1981.⁷¹

The approach to the subject that attracted the widest expressions of support was again the regional approach. It was commended by a large number of States from all socio-economic, political and geographical groupings and, in particular, by Western States. It was argued that, as most conflicts occurred at local or regional levels, States tended generally to base their military policies and plans largely on regional considerations. Effective regional arms restraint measures, therefore, could advance prospects for reducing world-wide tensions and for total disarmament. The question of conventional disarmament was also considered in connection

with the efforts by the special session to adopt a comprehensive programme of disarmament. The negotiations on the programme were based on a draft text⁷² submitted to the session by the Committee on Disarmament. Although the General Assembly was unable at the special session to adopt a document on the comprehensive programme of disarmament, it made some progress in its negotiations on the subject. The resultant draft texts are contained in annex I to the Concluding Document of the Twelfth Special Session.⁷³ References to conventional disarmament appear mainly in sections III (Principles), IV (Priorities) and V (Measures and stages of implementation).

The question of the limitation of conventional weapons did not appear as a separate item on the agenda of the thirty-seventh session of the General Assembly, but it was widely referred to, both in the general debate and in the Assembly of the First Committee. A common trend at the session, as at other recent sessions, was that the importance of conventional disarmament was increasingly acknowledged by a broad spectrum of Member States of all socio-economic, political and regional groupings.

In order to encourage concrete negotiations at the regional level and to establish a link between regional and global action on disarmament, resolution 37/100 F⁷⁴ on both nuclear and conventional disarmament, was adopted under the agenda item "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly". By that resolution, the Assembly expressed the hope that Governments would consult with each other on appropriate regional disarmament measures and encouraged them to consider the possible establishment or strengthening of regional institutional arrangements to promote the implementation of such measures.

Of particular relevance to the regulation of conventional armaments was the agenda item of the General Assembly entitled "United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects". By resolution 37/79 of 9 December 1982⁷⁵ on the item, the Assembly urged those States which had not yet done so to exert their best endeavours to become parties to the Convention and the Protocols annexed thereto, as early as possible, so as to obtain their entry into force and, ultimately, their universal adherence.

(ii) *Reduction of military budgets*

The United Nations had endeavoured since 1950 to deal with the question of limitation of military expenditures. In the Final Document of the 1978 special session⁷⁶ the General Assembly advocated the reduction of military budgets as well as further consideration of steps to be taken to facilitate this. Accordingly, the following year the Disarmament Commission included in its recommendations relating to the elements of a comprehensive programme of disarmament the item "Reduction of military expenditures".⁷⁷ The problems relating to the item were discussed in 1982 by the Disarmament Commission and by the General Assembly at both its special and regular sessions. While no delegation questioned the value of the goal of reducing military expenditures, no progress was made in narrowing down the differences in views between the Eastern European and the Western States on the practical implementation of such reductions. The developing countries, in particular, expressed regret at the squandering of resources on arms at a time when two thirds of humanity lived in hunger and poverty. Explicit statements on military budgets appeared in paragraphs 59 and 61 of the Concluding Document of the Twelfth Special Session of the General Assembly.⁷⁸

At its thirty-seventh session, the Assembly, by resolution 37/95 A of 13 December 1982,⁷⁸ urged all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, especially for the benefit of developing countries. It also requested the Disarmament Commission to continue, at its session to be held in 1983, the consideration of the item entitled "Reduction of military budgets" with a view to identifying and elaborating the principles that should govern further actions of States in freezing and reducing military expenditures, keeping

in mind the possibility of embodying such principles in a suitable document at an appropriate stage.

Moreover, by resolution 37/95 B, also of 13 December 1982,⁷⁹ The Assembly stressed the need to increase the number of reporting States with a view to the broadest possible participation from different geographic regions and representing different budgeting systems and also reiterated its recommendation that all Member States should report annually, by 30 April, to the Secretary-General, by using the reporting instrument, their military expenditures of the latest fiscal year for which data were available.

(iii) *Declaration of the Indian Ocean as a Zone of Peace*

The Declaration of the Indian Ocean as a Zone of Peace was adopted by the General Assembly on 16 December 1971 as resolution 2832 (XXVI). By that Declaration, the Indian Ocean, within limits to be determined, together with airspace above and the ocean floor subjacent thereto, was designated for all time as a zone of peace.

The following year, by its resolution 2992 (XXVII) of 15 December 1972, the General Assembly established the *Ad Hoc* Committee on the Indian Ocean.⁸⁰ In 1974, the Assembly requested the littoral and hinterland States of the Indian Ocean to enter into consultations with a view to convening a conference on the Indian Ocean. Since an agreement in principle on such a conference had emerged among those States and all invited States, the Assembly in 1977 requested the *Ad Hoc* Committee to make preparations for a meeting of the littoral and hinterland States as a step towards convening the expected conference. That Meeting in 1979 set out recommendations concerning the convening of a full conference on the Indian Ocean and included them in its report to the General Assembly.⁸¹ The *Ad Hoc* Committee, having been requested by the Assembly in its resolution 35/150 of 12 December 1980 to finalize all preparations for the Conference, was nevertheless unable to make definitive progress in the preparations for the Conference or to finalize the dates for its convening.

The discussion in 1982 in the *Ad Hoc* Committee on the Indian Ocean as well as in the General Assembly and other bodies reflected the unfavourable developments in the international situation and the continued adherence by Member States to two basically divergent positions with regard to the convening of the Conference on the Indian Ocean. Most delegations, including non-aligned and Eastern European States, held that the *Ad Hoc* Committee should proceed without delay to practical preparations for the Conference with a view to completing them for its opening in Colombo in 1983, as a necessary step in the implementation of the Declaration of the Indian Ocean as a Zone of Peace. On the other hand, the Western States concerned reiterated their position that the lack of real progress on the harmonization of views and the prevailing political and security climate in the region were not propitious for the convening of the Conference. However, by its resolution 37/96 of 13 December 1982,⁸² the Assembly requested the *Ad Hoc* Committee to continue its work on the necessary harmonization of views on the remaining issues related to the convening of the Conference and to make every effort to accomplish the necessary preparatory work for the Conference.

2. OTHER POLITICAL AND SECURITY QUESTIONS

(a) Development and strengthening of good-neighbourliness between States

In its resolution 37/117 of 16 December 1982,⁸² adopted upon the recommendation of the First Committee,⁸³ the General Assembly deemed it appropriate, taking into account the report of the Secretary-General concerning good-neighbourliness⁸⁴ together with other ideas and proposals which might be submitted subsequently by Member States, to clarify the elements of good-neighbourliness as part of a process of elaborating, at an appropriate time, a suitable international document on the subject.

**(b) Implementation of the Declaration on the Strengthening
of International Security⁸⁵**

In its resolution 37/118 of 16 December 1982,⁸⁶ adopted upon the recommendation of the First Committee,⁸⁷ the General Assembly called upon all States to contribute effectively to the implementation of the Declaration on the Strengthening of International Security; also called upon all States, in particular nuclear-weapon States and other militarily significant States, to take immediate steps aimed at promoting the system of collective security as envisaged in the Charter together with measures for the effective halting of the arms race and for the achievement of general and complete disarmament under effective international control; requested once again the Security Council to consider ways and means to ensure the implementation of the relevant provisions of the resolution as well as to examine all existing mechanisms and to propose new ones aimed at enhancing the authority and enforcement capacity of the Council in accordance with the Charter, and to explore also the possibility of holding periodic meetings of the Council, in conformity with Article 28 of the Charter, at the ministerial or higher level in specific cases, so as to enable it to play a more active role in preventing potential conflicts; reiterated the need for the Security Council, in particular its permanent members, to ensure the effective implementation of its decisions in compliance with the relevant provisions of the Charter; called upon all States participating in the Conference on Security and Co-operation in Europe, at Madrid, to take all possible measures and exert every effort in order to ensure substantial and balanced results of that meeting in the implementation of the principles and goals established by the Final Act of the Conference signed at Helsinki on 1 August 1975, as well as the continuity of the multilateral process initiated by the Conference, which had great significance for the strengthening of peace and security in Europe and in the world; and considered that the security of the Mediterranean and the security of the adjacent regions were interdependent and that further efforts were necessary for the creation of conditions of security and fruitful co-operation in all fields for all countries and peoples of the Mediterranean.

**(c) Implementation of the collective security provisions of the Charter of the
United Nations for the maintenance of international peace and security**

In its resolution 37/119 of 16 December 1982,⁸⁸ adopted upon the recommendation of the First Committee,⁸⁹ the General Assembly requested the Security Council as a matter of high priority to study the question of implementation of the collective security provisions of the Charter of the United Nations, with a view to strengthening international peace and security, and to report to the General Assembly at its thirty-eighth session.

(d) Legal aspects of the peaceful uses of outer space

The Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space held its twenty-first session from 1 to 19 February 1982 at Geneva.⁹⁰ It continued on a priority basis its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles. The Sub-Committee's Working Group on remote sensing had carried out a principle-by-principle reading of the draft principles as formulated at that time with special attention being paid to the discussion of principles XII (access of a sensed State to primary data obtained by remote sensing) and XV (dissemination or disposing of data or information on natural resources obtained by remote sensing). A number of issues remained to be agreed upon before the draft principles could be finalized.

The Sub-Committee re-established its Working Group on the agenda item concerning consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space. The Working Group had before it the report of the Legal Sub-Committee on its twentieth session in 1981;⁹¹ the report of the Scientific and Techni-

cal Sub-Committee on its eighteenth session in 1981, which contained in its annex II the report of its Working Group on the use of nuclear power sources in outer space;⁹² and the report of the Scientific and Technical Sub-Committee on the work of its nineteenth session in 1982.⁹³

The Working Group agreed that in considering this agenda item it should begin with the discussion of assistance to States affected by the accidental re-entry of a space object with a nuclear power source on board, as it seemed most likely that the Working Group would make progress under that heading. The question was considered taking into account several working papers submitted by delegations⁹⁴ as well as various views expressed by them.

The Sub-Committee continued to consider the matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, *inter alia*, questions relating to the geostationary orbit. The Sub-Committee noted that the subject had been considered in chapter VI of the report of the Scientific and Technical Sub-Committee.⁹⁵ The Sub-Committee also had before it two working papers submitted to it at its eighteenth session and to the Committee on the Peaceful Uses of Outer Space at its twenty-second session by the delegation of the USSR.⁹⁶ Some delegations referred to resolution 3 of the 1979 World Administrative Radio Conference of ITU which, *inter alia*, stated that "attention should be given to relevant technical aspects concerning the special geographical situation of particular countries."

The Committee on the Peaceful Uses of Outer Space at its twenty-fifth session, held at United Nations Headquarters from 22 March to 1 April 1982, took note with appreciation of the report of the Legal Sub-Committee on the work of its twenty-first session and made a recommendation as to the work to be done by the Sub-Committee at its twenty-second session in 1983. At the same session the Committee also dealt with an agenda item concerning the elaboration of a draft set of principles governing the use by States of artificial earth satellites for direct television broadcasting. The Committee established an informal working group to consider the matter. The Working Group decided to consider the principle "Consultation and agreements between States" and to concentrate on paragraph 2 of that principle. Informal suggestions regarding the paragraph were discussed but no agreement was reached.

At its thirty-seventh session, by its resolution 37/89 of 10 December 1982,⁹⁷ adopted on the recommendation of the Special Political Committee,⁹⁸ the General Assembly endorsed the recommendations of the Committee on the Peaceful Uses of Outer Space concerning the future work of its Legal Sub-Committee and invited States that had not yet become parties to the international treaties governing the use of outer space⁹⁹ to give consideration to ratifying or acceding to those treaties.

By its resolution 37/90 of 10 December 1982,¹⁰⁰ adopted on the recommendation of the Special Political Committee,¹⁰¹ the General Assembly, taking note of the report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space,¹⁰² endorsed the recommendations pertaining to international co-operation in the exploration and peaceful uses of outer space, as contained in the report of the Conference.¹⁰³

Furthermore, by its resolution 37/92 of 10 December 1982,¹⁰⁴ adopted also on the recommendation of the Special Political Committee,¹⁰⁵ the General Assembly adopted the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting. The text of the Principles is reproduced below.

Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting

A. PURPOSES AND OBJECTIVES

1. Activities in the field of international direct television broadcasting by satellite should be carried out in a manner compatible with the sovereign rights of States, including the principle of non-intervention, as well as with the right of everyone to seek, receive and impart information and ideas as enshrined in the relevant United Nations instruments.

2. Such activities should promote the free dissemination and mutual exchange of information and knowledge in cultural and scientific fields, assist in educational, social and economic development, particularly in the developing countries, enhance the qualities of life of all peoples and provide recreation with due respect to the political and cultural integrity of States.

3. These activities should accordingly be carried out in a manner compatible with the development of mutual understanding and the strengthening of friendly relations and co-operation among all States and peoples in the interest of maintaining international peace and security.

B. APPLICABILITY OF INTERNATIONAL LAW

4. Activities in the field of international direct television broadcasting by satellite should be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,¹⁹ of 27 January 1967, the relevant provisions of the International Telecommunication Convention and its Radio Regulations and of international instruments relating to friendly relations and co-operation among States and to human rights.

C. RIGHTS AND BENEFITS

5. Every State has an equal right to conduct activities in the field of international direct television broadcasting by satellite and to authorize such activities by persons and entities under its jurisdiction. All States and peoples are entitled to and should enjoy the benefits from such activities. Access to the technology in this field should be available to all States without discrimination on terms mutually agreed by all concerned.

D. INTERNATIONAL CO-OPERATION

6. Activities in the field of international direct television broadcasting by satellite should be based upon and encourage international co-operation. Such co-operation should be the subject of appropriate arrangements. Special consideration should be given to the needs of the developing countries in the use of international direct television broadcasting by satellite for the purpose of accelerating their national development.

E. PEACEFUL SETTLEMENT OF DISPUTES

7. Any international dispute that may arise from activities covered by these principles should be settled through established procedures for the peaceful settlement of disputes agreed upon by the parties to the dispute in accordance with the provisions of the Charter of the United Nations.

F. STATE RESPONSIBILITY

8. States should bear international responsibility for activities in the field of international direct television broadcasting by satellite carried out by them or under their jurisdiction and for the conformity of any such activities with the principles set forth in this document.

9. When international direct television broadcasting by satellite is carried out by an international intergovernmental organization, the responsibility referred to in paragraph 8 above should be borne both by that organization and by the States participating in it.

G. DUTY AND RIGHT TO CONSULT

10. Any broadcasting or receiving State within an international direct television broadcasting satellite service established between them requested to do so by any other broadcasting or receiving State within the same service should promptly enter into consultations with the requesting State regarding its activities in the field of international direct television broadcasting by satellite, without prejudice to other consultations which these States may undertake with any other State on that subject.

H. COPYRIGHT AND NEIGHBOURING RIGHTS

11. Without prejudice to the relevant provisions of international law, States should co-operate on a bilateral and multilateral basis for protection of copyright and neighbouring rights by means of appropriate agreements between the interested States or the competent legal entities acting under their jurisdiction. In such co-operation they should give special consideration to the interests of developing countries in the use of direct television broadcasting for the purpose of accelerating their national development.

I. NOTIFICATION TO THE UNITED NATIONS

12. In order to promote international co-operation in the peaceful exploration and use of outer space, States conducting or authorizing activities in the field of international direct television broadcasting by satellite should inform the Secretary-General of the United Nations, to the greatest extent possible, of the nature of such activities. On receiving this information, the Secretary-General should disseminate it immediately and effectively to the relevant specialized agencies, as well as to the public and the international scientific community.

J. CONSULTATIONS AND AGREEMENTS BETWEEN STATES

13. A State which intends to establish or authorize the establishment of an international direct television broadcasting satellite service shall without delay notify the proposed receiving State or States of such intention and shall promptly enter into consultation with any of those States which so requests.

14. An international direct television broadcasting satellite service shall only be established after the conditions set forth in paragraph 13 above have been met and on the basis of agreements and/or arrangements in conformity with the relevant instruments of the International Telecommunication Union and in accordance with these principles.

15. With respect to the unavoidable overspill of the radiation of the satellite signal, the relevant instruments of the International Telecommunication Union shall be exclusively applicable.

3. ECONOMIC, SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

(a) Environmental questions

(i) *Session of a special character of the Governing Council of the United Nations Environment Programme*¹⁰⁶

The Governing Council of the United Nations Environment Programme met for its special session at UNEP headquarters, Nairobi, from 10 to 18 May 1982. It was convened in accordance with General Assembly resolutions 35/74 of 5 December 1980 and 36/189 of 17 December 1981 to commemorate the tenth anniversary of the United Nations Conference on the Human Environment (Stockholm, June 1972). At the outset of the general debate, delegations agreed that the session should provide a forum for evaluating the environmental situation in the light of changing circumstances; determining the issues requiring urgent attention and vigorous action; and, in the "spirit of Nairobi", undertaking renewed efforts to ensure that the earth was maintained as a suitable place for human life for present and future generations. It was suggested that the principles of the Stockholm Declaration¹⁰⁷ might be considered as a "code of environmental conduct" for the present and for the future. Delegations expressed their continuing support for the Declaration and the Plan of Action¹⁰⁸ as valid expressions of the international community's common will to deal with environmental problems in a co-operative manner. Among activities frequently mentioned by delegations as deserving special attention from UNEP in the coming decade was the progressive development of environmental law in line with the conclusions and recommendations of the *Ad Hoc Meeting of Senior Government Officials Expert in Environmental Law*.¹⁰⁹

By its resolution I of 18 May 1982, "The environment in 1982: retrospect and prospect",¹¹⁰ the Governing Council expressed its conviction that the principles of the Declaration of the United Nations Conference on the Human Environment were as valid at the time as they were in 1972, and, together with the principles adopted at Nairobi at the session of a special character, provided basic guidance for effective and sustained environmental progress. The Governing Council adopted also on 18 May 1982 the Nairobi Declaration,¹¹⁰ the text of which reads as follows:

NAIROBI DECLARATION

The world community of States, assembled in Nairobi from 10 to 18 May 1982 to commemorate the tenth anniversary of the United Nations Conference on the Human Environment, held in Stockholm, having reviewed the measures taken to implement the Declaration and Action Plan adopted at that Conference, solemnly requests Governments and peoples to build on the progress so far achieved, but expresses its serious concern about the present state of the environment world-wide, and recognizes the urgent necessity of intensifying the efforts at the global, regional and national levels to protect and improve it.

1. The Stockholm Conference was a powerful force in increasing public awareness and understanding of the fragility of the human environment. The years since then have witnessed significant progress in environmental sciences; education, information dissemination and training have expanded considerably; in nearly all countries, environmental legislation has been adopted, and a significant number of countries have incorporated within their constitutions provisions for the protection of the environment. Apart from the United Nations Environment Programme, additional governmental and non-governmental organizations have been established at all levels, and a number of important international agreements in respect of environmental co-operation have been concluded. The principles of the Stockholm Declaration are as valid today as they were in 1972. They provide a basic code of environmental conduct for the years to come.

2. However, the Action Plan has only been partially implemented, and the results cannot be considered as satisfactory, due mainly to inadequate foresight and understanding of the long-term benefits of environmental protection, to inadequate co-ordination of approaches and efforts, and to unavailability and inequitable distribution of resources. For these reasons, the Action Plan has not had sufficient impact on the international community as a whole. Some uncontrolled or unplanned activities of man have increasingly caused environmental deterioration. Deforestation, soil and water degradation and desertification are reaching alarming proportions, and seriously endanger the living conditions in large parts of the world. Diseases associated with adverse environmental conditions continue to cause human misery. Changes in the atmosphere—such as those in the ozone layer, the increasing concentration of carbon dioxide and acid rain—pollution of the seas and inland waters, careless use and disposal of hazardous substances and the extinction of animal and plant species constitute further grave threats to the human environment.

3. During the last decade, new perceptions have emerged: the need for environmental management and assessment, the intimate and complex interrelationship between environment, development, population and resources and the strain on the environment generated, particularly in urban areas, by increasing population have become widely recognized. A comprehensive and regionally integrated approach that emphasizes this interrelationship can lead to environmentally sound and sustainable socio-economic development.

4. Threats to the environment are aggravated by poverty as well as by wasteful consumption patterns: both can lead people to over-exploit their environment. The International Development Strategy for the Third United Nations Development Decade and the establishment of a new international economic order are thus among the major instruments in the global effort to reverse environmental degradation. Combination of market and planning mechanisms can also favour sound development and rational environmental and resource management.

5. The human environment would greatly benefit from an international atmosphere of peace and security, free from the threats of any war, especially nuclear war, and the waste of intellectual and natural resources on armaments, as well as from *apartheid*, racial segregation and all forms of discrimination, colonial and other forms of oppression and foreign domination.

6. Many environmental problems transcend national boundaries and should, when appropriate, be resolved for the benefit of all through consultations amongst States and concerted international action. Thus, States should promote the progressive development of environmental law, including conventions and agreements, and expand co-operation in scientific research and environmental management.

7. Environmental deficiencies generated by conditions of underdevelopment, including external factors beyond the control of the countries concerned, pose grave problems which can be combated by a more

equitable distribution of technical and economic resources within and among States. Developed countries, and other countries in a position to do so, should assist developing countries affected by environmental disruption in their domestic efforts to deal with their most serious environmental problems. Utilization of appropriate technologies, particularly from other developing countries, could make economic and social progress compatible with conservation of natural resources.

8. Further efforts are needed to develop environmentally sound management and methods for the exploitation and utilization of natural resources and to modernize traditional pastoral systems. Particular attention should be paid to the role of technical innovation in promoting resource substitution, recycling and conservation. The rapid depletion of traditional and conventional energy sources poses new and demanding challenges for the effective management and conservation of energy and the environment. Rational energy planning among nations or groups of nations could be beneficial. Measures such as the development of new and renewable sources of energy will have a highly beneficial impact on the environment.

9. Prevention of damage to the environment is preferable to the burdensome and expensive repair of damage already done. Preventive action should include proper planning of all activities that have an impact on the environment. It is also important to increase public and political awareness of the importance of the environment through information, education and training. Responsible individual behaviour and involvement are essential in furthering the cause of the environment. Non-governmental organizations have a particularly important and often inspirational role to play in this sphere. All enterprises, including multinational corporations, should take account of their environmental responsibilities when adopting industrial production methods or technologies, or when exporting them to other countries. Timely and adequate legislative action is important in this regard.

10. The world community of States solemnly reaffirms its commitment to the Stockholm Declaration and Action Plan, as well as to the further strengthening and expansion of national efforts and international co-operation in the field of environmental protection. It also reaffirms its support for strengthening the United Nations Environment Programme as the major catalytic instrument for global environmental co-operation, and calls for increased resources to be made available, in particular through the Environment Fund, to address the problems of the environment. It urges all Governments and peoples of the world to discharge their historical responsibility, collectively and individually, to ensure that our small planet is passed over to future generations in a condition which guarantees a life in human dignity for all.

(ii) Tenth session of the Governing Council of the United Nations Environment Programme

The tenth session of the Governing Council was held at UNEP headquarters, Nairobi, from 20 to 31 May 1982.

It was agreed that, since the session had been immediately preceded by the Council's session of a special character, there should be no general debate. The Governing Council adopted a number of decisions dealing with legal matters, brief summaries of which are produced below.

By its decision 10/14 of 31 May 1982 on programme matters,¹¹¹ the Governing Council, in section VI, "Environmental law", recommended to the General Assembly that it reiterate the terms of General Assembly resolution 34/186 as a whole, including its requests to all States to use the principles on the conservation and harmonious utilization of natural resources shared by two or more States¹¹² as guidelines and recommendations in the formulation of bilateral and multilateral agreements regarding such resources, took note of the report of the Executive Director on international conventions and protocols in the field of the environment¹¹³ and authorized him to transmit it, together with fifth supplement to the register of those conventions and protocols,¹¹⁴ to the General Assembly at its thirty-seventh session in accordance with resolution 3436 (XXX) and proposed to the General Assembly that it recommend to States that they consider the guidelines contained in the conclusions of the study of the legal aspects concerning the environment related to offshore mining and drilling within the limits of national jurisdiction made by the Working Group of Experts on Environmental Law¹¹⁵ when formulating relevant national legislation or undertaking negotiations for the conclusion of international agreements.

By its decision 10/17 of 31 May 1982 on protection of the ozone layer,¹¹⁶ the Governing Council commended the valuable efforts of the *Ad hoc* Working Group of Legal and Technical

Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer in initiating the work aimed at the elaboration of such a convention for the purpose of preventing adverse effects on man, life and the environment; approved the recommendations of the *Ad Hoc* Working Group for its future work; and urged all Governments and other interested parties to support actively the work of the *Ad Hoc* Working Group.

By its decision 10/20 of 31 May 1982 on expansion and implementation of the regional seas program,¹¹⁶ the Governing Council, *inter alia*, recalling recommendations of the United Nations Conference on the Human Environment 32 and 33 on mammals, 46 to 48 on international co-operation in the field of living marine resources and 86 to 91 on the monitoring and study of marine pollution, its effects and appropriate remedies,¹¹⁷ urged all member States to give fullest support to the adoption and ratification of relevant conventions and protocols for the protection and development of the regional marine environment and coastal areas.

By its decision 10/21 of 31 May 1982 on environmental law,¹¹⁸ the Governing Council, noting with approval the report of the *Ad Hoc* Meeting of Senior Government Official Experts in Environmental Law, held at Montevideo from 28 October to 6 November 1981,¹¹⁹ endorsed the conclusions and recommendations of Montevideo;¹²⁰ adopted the programme for the development and periodic review of environmental law;¹²¹ requested the Executive Director to take, in consultation with Governments and international organizations concerned, all appropriate steps for the early implementation of the specific recommendations for initial action,¹²² and to actively promote, particularly in co-operation and collaboration with the specialized agencies and other parts of the United Nations system within the context of the system-wide medium-term environmental programme, the appropriate implementation of the programme; called upon Governments and international organizations concerned to co-operate in and support the implementation of the programme; and further called upon United Nations organizations and bodies, and intergovernmental organizations outside the United Nations system, as well as non-governmental organizations active in the field of environmental law to co-operate fully with the United Nations Environment Programme in the implementation of the programme.

Furthermore, by its decision 10/24 of 31 May 1982 on follow-up to the *Ad Hoc* Meeting of Senior Government Officials Expert in Environmental Law,¹²³ the Governing Council, *inter alia*, recalling the report of the *Ad Hoc* Meeting,¹²⁴ authorized the Executive Director to convene, in 1983/1984, after consultations with Governments and the international agencies concerned regarding their preparation, three meetings of government experts to consider guidelines or principles on: (a) marine pollution from land-based sources; (b) environmentally sound transport, handling (including storage) and disposal of toxic and dangerous wastes; and (c) the exchange of information relating to trade in and use and handling of potentially harmful chemicals in particular pesticides.

(iii) *Consideration by the General Assembly*

At its thirty-seventh session, the General Assembly had before it the report of the Governing Council of the United Nations Environment Programme on its session of a special character and its tenth session.¹²⁵ By its resolution 37/219 of 20 December 1982,¹²⁶ adopted on the recommendation of the Second Committee,¹²⁷ the General Assembly recognized that the session of a special character had represented a unique opportunity for Governments to re-emphasize their continued commitment and support to the cause of the environment and the United Nations Environment Programme; endorsed the Nairobi Declaration¹²⁸ in which the world community, *inter alia*, had reaffirmed its commitment to the Declaration of the United Nations Conference on the Human Environment¹⁰⁶ and the Action Plan for the Human Environment¹⁰⁷ adopted at Stockholm, as well as its support for strengthening the United Nations Environment Programme as the major catalytic instrument for global environmental co-operation, and urged all Governments and peoples of the world to discharge their historical responsibility to ensure that the planet Earth was passed over to future generations in a condition that guaranteed a life in human dignity for all; and further endorsed the assessment by the UNEP Governing Council at its session of a special character of the major achievements and failures in the implementa-

tion of the Action Plan for the Human Environment; the identification at the session of the perceptions of environmental issues that had evolved over the past decade and the major environmental trends, potential problems and priorities for action by the United Nations system during the period 1982-1992; the basic orientation of UNEP for 1982-1992 as recommended by the Governing Council at the session; as well as the conclusions reached at the session with respect to the institutional arrangements for the United Nations Environment Programme.

Furthermore, by its resolution 37/217 of 20 December 1982,¹²⁹ adopted on the recommendation of the Second Committee,¹³⁰ the General Assembly had welcomed Governing Council decision 10/13 by which the Council had approved the structure and objectives of the system-wide medium-term environment programme¹³¹ and had taken note of its general content; welcomed the adoption by the Governing Council, in its decision 10/21, of the programme for the development and periodic review of environmental law¹³² and the measures to be taken for the early effective implementation of that programme, took note of Governing Council decision 10/14 and in that context took note of the progress report on co-operation in the field of the environment concerning natural resources shared by two or more States,¹³³ and reiterated the terms of its resolution 34/186 as a whole; and took note of the conclusions of the study of the legal aspects concerning the environment related to offshore mining and drilling within the limits of national jurisdiction¹³⁴ made by the Working Group of Experts on Environmental Law and recommended that Governments should consider the guidelines contained in the conclusions when formulating national legislation or undertaking negotiations for the conclusion of international agreements for the prevention of pollution of the marine environment caused by offshore mining and drilling within the limits of national jurisdiction.

(iv) *World Charter for Nature*

By its resolution 37/7 of 28 October 1982,¹³⁵ the General Assembly, having considered the report of the Secretary-General on the revised draft World Charter for Nature¹³⁶ as well as his supplementary report,¹³⁷ adopted and solemnly proclaimed the World Charter for Nature. The text of the Charter reads as follows:

WORLD CHARTER FOR NATURE

The General Assembly,

Reaffirming the fundamental purposes of the United Nations, in particular the maintenance of international peace and security, the development of friendly relations among nations and the achievement of international co-operation in solving international problems of an economic, social, cultural, technical, intellectual or humanitarian character,

Aware that:

(a) Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients,

(b) Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation,

Convinced that:

(a) Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action,

(b) Man can alter nature and exhaust natural resources by his action or its consequences and, therefore, must fully recognize the urgency of maintaining the stability and quality of nature and of conserving natural resources,

Persuaded that:

(a) Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man,

(b) The degradation of natural systems owing to excessive consumption and misuse of natural resources, as well as to failure to establish an appropriate economic order among peoples and among States, leads to the breakdown of the economic, social and political framework of civilization,

(c) Competition for scarce resources creates conflicts, whereas the conservation of nature and natural resources contributes to justice and the maintenance of peace and cannot be achieved until mankind learns to live in peace and to forsake war and armaments,

Reaffirming that man must acquire the knowledge to maintain and enhance his ability to use natural resources in a manner which ensures the preservation of the species and ecosystems for the benefit of present and future generations,

Firmly convinced of the need for appropriate measures, at the national and international, individual and collective, and private and public levels, to protect nature and promote international co-operation in this field,

Adopts, to these ends, the present World Charter for Nature, which proclaims the following principles of conservation by which all human conduct affecting nature is to be guided and judged.

I. GENERAL PRINCIPLES

1. Nature shall be respected and its essential processes shall not be impaired.
2. The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded.
3. All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.
4. Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist.
5. Nature shall be secured against degradation caused by warfare or other hostile activities.

II. FUNCTIONS

6. In the decision-making process it shall be recognized that man's needs can be met only by ensuring the proper functioning of natural systems and by respecting the principles set forth in the present Charter.
7. In the planning and implementation of social and economic development activities, due account shall be taken of the fact that the conservation of nature is an integral part of those activities.
8. In formulating long-term plans for economic development, population growth and the improvement of standards of living, due account shall be taken of the long-term capacity of natural systems to ensure the subsistence and settlement of the populations concerned, recognizing that this capacity may be enhanced through science and technology.
9. The allocation of areas of the earth to various uses shall be planned and due account shall be taken of the physical constraints, the biological productivity and diversity and the natural beauty of the areas concerned.
10. Natural resources shall not be wasted, but used with a restraint appropriate to the principles set forth in the present Charter, in accordance with the following rules:
 - (a) Living resources shall not be utilized in excess of their natural capacity for regeneration;
 - (b) The productivity of soils shall be maintained or enhanced through measures which safeguard their long-term fertility and the process of organic decomposition, and prevent erosion and all other forms of degradation;
 - (c) Resources, including water, which are not consumed as they are used shall be reused or recycled;
 - (d) Non-renewable resources which are consumed as they are used shall be exploited with restraint, taking into account their abundance, the rational possibilities of converting them for consumption, and the compatibility of their exploitation with the functioning of natural systems.
11. Activities which might have an impact on nature shall be controlled, and the best available technologies that minimize significant risks to nature or other adverse effects shall be used; in particular:
 - (a) Activities which are likely to cause irreversible damage to nature shall be avoided;
 - (b) Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed;

(c) Activities which may disturb nature shall be preceded by assessment of their consequences, and environmental impact studies of development projects shall be conducted sufficiently in advance, and if they are to be undertaken, such activities shall be planned and carried out so as to minimize potential adverse effects;

(d) Agriculture, grazing, forestry and fisheries practices shall be adapted to the natural characteristics and constraints of given areas;

(e) Areas degraded by human activities shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations.

12. Discharge of pollutants into natural systems shall be avoided and:

(a) Where this is not feasible, such pollutants shall be treated at the source using the best practicable means available;

(b) Special precautions shall be taken to prevent discharge of radioactive or toxic wastes.

13. Measures intended to prevent, control or limit natural disasters, infestations and diseases shall be specifically directed to the causes of these scourges and shall avoid adverse side-effects on nature.

III. IMPLEMENTATION

14. The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as at the international level.

15. Knowledge of nature shall be broadly disseminated by all possible means, particularly by ecological education as an integral part of general education.

16. All planning shall include, among its essential elements, the formulation of strategies for the conservation of nature, the establishment of inventories of ecosystems and assessments of the effects on nature of proposed policies and activities; all of these elements shall be disclosed to the public by appropriate means in time to permit effective consultation and participation.

17. Funds, programmes and administrative structures necessary to achieve the objective of the conservation of nature shall be provided.

18. Constant efforts shall be made to increase knowledge of nature by scientific research and to disseminate such knowledge unimpeded by restrictions of any kind.

19. The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods.

20. Military activities damaging to nature shall be avoided.

21. States and, to the extent they are able, other public authorities, international organizations, individuals, groups and corporations shall:

(a) Co-operate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultations;

(b) Establish standards for products and manufacturing processes that may have adverse effects on nature, as well as agreed methodologies for assessing these effects;

(c) Implement the applicable international legal provisions for the conservation of nature and the protection of the environment;

(d) Ensure that activities within their jurisdictions or control do not cause damage to the natural systems located within other States or in the areas beyond the limits of national jurisdiction;

(e) Safeguard and conserve nature in areas beyond national jurisdiction.

22. Taking fully into account the sovereignty of States over their natural resources, each State shall give effect to the provisions of the present Charter through its competent organs and in co-operation with other States.

23. All persons, in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress when their environment has suffered damage or degradation.

24. Each person has a duty to act in accordance with the provisions of the present Charter; acting individually, in association with others or through participation in the political process, each person shall strive to ensure that the objectives and requirements of the present Charter are met.

(b) International code of conduct on the transfer of technology

By its resolution 37/210 of 20 December 1982,¹³⁸ adopted on the recommendation of the Second Committee,¹³⁹ the General Assembly invited the Secretary-General of the United Nations Conference on an International Code of Conduct on the Transfer of Technology to undertake all the necessary work, including the identification of negotiating parameters, and the preparation of appropriate recommendations on all the issues outstanding in the draft code for submission to all members of the United Nations Conference on Trade and Development at least six weeks before the fifth session of the United Nations Conference on the International Code of Conduct on the Transfer of Technology.

(c) Office of the United Nations High Commissioner for Refugees¹⁴⁰

During the reporting period, the Office of the United Nations High Commissioner for Refugees pursued the search for appropriate and durable solutions to the problems of refugees. At the same time, new arrivals in Africa, Central America, Asia and Europe required emergency relief and enlarged many existing refugee populations. Special attention was given by the international community to the situation of refugees in Africa; while there were promising results in some areas, continued vigilance and intensified action were required elsewhere. In South-East Asia, the resettlement of massive numbers of Indo-Chinese through the concerted efforts of resettlement countries, UNHCR and voluntary agencies has significantly reduced the overall case-load, although an important number still remain in need of durable solutions. Elsewhere in Asia, the situation of Afghan refugees in Pakistan continued to give rise to serious concern and to require a substantial amount of assistance. In Central America, the refugee situation remained tense and volatile, requiring increased UNHCR presence and action. New outflows of refugees in Europe called for involvement by the Office on a slightly larger scale than usual on that continent. Against the background of such serious developments in various parts of the world, the High Commissioner welcomed several important instances of voluntary repatriation, with encouraging signs that this would continue.

While some of these developments had certainly been positive, the more general context contained elements which necessarily gave rise to concern. There were indications that Governments in different areas of the world were adopting an increasingly restrictive approach in granting durable asylum and in identifying persons to be regarded as refugees of concern to the international community. This restrictive approach might be due to the continuing arrival of substantial numbers of asylum-seekers, leading in certain countries to a wave of public hostility against asylum-seekers in general. Moreover, the economic recession in a number of countries had encouraged the view that all aliens—including refugees—were potential competitors for limited or decreasing economic opportunities. This in turn had resulted in an identification of refugees with ordinary aliens, thereby overlooking their special situation.

In line with these developments, increasing attention was being paid in many quarters to the causes of refugee situations and to problems connected with large-scale influxes. In this specific context it was, however, of the utmost importance to ensure that the fundamental principles of international protection, defined in international instruments and in the legislation of many countries, should not in any way be weakened, endangered or called into question. This applied in particular to the principles relating to asylum and *non-refoulement*. With reference to the basic international refugee instruments, it should be noted that during 1982 two more States became parties to the 1951 Convention relating to the Status of Refugees and three more States became parties to the 1967 Protocol relating to the Status of Refugees.

During the reporting period, as in previous years, increased emphasis was given to the promotion, advancement and dissemination of principles of protection and of refugee law, including efforts to promote the teaching of international protection as a separate branch of international law. A landmark event in this regard was the Symposium on the Promotion,

Dissemination and Teaching of Fundamental Human Rights of Refugees which was held at Tokyo in December 1981 under the joint auspices of UNESCO, UNHCR and UNU. The Symposium, *inter alia*, considered the ways in which research into and the teaching of refugee law could be fostered both within institutions of higher learning and the public at large.

At its thirty-third session, held at Geneva from 11 to 20 October 1982, the Executive Committee of the Programme of the United Nations High Commissioner for Refugees considered the question of international protection of refugees and adopted a number of conclusions on the subject. The Committee, *inter alia*, reiterated the fundamental importance of international protection as a primary task entrusted to the High Commissioner under the statute of his Office; reaffirmed the importance of the basic principles of international protection and, in particular, the principle of *non-refoulement*, which was progressively acquiring the character of a peremptory rule of international law; expressed concern that the problems arising in the field of international protection had increased in seriousness since the Committee's thirty-second session and that the basic rights of refugees and asylum-seekers had been violated in different areas of the world, *inter alia*, through military attacks on refugee camps and settlements, acts of piracy and the forcible return of refugees and asylum-seekers to their countries of origin; noted with satisfaction the continuing progress as regards further accessions to the 1951 Convention relating to the Status of Refugees¹⁴¹ and the 1967 Protocol thereto,¹⁴² and welcomed accession to those basic international refugee instruments by Japan, Bolivia and China; expressed the hope that further States would accede to the Convention and Protocol and to the other international instruments defining the basic rights of refugees at the universal and the regional levels; welcomed the increasingly broad acceptance of the principles of international protection on the part of Governments and the efforts undertaken by the High Commissioner to promote a wider understanding of international refugee law and urged the continued development and elaboration of refugee law in response to the new and changing humanitarian and other problems of refugees and asylum-seekers; welcomed the High Commissioner's initiative to organize courses of lectures on refugee law in co-operation with the International Institute of Humanitarian Law at San Remo, Italy; reiterated the fundamental character of the obligation to rescue asylum-seekers in distress at sea; and stressed the importance for coastal States, flag States, countries of resettlement and the international community as a whole to take appropriate steps to facilitate the fulfilment of that obligation in its various aspects; stressed the fundamental importance of respecting the relevant principles of international humanitarian law as reflected in the note prepared by the Office of the High Commissioner;¹⁴³ reiterated the importance of the establishment of procedures for determining refugee status and urged those States parties to the 1951 Convention and 1967 Protocol that had not yet done so to establish such procedures in the near future; and recognized that, in view of the importance of the problem of manifestly unfounded or abusive applications for refugee status, the question should be further examined by the Sub-Committee of the Whole on International Protection at its next meeting, as a separate item on its agenda and on the basis of a study to be prepared by UNHCR.

By its resolution 37/195 of 18 December 1982,¹⁴⁴ adopted on the recommendation of the Third Committee,¹⁴⁵ the General Assembly reaffirmed the fundamental nature of the High Commissioner's function to provide international protection and the need for Governments to co-operate fully with him to facilitate the effective exercise of the essential function, in particular, by acceding to and fully implementing the relevant international and regional instruments and by scrupulously observing the principles of asylum and *non-refoulement*. By its resolution 37/196 of 18 December 1982,¹⁴⁶ adopted on the recommendation of the Third Committee,¹⁴⁷ the General Assembly decided to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years from 1 January 1984. Furthermore, by its resolution 37/197,¹⁴⁸ adopted also on the recommendation of the Third Committee,¹⁴⁹ the General Assembly requested the Secretary-General, in close co-operation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, to convene at Geneva in 1984 a second International Conference on Assistance to Refugees in Africa.

(d) International drug control

In the course of 1982, one more State became a party to the 1961 Single Convention on Narcotic Drugs, 1961,¹⁵⁰ and one more State as well to the 1971 Convention on Psychotropic Substances.¹⁵¹

By its resolution 37/168 of 17 December 1982,¹⁵² adopted on the recommendation of the Third Committee,¹⁵³ the General Assembly approved the projects recommended by the Commission on Narcotic Drugs in its resolution 1 (S-VII)¹⁵⁴ for implementation in 1983; urged all Member States, non-member States parties to the international drug control treaties, specialized agencies and other international organizations and private institutions concerned with the drug abuse problem to strengthen their participation in and support for activities related to the International Drug Abuse Control Strategy and the programme of action¹⁵⁴ and also urged Member States to contribute or to increase their contributions to the United Nations Fund for Drug Abuse Control in order to ensure the success of the International Drug Abuse Control Strategy and to give firm impetus to the world community's battle against international drug traffickers and against drug abuse.

(e) Crime prevention and criminal justice

PRINCIPLES OF MEDICAL ETHICS¹⁵⁵

By its resolution 37/194 of 18 December 1982,¹⁵⁶ adopted on the recommendation of the Third Committee,¹⁵⁷ the General Assembly adopted the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment; called upon all Governments to give the Principles the widest possible distribution, in particular among medical and paramedical associations and institutions of detention or imprisonment, in an official language of the State; and invited all relevant intergovernmental organizations, in particular the World Health Organization, and non-governmental organizations concerned to bring the Principles to the attention of the widest possible group of individuals, especially those active in the medical and paramedical field. The text of the Principles reads as follows:

PRINCIPLES OF MEDICAL ETHICS RELEVANT TO THE ROLE OF HEALTH PERSONNEL, PARTICULARLY PHYSICIANS, IN THE PROTECTION OF PRISONERS AND DETAINEES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Principle 1

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.¹⁵⁸

Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:

(a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;¹⁵⁹

(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

(f) Human rights question

(i) Status and implementation of international instruments

a. International Covenants on Human Rights¹⁶⁰

In 1982, four more States became parties to the International Covenant on Economic, Social and Cultural Rights;¹⁶¹ three more States became parties to the International Covenant on Civil and Political Rights;¹⁶² and one more State became a party to the Optional Protocol to the International Covenant on Civil and Political Rights.¹⁶²

By its resolution 37/191 of 18 December 1982,¹⁶³ adopted on the recommendation of the Third Committee,¹⁶⁴ the General Assembly noted with appreciation the report of the Human Rights Committee on its fourteenth, fifteenth and sixteenth sessions;¹⁶⁵ took note of Economic and Social resolution 1982/33 of 6 May 1982 concerning the review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights; again invited all States that had not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights; also invited the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant; appreciated that the Human Rights Committee continued to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto; and requested the Secretary-General to continue to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women and also to transmit the annual reports of the Human Rights Committee to those bodies.

b. International Convention on the Elimination of All Forms of Racial Discrimination¹⁶⁶

In 1982, six more States became parties to the Convention. By its resolution 37/44 of 3 December 1982,¹⁶⁷ adopted on the recommendation of the Third Committee,¹⁶⁸ the General Assembly, taking note of decision I (XXV) of 15 March 1982 of the Committee on the Elimination of Racial Discrimination, entitled "General recommendation VI",¹⁶⁹ appealed to all

States parties to the Convention to fulfil their obligations under article 9 of the Convention and to submit their reports within the appropriate time and requested the Secretary-General to invite the views and observations of States parties to the Convention on the causes of the situation described in general recommendation VI and to submit an analysis of the replies received in a report to the General Assembly at its thirty-eighth session, together with such suggestions as he might wish to make with a view to improving the situation. It also requested the Secretary-General, in preparing his report, to consider the situation described in general recommendation VI of the Committee in the overall framework of reporting obligations that Member States had under the various human rights instruments in order to be able to take into account similar and related problems which might have arisen in compliance with such obligations. Furthermore, by its resolution 37/45 of 3 December 1982,¹⁷⁰ adopted on the recommendation of the Third Committee,¹⁷¹ the General Assembly expressed its satisfaction with the increase in the number of States which had ratified the Convention or acceded thereto; reaffirmed its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions were necessary for the realization of the objectives of the Decade for Action to Combat Racism and Racial Discrimination; requested States that had not yet become parties to the Convention to ratify it or accede thereto; and called upon States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention whereby a State party may recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of violation by that State party of any of the rights set forth in the Convention. Moreover, by its resolution 37/46 of 3 December 1982,¹⁷² adopted also on the recommendation of the Third Committee,¹⁷³ the General Assembly called upon all Member States to adopt effective legislative, socio-economic and other necessary measures in order to ensure the elimination or prevention of discrimination based on race, colour, descent or national or ethnic origin; called upon the States parties to the Convention to protect fully, by the adoption of relevant legislative and other measures, the rights of national or ethnic minorities, as well as the rights of indigenous populations; reiterated its invitation to the States parties to the Convention to furnish the Committee on the Elimination of Racial Discrimination with information on the implementation of the provisions of the Convention; and took note with appreciation of the Committee's contribution to the work of the Preparatory Subcommittee for the Second World Conference to Combat Racism and Racial Discrimination and to the regional seminars held in implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

c. *International Convention on the Suppression and Punishment of the Crime of Apartheid*¹⁷⁴

In 1982, four more States became parties to the Convention. By its resolution 37/47 of 3 December 1982,¹⁷⁵ adopted on the recommendation of the Third Committee,¹⁷⁶ the General Assembly appealed once again to those States that had not yet done so to ratify or to accede to the Convention without further delay; appreciated the constructive role played by the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, in analysing the periodic reports of States and in publicizing the experience gained in the international struggle against the crime of *apartheid*; requested States parties to the Convention to take fully into account the guidelines prepared by the Group of Three,¹⁷⁷ called upon all States parties to the Convention to implement fully article IV thereof concerning the prevention and prosecution of the crime of *apartheid* by adopting legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts enumerated in article II of the Convention; requested the Commission of Human Rights to continue to undertake the functions set out in article X of the Convention and invited the Commission to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as of those against whom or which

legal proceedings had been undertaken; requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to further promoting ratification of or accession to the Convention; and called upon all States to participate actively in the Second World Conference to Combat Racism and Racial Discrimination, to be held in 1983, and to contribute to achieving effective results at that Conference.

d. *Status of the Convention on the Elimination of All Forms of Discrimination against Women*¹⁷⁸

In 1982, 13 more States became parties to the Convention. By its resolution 37/64 of 3 December 1982,¹⁷⁹ adopted on the recommendation of the Third Committee,¹⁸⁰ the General Assembly noted with appreciation that an increasing number of Member States had ratified or acceded to the Convention, invited all States that had not yet done so to become parties to the Convention by ratifying or acceding to it and welcomed the election of the twenty-three members of the Committee on the Elimination of Discrimination against Women on 16 April 1982,¹⁸¹ as well as the fact that the Committee had already commenced its work.

(ii) *Torture and other cruel, inhuman or degrading treatment or punishment*¹⁸²

By its resolution 37/193 of 18 December 1982,¹⁸³ adopted on the recommendation of the Third Committee,¹⁸⁴ the General Assembly requested the Commission on Human Rights to complete as a matter of highest priority, at its thirty-ninth session, the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-eighth session.

(iii) *Summary or arbitrary executions*

By its resolution 37/182 of 17 December 1982,¹⁸⁵ adopted on the recommendation of the Third Committee,¹⁸⁶ the General Assembly, recalling its resolution 36/22 of 9 November 1981, in which it had condemned the practice of summary or arbitrary executions, and taking note of resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹⁸⁷ in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary and arbitrary executions, welcomed Economic and Social Council resolution 1982/35 of 7 May 1982, in which it was decided to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions and to submit to the Commission on Human Rights, at its thirty-ninth session, a comprehensive report on the occurrence and extent of the practice of such executions, together with his conclusions and recommendations; requested all Governments to co-operate with and to assist the Special Rapporteur of the Commission in the preparation of his report; and requested the Commission on Human Rights, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolution 1982/35, to make recommendations concerning appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions.

(iv) *Capital punishment*¹⁸⁸

By its resolution 37/192 of 18 December 1982,¹⁸⁹ adopted on the recommendation of the Third Committee,¹⁹⁰ the General Assembly requested the Commission on Human Rights to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights,¹⁶² aiming at the abolition of the death penalty, at its thirty-ninth and fortieth sessions, taking into account the documents considered by the General Assembly on the subject as well as the views of Governments thereon, and to submit a report, through the Economic and Social Council, to the Assembly at its thirty-ninth session.

(v) *Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms*

By its resolution 37/199 of 18 December 1982,¹⁹¹ adopted on the recommendation of the Third Committee,¹⁹² the General Assembly reiterated its request that the Commission on Human Rights continue its current work on the overall analysis with a view to further promoting and improving human rights and fundamental freedoms and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions of General Assembly resolution 32/130 of 16 December 1977 and the concepts set forth therein, bearing in mind also other relevant texts; reaffirmed that it was of paramount importance for the promotion of human rights and fundamental freedoms that Member States should undertake specific obligations through accession to, or ratification of, international instruments in the field and, consequently, that the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged; reiterated that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of the peoples and individuals affected by situations such as those described in paragraph 1 (e) of its resolution 32/130, paying due attention also to other situations of violations of human rights; expressed its deep concern at the current situation with regard to the achievement of the objectives and goals for the establishment of the new international economic order and its adverse effects on the full realization of human rights and, in particular, the right to development; reaffirmed that international peace and security were essential elements in the full realization of the right to development; declared that the right to development was an inalienable human right; considered it necessary that all Member States promote international co-operation on the basis of respect for the independence and sovereignty of each State, including the right of each people to choose its own socio-economic and political system, with a view to resolving international problems of an economic, social and humanitarian character; reaffirmed also that, in order to ensure the full enjoyment of all rights and complete personal dignity, it was necessary to promote the right to education and the right to work, health and proper nourishment, through adoption of measures at the national level, including those that provided for the right of workers to participate in management, as well as adoption of measures at the international level, including the establishment of the new international economic order; and requested the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the results achieved by this Working Group of Governmental Experts on the Right to Development, and welcomed the decision of the Commission, in its resolution 1982/17 of 9 March 1982,¹⁹³ that the Working Group should continue its work with the aim of presenting as soon as possible a draft resolution on the right to development. Furthermore, by its resolution 37/200 of 18 December 1982,¹⁹⁴ adopted also on the recommendation of the Third Committee,¹⁹⁵ the General Assembly affirmed that a primary aim of international co-operation in the field of human rights was a life of freedom and dignity for each human being, that all human rights and fundamental freedoms were indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the others; recognized that the realization of the potentialities of the human person in harmony with the community should be seen as the central purpose of development; affirmed that everyone had the right to participate in, as well as to benefit from, the development process; urged all States to co-operate with the Commission on Human Rights in its study of violations of human rights and fundamental freedoms in any part of the world; requested the Commission on Human Rights at its thirty-ninth session to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights, bearing in mind the proposals submitted by the Sub-Committee on Prevention of Discrimination and Protection of Minorities on possible terms of reference for the draft mandate of a High Commissioner for Human Rights;¹⁹⁶ requested the Secretary-General to take appropriate measures to strengthen the Centre for Human Rights of the Secretariat; and also requested the Secretary-General, in the light of the thirty-fifth anniversary of

the Universal Declaration of Human Rights, to include in the updated study on international conditions and human rights, which the General Assembly, in its resolution 36/133 of 14 December 1981, had requested him to submit to it at its thirty-eighth session, an overview of trends in the field of human rights with emphasis on the problems still being encountered.

(vi) *New international humanitarian order*

By its resolution 37/201 of 18 December 1982,¹⁹⁷ adopted on the recommendation of the Third Committee,¹⁹⁸ the General Assembly, bearing in mind that all Governments that had provided their views on the proposal for the promotion of a new international humanitarian order had supported the intentions underlying the proposal and the need for developing greater international awareness of humanitarian issues and more effective means of dealing with such issues,¹⁹⁹ noting the proposal for the establishment, outside the framework of the United Nations, of an Independent Commission on International Issues, composed of leading personalities in the humanitarian field or having wide experience of government or world affairs,²⁰⁰ and recognizing further that the deliberations of such a commission, if established, could be useful for further study of the proposal, requested Governments that had not yet done so to communicate their views on the proposal to the Secretary-General.

(vii) *Right to education*

By its resolution 37/178 of 17 December 1982,²⁰¹ adopted on the recommendation of the Third Committee,²⁰² the General Assembly, recalling the International Covenant on Economic, Social and Cultural Rights, adopted by its resolution 2200 A (XXI) of 16 December 1966, which recognized the right of everyone to education, took note of the conclusions contained in the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the right to education;²⁰³ again invited all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure full implementation of the right to universal education through, *inter alia*, free and compulsory primary education, universal and gradually free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture; invited all States to give all necessary attention to defining and determining in a more precise manner the means for implementing the provisions concerning the role of education in the International Development Strategy for the Third United Nations Development Decade; appealed once again to all States, in particular the developed countries, to support actively, through fellowships and other means, including the general increasing of resources for education and training, the efforts of the developing countries in the education and training of national personnel needed in industry, agriculture and other economic and social sectors; and invited UNESCO to continue its intensive efforts for the promotion at the universal level of the right to education and to inform the General Assembly, in appropriate forms, on the progress achieved in the field.

(viii) *Measures to improve the situation and ensure the human rights and dignity of all migrant workers*

By its resolution 37/170 of 17 December 1982,²⁰⁴ adopted on the recommendation of the Third Committee,²⁰⁵ the General Assembly took note of the report of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families;²⁰⁶ invited the Secretary-General to transmit to Governments the report of the Working Group so as to allow the members of the Group to continue their task during the inter-sessional meeting to be held in the spring of 1983, as well as to transmit the results obtained at that meeting in order that the General Assembly might consider them during its thirty-eighth session; and also invited the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations and to international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group.

(ix) *Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live*

By its resolution 37/169 of 17 December 1982,²⁰⁷ adopted on the recommendation of the Third Committee,²⁰⁸ the General Assembly took note of the report of the open-ended Working Group established for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live,²⁰⁹ as well as the fact that it had not had sufficient time to conclude its task; requested the Secretary-General to transmit to Governments, competent organs of the United Nations system and international organizations concerned the reports of the open-ended working groups established at the thirty-fifth,²¹⁰ thirty-sixth²¹¹ and thirty-seventh sessions²⁰⁹ and to invite them to bring up to date the documents they had submitted in accordance with Economic and Social Council decision 1979/36 or to submit new comments on the basis of the above-mentioned reports, and decided to establish, at its thirty-eighth session, an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the subject.

(x) *Question of a convention on the rights of the child*

By its resolution 37/190 of 18 December 1982,²¹² adopted on the recommendation of the Third Committee,²¹³ the General Assembly, aware of the importance of an international convention on the rights of the child for more effective protection of children's rights and noting with appreciation that further progress had been made in the elaboration of a draft convention on the subject prior to²¹⁴ and during²¹⁵ the thirty-eighth session of the Commission on Human Rights, invited all Member States to offer their effective contribution to the elaboration of a draft convention and requested the Commission on Human Rights to give the highest priority at its thirty-ninth session to the question of completing a draft convention.

(xi) *Elimination of all forms of religious intolerance*

By its resolution 37/187 of 18 December 1982,²¹⁶ adopted on the recommendation of the Third Committee,²¹⁷ the General Assembly, reaffirming its resolution 36/55 of 25 November 1981, in which it had proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,²¹⁸ endorsed Economic and Social Council decision 1982/138 of 7 May 1982, in which the Council had requested the Secretary-General to disseminate widely, as a matter of priority and in as many languages as possible, the Declaration; invited all Governments to take the necessary measures to ensure wide publicity for the Declaration; requested the Secretary-General to bring the Declaration to the attention of the appropriate specialized agencies and other appropriate bodies within the United Nations system for the consideration of measures to implement the Declaration, and to report to the Commission on Human Rights at its thirty-ninth session on the views expressed; and requested the Commission on Human Rights to consider what measures might be necessary to implement the Declaration and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and to report, through the Economic and Social Council, to the General Assembly at its thirty-eighth session.

(xii) *Regional arrangements for the protection of human rights*

By its resolution 37/172 of 17 December 1982,²¹⁹ adopted on the recommendation of the Third Committee,²²⁰ the General Assembly, recalling its resolutions 32/127 of 16 December 1977, 33/167 of 20 December 1978, 34/171 of 17 December 1979, 35/197 of 15 December 1980 and 36/154 of 16 December 1981 concerning regional arrangements for the promotion of human rights, noted with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level, under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations; commended the Organization of African Unity for its continuing efforts to promote respect for the guarantees and norms

of Human and Peoples' Rights²²¹ and the efforts to obtain its early entry into force; and requested the Secretary-General to compile and update his reports on the status of regional arrangements for the promotion and protection of human rights and to include therein a review of the exchanges of experience and information between the United Nations and regional organs and organizations for the promotion and protection of human rights as well as ways and means to further those exchanges, and to report to the General Assembly at its thirty-eighth session.

4. THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

The eleventh session of the Third United Nations Conference on the Law of the Sea was held at United Nations Headquarters in New York from 8 March to 30 April 1982 with the aim of the adoption of a convention.²²² Since that goal was not reached, the eleventh session of the Conference was resumed at the same place from 22 to 24 September 1982.²²³ The final part of the eleventh session and Conclusion of the Conference was held at Montego Bay, Jamaica, from 6 to 10 December 1982.²²³

A total of 152 States and the United Nations Council for Namibia participated in the eleventh session: 152 of them attended the first part²²⁴ and 133 States as well as the United Nations Council for Namibia participated in the final part of the session.²²⁵

In accordance with the programme of work for the final decision-making session,²²⁶ the main objective of the session was the expeditious and successful completion of the work of the Conference. To achieve that goal the Conference at the first stage of the session continued consultations and negotiations on pending issues. Three issues had been identified as being outstanding: treatment to be accorded to preparatory investments; the resolution establishing the Preparatory Commission; and the question of participation in the convention. Apart from those outstanding issues, delegations suggested improvements to the text of the draft convention with a view to promoting general agreement, and the informal plenary met to consider the recommendations of the Drafting Committee resulting from its inter-sessional meetings held from 18 January to 26 February 1982.

At its 182nd plenary meeting, on 30 April 1982, the Conference adopted²²⁷ the United Nations Convention on the Law of the Sea,²²⁸ as well as resolution I establishing the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea;²²⁹ resolution II governing preparatory investment in pioneer activities relating to polymetallic nodules;²³⁰ resolution III providing that provisions concerning rights and interests under the Convention shall be implemented for the benefit of the peoples of the territories that had not attained full independence or were under colonial domination, with a view to promoting their well-being and development;²³¹ and resolution IV concerning national liberation movements.²³² The Conference also adopted a resolution on development of national marine science, technology and ocean service infrastructures.²³³ During its resumed session (New York, 22 and 24 September), the Conference completed its consideration of the Drafting Committee recommendations and approved the Final Act and decided to accept the invitation from the Government of Jamaica to host the Conference in Jamaica from 6 to 10 December 1982 for the signing of the Final Act and the opening of the Convention for signature. At the final part of the session (Montego Bay, 6 to 10 December), the Final Act of the Conference²³⁴ was signed and the United Nations Convention on the Law of the Sea²³⁵ was opened for signature.²³⁶ The Conference heard statements by delegations on the Convention and the related resolutions.

Consideration by the General Assembly

By its resolution 37/66 of 3 December 1982,²³⁷ the General Assembly, taking note of the adoption, on 30 April 1982, of the United Nations Convention on the Law of the Sea²³⁵ and the

related resolutions by an overwhelming majority of States, welcomed the adoption of the Convention and the related resolutions; called upon all States to consider signing and ratifying the Convention at the earliest possible date to allow the effective entry into force of the new legal régime for the uses of the sea and its resources; appealed to the Governments of all States to refrain from taking any action directed at undermining the Convention or defeating its object and purpose; approved the assumption by the Secretary-General of the responsibilities entrusted to him under the Convention and the related resolutions and also approved the stationing of an adequate number of secretariat staff in Jamaica for the purpose of servicing the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, as required by its functions and programme of work; authorized the Secretary-General to convene the Preparatory Commission and to provide the Commission with the services required to enable it to perform its functions efficiently and expeditiously; and approved the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations.

5. INTERNATIONAL COURT OF JUSTICE^{238, 239}

Cases before the Court

(i) *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*²⁴⁰

On 24 February 1982, the Court delivered at a public sitting a judgment of which a summary outline and the complete text of the operative paragraph are given below.²⁴¹

The Court began its judgment by recapitulating the various stages of the proceedings (paras. 1-15), defining the geographical setting of the dispute, namely the region known as the Pelagian Block or Basin (paras. 17-20 and 32-36), and noting that petroleum prospection and exploitation had been carried out on the continental shelf (para. 21).

Turning to the Special Agreement between Tunisia and Libya by which the proceedings had been instituted (paras. 22-31), the Court recalled that under article 1, paragraph 1, it had been requested to state "the principles and rules of international law" which might "be applied for the delimitation of the areas of the continental shelf" respectively appertaining to each of the two States, and had further been specifically called upon, in rendering its decision, to take account of the following three factors: (a) equitable principles; (b) the relevant circumstances which characterize the area; and (c) the new accepted trends in the Third United Nations Conference on the Law of the Sea.

Article 1, second paragraph, of the Special Agreement required the Court to "clarify the practical method for the application of these principles and rules . . . so as to enable the experts of the two countries to delimit these areas without difficulties". The Court was therefore not called upon itself to draw the actual delimitation line. The parties were in disagreement as to the scope of the task entrusted to the Court by that text, but a careful analysis of the pleadings and arguments on the point led the Court to conclude that there was only a difference of emphasis as to the respective roles of the Court and of the experts. Articles 2 and 3 of the Special Agreement made it clear that the parties recognized the obligation to comply with the judgment of the Court, which would have the effect and binding force attributed to it under Article 94 of the Charter, Articles 59 and 60 of the Statute and Article 94, paragraph 2, of the Rules of Court. The Parties were to meet as quickly as possible after the judgment was given with a view to the conclusion of a treaty. The Court's view was that at that stage there would be no need for negotiation between the experts of the Parties regarding the factors to be taken into account in their calculations, since the Court would have determined that matter.

The Court then dealt with the question of the principles and rules of international law applicable to the delimitation (paras. 36-107), which it examined in the light of the parties' arguments. After first setting forth some general considerations (paras. 36-44), it examined the

role of the new accepted trends at the Third United Nations Conference on the Law of the Sea (paras. 45-50). Next it turned to the question whether the natural prolongation of each of the two States could be determined on the basis of physical criteria (paras. 51-68); having found that there was just one continental shelf common to both States, it concluded that the extent of the continental shelf area appertaining to each could not be ascertained from criteria of natural prolongation. The Court went on to consider the implications of equitable principles (paras. 69-71) and to review the various circumstances characterizing the area which were likely to be relevant for the purposes of the delimitation (paras. 72-107).

Finally, the Court examined the various methods of delimitation (paras. 108-132) contended for by the parties, explained why it could not accept them, and indicated what method would in its judgment enable an equitable solution to be reached in the present case.

The conclusions reached by the Court are indicated in the operative paragraph of the judgment, which is worded as follows:

"The Court, by ten votes to four, finds that:

"A. The principles and rules of international law applicable for the delimitation, to be effected by agreement in implementation of the present judgment, of the areas of continental shelf appertaining to the Republic of Tunisia and the Socialist People's Libyan Arab Jamahiriya respectively, in the area of the Pelagian Block in dispute between them as defined in paragraph B, subparagraph (1), below, are as follows:

- "(1) the delimitation is to be effected in accordance with equitable principles, and taking account of all relevant circumstances;
- "(2) the area relevant for the delimitation constitutes a single continental shelf as the natural prolongation of the land territory of both Parties, so that in the present case, no criterion for delimitation of shelf areas can be derived from the principle of natural prolongation as such;
- "(3) in the particular geographical circumstances of the present case, the physical structure of the continental shelf areas is not such as to determine an equitable line of delimitation.

"B. The relevant circumstances referred to in paragraph A, subparagraph (1), above, to be taken into account in achieving an equitable delimitation include the following:

- "(1) the fact that the area relevant to the delimitation in the present case is bounded by the Tunisian coast from Ras Ajdir to Ras Kaboudia and the Libyan coast from Ras Ajdir to Ras Tajoura and by the parallel of latitude passing through Ras Kaboudia and the meridian passing through Ras Tajoura, the rights of third States being reserved;
- "(2) the general configuration of the coasts of the parties, and in particular the marked change in direction of the Tunisian coastline between Ras Ajdir and Ras Kaboudia;
- "(3) the existence and position of the Kerkennah Islands;
- "(4) the land frontier between the parties, and their conduct prior to 1974 in the grant of petroleum concessions, resulting in the employment of a line seawards from Ras Ajdir at an angle of approximately 26° east of the meridian, which line corresponds to the line perpendicular to the coast at the frontier point which had in the past been observed as a *de facto* maritime limit;
- "(5) the element of a reasonable degree of proportionality, which a delimitation carried out in accordance with equitable principles ought to bring about between the extent of the continental shelf areas appertaining to the coastal State and the length of the relevant part of its coast, measured in the general direction of the coastlines, account being taken for this purpose of the effects, actual or prospective, of any other continental shelf delimitation between States in the same region.

“C. The practical method for the application of the aforesaid principles and rules of international law in the particular situation of the present case is the following:

- “(1) the taking into account of the relevant circumstances which characterize the area defined in paragraph B, subparagraph (1), above, including its extent, calls for it to be treated, for the purpose of its delimitation between the Parties to the present case, as made up of two sectors, each requiring the application of a specific method of delimitation in order to achieve an overall equitable solution;
- “(2) in the first sector, namely in the sector closer to the coast of the Parties, the starting point for the line of delimitation is the point where the outer limit of the territorial sea of the parties is intersected by a straight line drawn from the land frontier point of Ras Ajdir through the point 33° 55' N, 12° E, which line runs at a bearing of approximately 26° east of north, corresponding to the angle followed by the north-western boundary of Libyan petroleum concessions numbers NC 76, 137, NC 41 and NC 53, which was aligned on the south-eastern boundary of Tunisian petroleum concession “Permis complémentaire offshore du Golfe de Gabès” (21 October 1966); from the intersection point so determined, the line of delimitation between the two continental shelves is to run north-east through the point 33° 55' N, 12° E, thus on that same bearing, to the point of intersection with the parallel passing through the most westerly point of the Tunisian coastline between Ras Kaboudia and Ras Ajdir, that is to say, the most westerly point on the shoreline (low-water mark) of the Gulf of Gabès;
- “(3) in the second sector, namely in the area which extends seawards beyond the parallel of the most westerly point of the Gulf of Gabès, the line of delimitation of the two continental shelves is to veer to the east in such a way as to take account of the Kerkennah Islands; that is to say, the delimitation line is to run parallel to a line drawn from the most westerly point of the Gulf of Gabès bisecting the angle formed by a line from that point to Ras Kaboudia and a line drawn from that same point along the seaward coast of the Kerkennah Islands, the bearing of the delimitation line parallel to such bisector being 52° to the meridian; the extension of this line northeastwards is a matter falling outside the jurisdiction of the Court in the present case, as it will depend on the delimitation to be agreed with third States.

“In favour: *Acting President* Elias; *Judges* Lachs, Morozov, Nagendra Singh, Monsler, Ago, Sette-Camara, El-Khani, Schwebel and *Judge ad hoc* Jiménez de Aréchaga;

“Against: *Judges* Forster, Gros, Oda and *Judge ad hoc* Evensen.”

Judges Ago, Schwebel and Jiménez de Aréchaga appended separate opinions to the judgment.²⁴² Judges Gros, Oda and Evensen appended dissenting opinions.²⁴³

(ii) *Application for review of Judgement No. 273 of the United Nations Administrative Tribunal*²⁴⁴

On 20 July 1982, the Court delivered at a public sitting an advisory opinion,²⁴⁵ a summary outline and the complete text of the operative paragraph of which are reproduced in chapter VII below.

(iii) *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*²⁴⁶

After consideration of the parties' answers contained in their joint letter of 6 January 1982 providing the Court with further explanations or clarifications on several points of the case, the Court decided to accede to the request by the Governments of Canada and the United States that a special chamber be formed, and held an election on 15 January 1982.

On 20 January 1982, by 11 votes to 2 (Judges Morozov and El-Khani), the Court adopted an order whereby it constituted a special chamber to deal with the question of delimitation of the maritime boundary between Canada and the United States in the Gulf of Maine area, with the composition having resulted from the above-mentioned election: Judges Gros, Ruda, Mosler, Ago and Schwebel. The order noted that, in application of Article 31, paragraph 4, of the Statute of the Court, the Acting President had requested Judge Ruda to give place in due course to the judge *ad hoc* to be chosen by Canada, and that Judge Ruda had indicated his readiness to do so.²⁴⁷ Judge Oda appended a declaration to the order,²⁴⁸ and Judges Morozov and El-Khani appended dissenting opinions.²⁴⁹ Canada chose Professor Maxwell Cohen as a judge *ad hoc* to sit in the Chamber thus constituted, and Judge Ruda duly gave place to him.

The Chamber constituted to deal with the case elected Judge R. Ago to be its President and was thus composed as follows: Judge Ago, President; Judges Gros, Mosler and Schwebel; Judge *ad hoc* Cohen.

On 29 January 1982, the Chamber held its first public sitting. Judge *ad hoc* Cohen made on that occasion the solemn declaration required by the Statute and Rules of the Court.

On 1 February 1982, after the parties had confirmed the indications given in the Special Agreement and the Chamber had been consulted, the Court made an Order²⁵⁰ fixing 26 August 1982 as the time-limit for the filing of Memorials by Canada and the United States. The subsequent procedure was reserved for further decision. The Order was adopted by 10 votes to 2 (Judges Morozov and El-Khani). The judge *ad hoc* was in attendance at the Court's invitation and expressed his support for the Order. At the request of one of the parties, the time-limit in question was extended to 27 September 1982 by an Order which the President of the Chamber made on 28 July 1982.²⁵¹

The Memorials were filed by the agents of the parties within the time-limit fixed. By an Order dated 5 November 1982,²⁵² the President of the Chamber fixed 28 June 1983 as the time-limit for the filing of the Counter-Memorials, which were duly filed within that time-limit.

(iv) *Continental Shelf (Libyan Arab Jamahiriya/Malta)*²⁵³

On 26 July 1982, the Governments of the Libyan Arab Jamahiriya and Malta notified jointly to the Registrar a Special Agreement concluded between them on 23 May 1976 and in force since the exchange of the instruments of ratification on 20 March 1982. The Special Agreement requests the Court to decide the following question:

"What principles and rules of international law are applicable to the delimitation of the area of the continental shelf which appertains to the Republic of Malta and the area of the continental shelf which appertains to the Libyan Arab Republic and how in practice such principles and rules can be applied by the two parties in this particular case in order that they may without difficulty delimit such areas by an agreement as provided in article III."

The article III referred to provides for negotiation after the case with a view to reaching agreement on the delimitation in accordance with the Court's decision.

On 27 July 1982, the Vice-President of the Court made an Order²⁵⁴ whereby, having regard to a provision of the Special Agreement between the parties, he fixed 26 April 1983 as the time-limit for the filing of a Memorial by each party.

6. INTERNATIONAL LAW COMMISSION²⁵⁵

THIRTY-FOURTH SESSION OF THE COMMISSION²⁵⁶

The International Law Commission held its thirty-fourth session at Geneva from 3 May to 23 July 1982. The session was mainly devoted to completing, on the basis of the eleventh report submitted by the Special Rapporteur,²⁵⁷ the second reading of the draft articles on the

law of treaties between States and international organizations or between international organizations,²⁵⁸ which it forwarded to the General Assembly with the recommendation to convoke a conference to conclude a convention on the subject.

Regarding the question of State responsibility, the Commission considered the third report of the Special Rapporteur,²⁵⁹ which, besides a revision of the draft articles presented in the second report, analysed various "sub-systems" of international law, that is, the link between "primary" rules imposing obligations, "secondary" rules dealing with the determination of the existence of an internationally wrongful act and of its legal consequences, and the rules concerning the implementation of State responsibility and their interrelationship. At the end of the debate the Commission decided to refer articles 1 to 6 of Part II, as proposed in the third report, to the Drafting Committee.

On the question of international liability for injurious consequences arising out of acts not prohibited by international law, the Commission had before it the third report of the Special Rapporteur²⁶⁰ containing, *inter alia*, a schematic outline of the topic. The discussion concentrated upon the schematic outline and upon the future of the topic.

With regard to the questions of the jurisdictional immunities of States and their property, the fourth report submitted by the Special Rapporteur²⁶¹ dealt with part III of the draft articles concerning exceptions to State immunity and contained two articles, article 11 (Scope of the present part) and article 12 (Trading or commercial activity). The consideration of the topic, in order to give the new and enlarged Commission the opportunity to become more familiar with the issues involved, began with a general exchange of views on all the draft articles which had been presented to the Commission. Following the extensive debate on those articles, the Commission confirmed its referral to the Drafting Committee of articles 7 to 10. It also referred articles 11 and 12 to the Drafting Committee. The Commission further decided that articles 2, 3 and 6 should be re-examined by the Drafting Committee in the light of the discussions. On the report of the Drafting Committee, the Commission adopted provisionally the text of articles 1, 2 (subparagraph 1(a)), 7, 8 and 9.

Regarding the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, the Commission considered the third report submitted by the Special Rapporteur.²⁶² The report consisted of two parts: part I, entitled "Reconsideration of the draft articles on general provisions"; and part II, entitled "Draft articles on the status of the diplomatic courier, the diplomatic courier *ad hoc* and the captain of a commercial aircraft or the master of a ship carrying a diplomatic bag". It contained 14 draft articles. At the conclusion of the debate, the Commission decided to refer the 14 draft articles to the Drafting Committee.

With regard to the topic draft Code of Offences against the Peace and Security of Mankind, the Commission established a Working Group on whose recommendation it decided, *inter alia*, to accord the necessary priority to the draft Code within its five-year programme. The Commission also undertook certain work on the topic the law of the non-navigational uses of international watercourses.

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-seventh session, the General Assembly had before it the report of the International Law Commission on the work of its thirty-fourth session.²⁶³ By its resolution 37/111 of 16 December 1982,²⁶⁴ adopted on the recommendation of the Sixth Committee,²⁶⁵ the General Assembly expressed its appreciation to the International Law Commission for the work it had accomplished at its thirty-fourth session and, in particular, for having completed the final reading of the draft articles on the law of treaties between States and international organizations or between international organizations,²⁶⁶ and recommended that the Commission should continue its work aimed at the preparation of drafts on all the topics in its current programme. The Assembly also reaffirmed its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and approved the conclu-

sions reached by the Commission on maintaining the provision of summary records of its meetings and that limitations on the length of documents could not be imposed on its documentation as well as the request of the Commission that the practice of listing in each summary record of its meetings the members attending that particular meeting be reinstated.

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW²⁶⁷

FIFTEENTH SESSION OF THE COMMISSION²⁶⁸

The United Nations Commission on International Trade Law (UNCITRAL) held its fifteenth session in New York from 26 July to 6 August 1982.

With respect to international contract practices, the Commission considered the draft uniform rules on liquidated damages and penalty clauses. After deliberation on whether the rules should be embodied in a convention, a model law or in general conditions, the Commission noted that the uniform rules might be cast in a form which might enable the rules to be used for several purposes. The Commission examined also the substance of the draft uniform rules. Since the Drafting Group was unable to complete its work of preparing a revised text of the draft uniform rules in the time available, it was decided that the Secretariat should submit a revised text for the consideration of the Commission at its sixteenth session, taking into account the discussion at the fifteenth session and within the Drafting Group. A decision on the form to be adopted for the uniform rules could also be taken at that session.

On the question of international payments, the Commission had before it draft Conventions on International Bills of Exchange and International Promissory Notes and on International Cheques. The Commission considered the possible further course of action concerning the two draft Conventions. While a number of suggestions were made as to which body should next review the draft texts, the Commission was agreed that it was premature to decide this question at the session. It was felt that a final decision could be taken only after the comments by Governments on the draft Conventions had been received and an analytical compilation had been prepared by the Secretariat. Accordingly, the Commission decided to postpone its final decision on the future course of action to its seventeenth session, to be held in 1984. It decided also to place the item on the agenda of its sixteenth session to allow for possible discussion in case pertinent information would then be available. The Commission examined also the question of the establishment of a universal unit of account for international conventions. It adopted the unit of account provision and the two alternative provisions for the adjustment of the limit of liability in international transport and liability conventions and recommended that in the preparation of future international conventions containing limitation of liability provisions or in the revision of existing conventions the unit of account provision as well as one of the two alternative provisions for adjustment of the limitation of liability as adopted by the Commission²⁶⁹ should be used.

Regarding the question of electronic funds transfer, the Commission decided that the Secretariat should begin the preparation of a legal guide on the subject in co-operation with the UNCTRAL Study Group on International Payments. In carrying out the project the Secretariat was urged to take appropriate steps to ascertain banking practice as well as the applicable legal rules from all regions of the world, including the circulation of a questionnaire if it were deemed advisable. In that connection it was suggested that the Study Group should be enlarged to assure adequate representation from the developing countries. The Secretariat was also requested to submit to some future session of the Commission a report on the legal value of computer records in general.

With respect to international commercial arbitration, the Commission finalized the recommendations concerning administrative services provided in arbitrations under the UNCITRAL Arbitration Rules²⁷⁰ and requested the Secretary-General to transmit them to Governments and

to arbitral institutions and other interested bodies such as chambers of commerce. With regard to model arbitration law, the Commission took note of the report of the Working Group on the work of its third session and suggested that the list of issues dealt with in a working paper prepared by the Secretariat,²⁷¹ to which the Working Group had added some issues possibly to be included in the model law, was not to be regarded as exhaustive but that the Working Group should be open to any further suggestions for inclusion of yet other issues. It was suggested in particular that the Working Group should consider such issues as the relevance of limitation of actions in the context of arbitration proceedings and the time period during which arbitral awards would be enforceable.

On the question of the new international economic order, there was general agreement in the Commission's Working Group on the subject that the Secretariat should now commence the drafting of the legal guide on contractual provisions relating to contracts for the supply and construction of large industrial works. The Working Group requested the Secretariat to submit a few sample draft chapters and an outline of the structure of the guide to its next session. The report of the Working Group was approved by the Commission. The Commission also took note of General Assembly resolution 36/107 of 10 December 1981 on progressive development of the principles and norms of international law relating to the new international economic order as well as of information given by the Secretariat on its co-operation with UNITAR, which had been entrusted with a study relating to the issue.

The Commission considered the status of conventions that were the outcome of its work²⁷² and noted that, pursuant to paragraph 8 of General Assembly resolution 36/32 of 13 November 1981, the Secretary-General had brought those conventions to the notice of all States which had not ratified or acceded to them, provided those States with appropriate information as to the mode of their entry into force and the current status of ratifications and accessions and had drawn the attention of those States to the view of the Commission that an early entry into force and a wide acceptance of those conventions would be of great value for the unification of international trade law.

With regard to training and assistance in the field of international trade law, the Commission agreed that the Secretariat should continue to explore various possibilities of collaborating with other organizations and institutions in the organization of regional seminars and also to use those occasions for the promotion of legal texts emanating from the work of the Commission.

In connection with General Assembly resolution 36/111 of 10 December 1981, in which the Commission had been requested to submit any written comments and observations which it deemed appropriate on chapter II of the report of the International Law Commission on the work of its thirtieth session,²⁷³ and in particular on the draft articles on most-favoured-nation clauses adopted by the International Law Commission, the Commission was divided as to whether it should proceed to formulate the requested comments and observations. Accordingly, the Commission noted that in the absence of a consensus no substantive comments on the draft articles could be submitted.

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-seventh session, the General Assembly, by its resolution 37/106 of 16 December 1982,²⁷⁴ adopted on the recommendation of the Sixth Committee,²⁷⁵ commended the United Nations Commission on International Trade Law for the progress made in its work and for its efforts to enhance the efficiency of its working methods; reaffirmed the mandate of UNCITRAL as the core legal body within the United Nations system in the field of international trade law to co-ordinate legal activities in the field in order to avoid duplication of efforts and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law; reaffirmed the importance of bringing into effect the conventions emanating from the work of UNCITRAL for the global unification and harmonization of international trade law; reaffirmed also the importance, in particular for the developing countries, of

the work of UNCITRAL concerned with training and assistance in the field of international trade law; and recommended that UNCITRAL should continue its work on the topics included in its programme of work. Furthermore, by its resolution 37/107 of 16 December 1982,²⁷⁴ adopted also on the recommendation of the Sixth Committee,²⁷⁵ the Assembly recommended that in the preparation of future international conventions containing limitation of liability provisions or in the revision of existing conventions, the unit of account provision as well as one of the two alternative provisions for adjustment of the limitation of liability adopted by UNCITRAL²⁶⁹ should be used.

8. LEGAL QUESTIONS DEALT WITH BY THE SIXTH COMMITTEE OF THE GENERAL ASSEMBLY AND BY *AD HOC* LEGAL BODIES

(a) Peaceful Settlement of International Disputes

By its resolution 37/10 of 15 November 1982,²⁷⁶ adopted on the recommendation of the Sixth Committee,²⁷⁷ the General Assembly approved the Manila Declaration on the Peaceful Settlement of International Disputes, expressed its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration and urged that all efforts be made so that the Declaration would become generally known and fully observed and implemented. The text of the Declaration reads as follows:

MANILA DECLARATION ON THE PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

The General Assembly,

Reaffirming the principle of the Charter of the United Nations that all States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Conscious that the Charter of the United Nations embodies the means and an essential framework for the peaceful settlement of international disputes, the continuance of which is likely to endanger the maintenance of international peace and security,

Recognizing the important role of the United Nations and the need to enhance its effectiveness in the peaceful settlement of international disputes and the maintenance of international peace and security, in accordance with the principles of justice and international law, in conformity with the Charter of the United Nations,

Reaffirming the principle of the Charter of the United Nations that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reiterating that no State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,²⁷⁸

Bearing in mind the importance of maintaining and strengthening international peace and security and the development of friendly relations among States, irrespective of their political, economic and social systems or levels of economic development,

Reaffirming the principle of equal rights and self-determination of peoples as enshrined in the Charter of the United Nations and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and in other relevant resolutions of the General Assembly,

Stressing the need for all States to desist from any forcible action which deprives peoples, particularly peoples under colonial and racist régimes or other forms of alien domination, of their inalienable right to self-determination, freedom and independence, as referred to in the Declaration on Principles of Interna-

tional Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Mindful of existing international instruments as well as respective principles and rules concerning the peaceful settlement of international disputes, including the exhaustion of local remedies wherever applicable,

Determined to promote international co-operation in the political field and to encourage the progressive development of international law and its codification, particularly in relation to the peaceful settlement of international disputes,

Solemnly declares that

I

1. All States shall act in good faith and in conformity with the purposes and principles enshrined in the Charter of the United Nations with a view to avoiding disputes among themselves likely to affect friendly relations among States, thus contributing to the maintenance of international peace and security. They shall live together in peace with one another as good neighbours and strive for the adoption of meaningful measures for strengthening international peace and security.

2. Every State shall settle its international disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered.

3. International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means in conformity with obligations under the Charter of the United Nations and with the principles of justice and international law. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with the sovereign equality of States.

4. States parties to a dispute shall continue to observe in their mutual relations their obligations under the fundamental principles of international law concerning the sovereignty, independence and territorial integrity of States, as well as other generally recognized principles and rules of contemporary international law.

5. States shall seek in good faith and in a spirit of co-operation an early and equitable settlement of their international disputes by any of the following means: negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements or agencies or other peaceful means of their own choice, including good offices. In seeking such a settlement, the parties shall agree on such peaceful means as may be appropriate to the circumstances and the nature of their dispute.

6. States parties to regional arrangements or agencies shall make every effort to achieve pacific settlement of their local disputes through such regional arrangements or agencies before referring them to the Security Council. This does not preclude States from bringing any dispute to the attention of the Security Council or of the General Assembly in accordance with the Charter of the United Nations.

7. In the event of failure of the parties to a dispute to reach an early solution by any of the above means of settlement, they shall continue to seek a peaceful solution and shall consult forthwith on mutually agreed means to settle the dispute peacefully. Should the parties fail to settle by any of the above means a dispute the continuance of which is likely to endanger the maintenance of international peace and security, they shall refer it to the Security Council in accordance with the Charter of the United Nations and without prejudice to the functions and powers of the Council set forth in the relevant provisions of Chapter VI of the Charter.

8. States parties to an international dispute, as well as other States, shall refrain from any action whatsoever which may aggravate the situation so as to endanger the maintenance of international peace and security and make more difficult or impede the peaceful settlement of the dispute, and shall act in this respect in accordance with the purposes and principles of the United Nations.

9. States should consider concluding agreements for the peaceful settlement of disputes among them. They should also include in bilateral agreements and multilateral conventions to be concluded, as appropriate, effective provisions for the peaceful settlement of disputes arising from the interpretation or application thereof.

10. States should, without prejudice to the right of free choice of means, bear in mind that direct negotiations are a flexible and effective means of peaceful settlement of their disputes. When they choose to resort to direct negotiations, States should negotiate meaningfully, in order to arrive at an early settlement acceptable to the parties. States should be equally prepared to seek the settlement of their disputes by the other means mentioned in the present Declaration.

11. States shall in accordance with international law implement in good faith all the provisions of agreements concluded by them for the settlements of their disputes.

12. In order to facilitate the exercise by the peoples concerned of the right to self-determination as referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the parties to a dispute may have the possibility, if they agree to do so and as appropriate, to have recourse to the relevant procedures mentioned in the present Declaration, for the peaceful settlement of the dispute.

13. Neither the existence of a dispute nor the failure of a procedure of peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute.

II

1. Member States should make full use of the provisions of the Charter of the United Nations, including the procedures and means provided for therein, particularly Chapter VI, concerning the peaceful settlement of disputes.

2. Member States shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations. They should, in accordance with the Charter, as appropriate, duly take into account the recommendations of the Security Council relating to the peaceful settlement of disputes. They should also, in accordance with the Charter, as appropriate, duly take into account the recommendations adopted by the General Assembly, subject to Articles 11 and 12 of the Charter, in the field of peaceful settlement of disputes.

3. Member States reaffirm the important role conferred on the General Assembly by the Charter of the United Nations in the field of peaceful settlement of disputes and stress the need for it to discharge effectively its responsibilities. Accordingly, they should:

(a) Bear in mind that the General Assembly may discuss any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations and, subject to Article 12 of the Charter, recommend measures for its peaceful adjustment;

(b) Consider making use, when they deem it appropriate, of the possibility of bringing to the attention of the General Assembly any dispute or any situation which might lead to international friction or give rise to a dispute;

(c) Consider utilizing, for the peaceful settlement of their disputes, the subsidiary organs established by the General Assembly in the performance of its functions under the Charter;

(d) Consider, when they are parties to a dispute brought to the attention of the General Assembly, making use of consultations within the framework of the Assembly, with a view to facilitating an early settlement of their dispute.

4. Member States should strengthen the primary role of the Security Council so that it may fully and effectively discharge its responsibilities, in accordance with the Charter of the United Nations, in the area of the settlement of disputes or of any situation the continuance of which is likely to endanger the maintenance of international peace and security. To this end they should:

(a) Be fully aware of their obligation to refer to the Security Council such a dispute to which they are parties if they fail to settle it by the means indicated in Article 33 of the Charter;

(b) Make greater use of the possibility of bringing to the attention of the Security Council any dispute or any situation which might lead to international friction or give rise to a dispute;

(c) Encourage the Security Council to make wider use of the opportunities provided for by the Charter in order to review disputes or situations the continuance of which is likely to endanger the maintenance of international peace and security;

(d) Consider making greater use of the fact-finding capacity of the Security Council in accordance with the Charter;

(e) Encourage the Security Council to make wider use, as a means to promote peaceful settlement of disputes, of the subsidiary organs established by it in the performance of its functions under the Charter;

(f) Bear in mind that the Security Council may, at any stage of a dispute of the nature referred to in Article 33 of the Charter or of a situation of like nature, recommend appropriate procedures or methods of adjustment;

(g) Encourage the Security Council to act without delay, in accordance with its functions and powers, particularly in cases where international disputes develop into armed conflicts.

5. States should be fully aware of the role of the International Court of Justice, which is the principal judicial organ of the United Nations. Their attention is drawn to the facilities offered by the Interna-

tional Court of Justice for the settlement of legal disputes, especially since the revision of the Rules of the Court.

States may entrust the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

States should bear in mind:

(a) That legal disputes should as a general rule be referred by the parties to the International Court of Justice, in accordance with the provisions of the Statute of the Court;

(b) That it is desirable that they:

- (i) Consider the possibility of inserting in treaties, whenever appropriate, clauses providing for the submission to the International Court of Justice of disputes which may arise from the interpretation or application of such treaties;
- (ii) Study the possibility of choosing, in the free exercise of their sovereignty, to recognize as compulsory the jurisdiction of the International Court of Justice in accordance with Article 36 of its Statute;
- (iii) Review the possibility of identifying cases in which use may be made of the International Court of Justice.

The organs of the United Nations and the specialized agencies should study the advisability of making use of the possibility of requesting advisory opinions of the International Court of Justice on legal questions arising with the scope of their activities, provided that they are duly authorized to do so.

Recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice, should not be considered an unfriendly act between States.

6. The Secretary-General should make full use of the provisions of the Charter of the United Nations concerning the responsibilities entrusted to him. The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. He shall perform such other functions as are entrusted to him by the Security Council or by the General Assembly. Reports in this connection shall be made whenever requested to the Security Council or the General Assembly.

Urges all States to observe and promote in good faith the provisions of the present Declaration in the peaceful settlement of their international disputes;

Declares that nothing in the present Declaration shall be construed as prejudicing in any manner the relevant provisions of the Charter or the rights and duties of States, or the scope of the functions and powers of the United Nations organs under the Charter, in particular those relating to the peaceful settlement of disputes;

Declares that nothing in the present Declaration could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration;

Stresses the need, in accordance with the Charter, to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law, as appropriate, and through enhancing the effectiveness of the United Nations in this field.

(b) United Nations Conference on Succession of States in respect of State Property, Archives and Debts

By its resolution 37/11 of 15 November 1982,²⁷⁹ adopted on the recommendation of the Sixth Committee,²⁸⁰ the General Assembly, considering that the draft articles adopted by the International Law Commission at its thirty-third session²⁸¹ represented a good basis for the elaboration of an international convention and such other instruments as might be appropriate on the question, decided that the United Nations Conference on Succession of States in respect of State Property, Archives and Debts should be held from 1 March to 8 April 1983 at Vienna.

(c) Draft Code of Offences against the Peace and Security of Mankind

By its resolution 37/102 of 16 December 1982,²⁸² adopted on the recommendation of the Sixth Committee,²⁸³ the General Assembly invited the International Law Commission to continue its work with a view to elaborating the draft Code of Offences against the Peace and Security of Mankind, in conformity with paragraph 1 of Assembly resolution 36/106 of 10 December 1981 and taking into account the Commission's decision to accord the necessary priority to the topic within its five-year programme.²⁸⁴

(d) Progressive development of the principles and norms of international law relating to the new international economic order

By its resolution 37/103 of 16 December 1982,²⁸⁵ adopted on the recommendation of the Sixth Committee,²⁸⁶ the General Assembly requested the United Nations Institute for Training and Research to prepare the third and final phase of the analytical study it had undertaken on the progressive development of the principles and norms of international law relating to the new international economic order in accordance with Assembly resolution 36/106 of 10 December 1981 and to complete it in time for the Secretary-General to submit it to the General Assembly at its thirty-eighth session; urged Member States to submit relevant information with respect to the study, including proposals concerning further action to be taken on it; and requested the United Nations Commission on International Trade Law, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the regional commissions, the United Nations Centre on Transnational Corporations and other relevant intergovernmental and non-governmental organizations active in the field to submit relevant information and to co-operate fully with the Institute in the implementation of the resolution.

(e) Observer status of national liberation movements by the Organization of Africa Unity and/or by the League of Arab States

By its resolution 37/104 of 16 December 1982,²⁸⁷ adopted on the recommendation of the Sixth Committee,²⁸⁸ the General Assembly invited all States that had not done so, in particular those that were hosts to international organizations or to conferences convened by, or held under the auspices of, international organizations of a universal character, to consider as soon as possible the question of ratifying, or acceding to, the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character;²⁸⁹ and called once more upon the States concerned to accord to the delegations of the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States, and accorded observer status by international organizations, the facilities, privileges and immunities necessary for the performance of their functions in accordance with the provisions of the Convention in question.

(f) Enhancing the effectiveness of the principles of non-use of force in international relations

In accordance with General Assembly resolution 36/31 of 13 November 1981, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations met at United Nations Headquarters from 29 March to 23 April 1982.²⁹⁰ It held a general debate on the questions within its mandate and established an open-ended working group which considered the revised version of the working paper by the delegations of Benin, Cyprus, Egypt, India, Iraq, Morocco, Nepal, Nicaragua, Senegal and Uganda, which

had been submitted in the final stages of the preceding session by those delegations²⁹¹ and which had not been considered in depth at that session. In the statement made by the Chairman of the Special Committee, a set of ideas was proposed aimed at facilitating the reconciling of the various views both on conceptual issues and on practical measures related to the enhancement of the effectiveness of the principle of non-use of force in international relations in accordance with the Committee's mandate under resolution 36/31.²⁹²

At its thirty-seventh session, the General Assembly, by its resolution 37/105 of 16 December 1982,²⁹³ adopted on the recommendation of the Sixth Committee,²⁹⁴ decided that the Special Committee should continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deemed appropriate; requested the Special Committee, in order to ensure further progress in its work, to begin at its forthcoming session, as the next step, the elaboration of the formulas of the working paper containing the main elements of the principle of non-use of force in international relations, taking duly into account the proposals submitted to it and, in particular, the efforts undertaken at its session in 1982; and requested the Special Committee to be mindful of the importance of reaching general agreement whenever it had significance for the outcome of its work.

(g) Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

By its resolution 37/108 of 16 December 1982,²⁹⁵ adopted on the recommendation of the Sixth Committee,²⁹⁶ the General Assembly strongly condemned acts of violence against diplomatic and consular missions and representatives as well as against missions and representatives to international intergovernmental organizations and officials of such organizations; urged States to observe and to implement the principles and rules of international law governing diplomatic and consular relations and, in particular, to take all necessary measures in conformity with their international obligations effectively to ensure the protection, security and safety of all diplomatic and consular missions and representatives officially present in territory under their jurisdiction; recommended that States should co-operate closely with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to exchange of information on the circumstances of all serious violations thereof; called upon States that had not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives, *inter alia*, the Vienna Convention on Diplomatic Relations of 1961,²⁹⁷ the Vienna Convention on Consular Relations of 1963²⁹⁸ and the respective optional protocols thereto, as well as the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;²⁹⁹ invited all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives and the State in which the violation took place and the State where the alleged offender was present to report on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and on measures adopted with a view to preventing a repetition of such violations; and requested the Secretary-General to invite States to inform him of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives.

(h) International convention against the recruitment, use, financing and training of mercenaries

Pursuant to General Assembly resolution 36/76 of 4 December 1981, the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and

Training of Mercenaries met at United Nations Headquarters from 25 January to 19 February 1982.³⁰⁰ It carried out a brief review of the draft convention submitted by the Nigerian delegation in 1981,³⁰¹ starting with article 3, since the questions dealt with in articles 1 and 2 had already been extensively discussed at the previous session, and leaving aside for the moment the preamble and the final clauses. It also decided to establish working groups A and B. Working Group A dealt with issues of definition and with the question of the scope of the convention. Having regard to the comments exchanged on the subject in Working Group A, it seemed helpful for the future work of the Committee towards the fulfilment of its mandate to provide a framework for dealing with the question of the definition and scope of the convention. The framework presented by the Chairman³⁰² would form the basis for further discussion and negotiations. Working Group B dealt with all other issues relevant to the future convention. The Working Group agreed that it would take up at a later stage the issues which had a direct link with the questions being dealt with in Working Group A (such as jurisdiction and extradition), so that the discussion of those issues might benefit from the progress which would by then have been made in Working Group A. Working Group B therefore decided to concentrate at the initial stage of its work on the issues of penalties, implementation, the status of mercenaries, mutual assistance, the taking of custody, the communication of the outcome of final proceedings and judicial guarantees, dealt with in articles 3, 4, 5, 9, 10, 12 and 11, respectively, of the two Nigerian working papers.³⁰³

At its thirty-seventh session, the General Assembly, by its resolution 37/109 of 16 December 1982,³⁰⁴ adopted on the recommendation of the Sixth Committee,³⁰⁵ decided that the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries should continue its work in 1983 with the goal of drafting, at the earliest possible date, an international convention on the subject.

(i) Review of the multilateral treaty-making process

By its resolution 37/110 of 16 December 1982,³⁰⁶ adopted on the recommendation of the Sixth Committee,³⁰⁷ the General Assembly, having considered the report of the Working Group on the Review of the Multilateral Treaty-making Process,³⁰⁸ established pursuant to General Assembly resolution 36/112 of 10 December 1981, decided to reconvene the Working Group at its thirty-eighth session with the aim of completing the examination of the matters referred to in paragraph 2 of that resolution and reiterated its request to the Secretary-General to prepare and publish as soon as possible new editions of the *Handbook of Final Clauses*³⁰⁹ and the *Summary of Practice of the Secretary-General as Depository of Multilateral Agreements*,³¹⁰ taking into account relevant new developments and practices in that respect.

(j) Convention on the Law of Treaties between States and International Organizations or between International Organizations

By its resolution 37/112 of 16 December 1982,³¹¹ adopted on the recommendation of the Sixth Committee,³¹² the General Assembly, noting that the International Law Commission had completed at its thirty-fourth session the second reading of the draft articles on the law of treaties between States and international organizations or between international organizations,²⁵⁸ decided that an international convention should be concluded on the basis of the draft articles adopted by the Commission.

(k) Questions concerning the Charter of the United Nations and the strengthening of the role of the Organization

In accordance with General Assembly resolution 36/122 of 11 December 1981, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the

Organization met at the United Nations Office at Geneva from 22 February to 19 March 1982.³¹³ It established an open-ended Working Group to discuss the topics referred to in paragraphs 4 and 5 of resolution 36/122 and in paragraph 4 of resolution 36/110 of 10 December 1981, namely, proposals regarding the question of the maintenance of international peace and security, including those relating to the functioning of the Security Council, rationalization of existing procedures of the United Nations and peaceful settlement of disputes. The Special Committee finalized the draft Manila declaration on the peaceful settlement of international disputes. With regard to the question of the maintenance of international peace and security, the Working Group considered proposals contained in the informal compilation of proposals submitted at its 1976 to 1980 sessions,³¹⁴ the draft recommendation presented at the 1981 session by Egypt on behalf of non-aligned countries of the Special Committee³¹⁵ and two proposals submitted by France.³¹⁶ The main trends of the debate on those proposals were reflected in the statement of the Rapporteur. The Special Committee was unable, owing to lack of time, to consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations. However, it was agreed that the question was of importance to the work of the United Nations and that it should be considered at the next session of the Special Committee.

At its thirty-seventh session, the General Assembly, by its resolution 37/114 of 16 December 1982,³¹⁷ adopted on the recommendation of the Sixth Committee,³¹⁸ welcomed the adoption by the General Assembly of the Manila Declaration on the Peaceful Settlement of International Disputes³¹⁹ as a significant achievement of the Special Committee; requested the Special Committee at its next session in 1983 to accord priority in its work to the proposals regarding the question of the maintenance of international peace and security, to continue its work on the question of the peaceful settlement of disputes by considering the remaining proposals contained in the list prepared by the Special Committee in accordance with General Assembly resolution 33/94 of 16 December 1978³²⁰ and to consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations, as agreed by the Special Committee, as well as to consider any proposals under other relevant topics; and requested the Special Committee to be mindful of the importance of reaching general agreement whenever that had significance for the outcome of its work.

(l) Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally³²¹

By its resolution 37/115 of 16 December 1982,³²² adopted on the recommendation of the Sixth Committee,³²³ the General Assembly, recalling its resolution 36/167 of 16 December 1981, whereby it had decided, *inter alia*, that appropriate measures should be taken to finalize the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, requested the Secretary-General to circulate to Member States, for their views, the draft Declaration, as well as the conclusions contained in the report of the Secretary-General.³²⁴

(m) State of signatures and ratifications of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of international armed conflicts (Protocol I) and the protection of victims of non-international armed conflicts (Protocol II)

By its resolution 37/116 of 16 December 1982,³²⁵ adopted on the recommendation of the Sixth Committee,³²⁶ the General Assembly, having considered the report of the Secretary-General³²⁷ on the state of signatures and ratifications of the two Protocols Additional³²⁸ to the Geneva Convention of 1949³²⁹ and relating to the protection of victims of armed conflicts, and concerned at the fact that so far only a limited number of States had signed, ratified or acceded to the two Protocols, reiterated its call to all States to consider without delay the matter of rati-

fying or acceding to the two Protocols and called upon all States becoming parties to Protocol I to consider the matter of making the declaration provided for under article 90 of that Protocol.

(n) Report of the Committee on Relations with the Host Country³³⁰

The Committee on Relations with the Host Country held five meetings in 1982. In its report to the General Assembly at its thirty-seventh session, the Committee included a set of recommendations whereby it, *inter alia*, urged the host country to take all necessary measures in order to continue to prevent any acts violating the security of missions and the safety of their personnel or the inviolability of their property, and in order to ensure normal conditions for the existence and functioning of all missions; also urged the host country to continue to take measures to apprehend, bring to justice and punish all those responsible for committing criminal acts against missions accredited to the United Nations as provided for in the 1972 Federal Act for the Protection of Foreign Officials and Official Guests of the United States; and called upon the missions of States Members of the United Nations to co-operate as fully as possible with the federal and local United States authorities in cases affecting the security of those missions and their personnel.

The General Assembly, by its resolution 37/113 of 16 December 1982,³³¹ adopted on the recommendation of the Sixth Committee,³³² endorsed the recommendations of the Committee on Relations with the Host Country contained in its report; urged the host country to continue to take all necessary measures effectively to ensure the protection, security and safety of the missions accredited to the United Nations and their personnel, including practicable measures to prohibit illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions and representatives; strongly condemned the acts violating the security of all missions accredited to the United Nations and the safety of their personnel; and urged the host country and the missions concerned, in any cases in which problems arose regarding privileges and immunities of members of missions to the United Nations, to make full use of the good offices of the Secretary-General in pursuit of solutions satisfactory to the parties involved.

(o) Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

By its decision 37/427 of 16 December 1982,³³³ adopted on the recommendation of the Sixth Committee,³³⁴ the General Assembly took note of the report of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,³³⁵ established in accordance with General Assembly decision 36/426 of 10 December 1981 to elaborate a final version of the draft Body of Principles, a task which it had not been able to conclude, and decided that an open-ended working group of the Sixth Committee would be established at the outset of its thirty-eighth session with a view to expediting the finalization of the draft Body of Principles.

9. CO-OPERATION BETWEEN THE UNITED NATIONS AND THE
ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

By its resolution 37/8 of 29 October 1982,³³⁶ the General Assembly, having heard the statements of the Secretary-General of the United Nations³³⁷ and the Secretary-General of the Asian-African Legal Consultative Committee³³⁸ on further strengthening and widening the scope of the co-operation between the United Nations and the Committee, noted with deep

satisfaction the ongoing close and effective co-operation between the United Nations and the Committee in the field of progressive development and codification of international law and other areas of common interest.

10. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH³³⁹

The United Nations Institute for Training and Research continued its training programmes for officials whose responsibilities were related to the United Nations and its discussion and orientation seminars on issues facing the United Nations (i.e., the Law of the Sea, techniques of drafting international agreements, international negotiations). It also continued to administer the international law fellowship programme, a major part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established under General Assembly resolution 2099 (XX) of 20 December 1965. Under the same Programme, UNITAR organized a regional training and refresher course in international law for Asian and Pacific countries which was held at Seoul from 18 to 29 October 1982.

In the area of research activities, the Institute continued to carry out a project on the evaluation of the liability of States for damages arising from scientific and technological innovations. It completed a survey of national legislation protecting the rights of children and also completed phase II of a study concerning the progressive development of international law relating to the new international economic order. A document analysing the texts of relevant instruments³⁴⁰ as well as the report of the Secretary-General³⁴¹ were submitted to the thirty-seventh session of the General Assembly.³⁴²

Among the studies published by UNITAR in 1982, mention should be made of the monograph by Thomas M. Franck and Mark Munansanger entitled *The new international economic order: international law in the making*.³⁴³

B. General review of the activities of intergovernmental organizations related to the United Nations

1. INTERNATIONAL LABOUR ORGANISATION³⁴⁴

The International Labour Conference, which held its sixty-eighth session at Geneva in June 1982, adopted the following instruments: a Convention concerning the establishment of an international system for the maintenance of rights in social security;³⁴⁵ a Convention and a Recommendation concerning termination of employment at the initiative of the employer;³⁴⁶ and a Protocol to the plantations Convention, 1958 (No. 110).³⁴⁷

The Committee of Experts on the Application of Conventions and Recommendations met at Geneva from 11 to 24 March 1982 and presented its report.³⁴⁸

The Governing Body Committee on Freedom of Association met at Geneva and adopted reports Nos. 214,³⁴⁹ 215,³⁴⁹ and 216³⁴⁹ (219th Session of the Governing Body, March 1982); Report No. 217³⁵⁰ (220th Session of the Governing Body, May-June 1982); Reports Nos. 218³⁵¹ 219,³⁵¹ 220³⁵¹ and 221³⁵¹ (221st Session of the Governing Body, November 1982).

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(a) Office of the Legal Counsel³⁵²

CONSTITUTIONAL MATTERS

In addition to current legal advice and services provided to the Director-General and various departments within the organization, the Office of the Legal Counsel provided legal services to the Committee on Constitutional and Legal Matters (CCLM), the Council and other statutory bodies of the organization.

a. *Meetings of the Committee on Constitutional and Legal Matters and of the Council*

Both CCLM, at its forty-second session, held from 27 to 30 September, and the Council at its eighty-second session, held from 22 November to 1 December,³⁵³ considered two substantive questions: (i) the immunity of FAO from legal process in Italy; and (ii) revision of the statutes of the Advisory Committee on Marine Resources Research.

i. *Immunity of FAO from legal process in Italy*³⁵⁴

At its 82nd session, the council was informed that the Corte di Cassazione had decided that in the particular circumstances the Italian courts had jurisdiction—and hence FAO did not enjoy immunity from legal process—with respect to an action brought against the organization by the landlord of one of the buildings occupied by it for its services.³⁵⁵

The Council was of the opinion that the question of the scope of FAO's immunity from legal process turned principally on the text of article VIII, section 16, of the Headquarters Agreement, which reads as follows:

“FAO and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case FAO shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.”³⁵⁶

The Council agreed with CCLM that the wording of section 16 was clear and unambiguous and that the phrase “immunity from every form of legal process” should be given its full literal meaning. In other words, the only case in which FAO could become subject to the jurisdiction of the Italian courts was when it had expressly waived its immunity in accordance with section 16.

The Council considered that the literal meaning of section 16 must be deemed to have reflected the intentions of the parties at the time when the Headquarters Agreement was concluded. It was also felt that the governing bodies could not, at that time, have envisaged that FAO's immunity from legal process could be limited in the manner subsequently held by the Corte di Cassazione.

The Council further considered that its conclusions regarding the meaning of section 16 were borne out by the fundamental purposes for which immunity from legal processes was accorded to intergovernmental organizations, especially those in the United Nations system. Those purposes were to ensure that the intergovernmental organizations concerned could carry out their aims smoothly and independently. To do this, it was essential *inter alia* that the organization should not be exposed to litigation before the national courts of its various member States; that the confidentiality of its internal procedures and records should be safeguarded; and that activities of the organization should be carried out exclusively under the supervision of its governing bodies and should not be subjected to decisions of the national authorities of any single Member State. In this connection, the Council noted that the organization's immunity from legal process did not result in a denial of justice, since (as in the case under consideration) alternative methods of settling disputes were provided for.

Having been informed that the Corte di Cassazione's judgement was couched in terms from which it appeared that the Italian courts would have jurisdiction over any FAO activity that they considered as not having a direct and necessary connection with the achievement of FAO's constitutional aims, or even as being a transaction of a private law nature, the Council decided to place on record its serious concern at both the immediate and the longer term consequences of the situation that had arisen.

In the context of the immediate implications for FAO, the actions before the lower courts would be resumed. In this connection, the Council gave the Director-General its full support for his position that FAO was immune from the jurisdiction of the Italian courts and considered that he should avoid any participation in the proceedings before the Italian courts that was inconsistent with this status. The Council considered that any attempt to enforce any measures of execution against FAO would involve a breach of article VIII, section 16, of the Headquarters Agreement which specifically provided for immunity from such measures.

The Council was assured by the representative of the Italian Government that the organization would be fully protected from any measures of execution resulting from judgements of the Italian courts, in the light of article VIII, section 17, of the Headquarters Agreement,³⁵⁷ since the implementation of such measures was the responsibility of the Executive.

The Council noted the above assurance with appreciation. At the same time, it agreed with CCLM that the host Government, in consultation with the landlord, should find a suitable method of solving the problems arising out of the lease without any further recourse to the Italian courts.

The Council was aware that, even if the Italian Government found a solution to the problem, the judgement rendered by the Corte di Cassazione would be followed by the Italian courts. Consequently, the status and activities in Italy of FAO and other organizations in the United Nations system would be seriously compromised. The Council concluded that if, owing to the independence of the judiciary, the host Government could not at the moment guarantee the application of article VIII, section 16, of the Headquarters Agreement in accordance with its clear wording, it should take the necessary action, for example, through the enactment of appropriate legislation, to ensure that the immunity of FAO from legal process was fully respected in the future.

On the proposal of the Independent Chairman, the Council adopted a resolution (resolution 1/82) by which:

(a) It reaffirmed the sanctity of article VIII, section 16, of the Headquarters Agreement concerning the immunity of FAO from every form of legal process;

(b) It requested the host Government to find a suitable method of solving the problem, in consultation with the landlords of the building, with a view to the settlement of the dispute out of court;

(c) It invited the Independent Chairman of the Council to convey to the President of the Italian Republic, the Prime Minister and the Minister of Foreign Affairs the concern of the Council on the matter and to seek their help in ensuring that FAO enjoyed the status envisaged under the Headquarters Agreement both in letter and in spirit.

ii. *Amendments to the statutes of the Advisory Committee on Marine Resources Research*

The Council endorsed CCLM's conclusions that the text of the revised statutes of the Advisory Committee on Marine Resources Research (established under article VI.2 of the Constitution), as proposed by the Director-General, was in conformity with the Basic Texts and relevant decisions of the Conference.³⁵⁸

b. *Application for membership*

At its eighty-second session, the Council took cognizance of the applications for membership submitted by Antigua and Barbuda and by Belize.

Pending a decision by the Conference on those applications, and pursuant to rule XXV.11 of the general rules of the organization and paragraphs B.1, B.2 and B.4 of the "Statement of Principles relating to the Granting of Observer Status to Nations", the Council authorized the Director-General to invite Antigua and Barbuda and Belize to participate in an observer capacity, at appropriate Council meetings as well as at regional and technical meetings of the organizations of interest to them.

c. *Status of conventions and agreements and amendments thereto for which the Director-General of FAO acts as depositary*

- (i) In 1982 the amendments to the International Plant Protection Convention³⁵⁹ were accepted by the following countries: El Salvador, Finland, Guyana, Israel, Soviet Union, United Kingdom, United States.
- (ii) In 1982 the amendments to the Plant Protection Agreement for the South East Asia and Pacific Region³⁶⁰ were accepted by the following countries: France, Laos, Sri Lanka.
- (iii) In 1982 the Agreement for the Establishment of a Centre on Integrated Rural Development for Asia and the Pacific (CIRDAP)³⁶¹ was ratified by Thailand.
- (iv) In 1982 the Agreement for the Establishment of a Centre on Integrated Rural Development for Africa (CIRD Africa)³⁶² was accepted by Mozambique.
- (v) In 1982 the Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development of Latin America and the Caribbean (CARRDLAC)³⁶³ was ratified by Nicaragua.

d. *Other activities of legal interest*

i. *World Conference on Fisheries Management and Development*³⁶⁴

At its eighty-second session, the Council endorsed the recommendation of the Programme Committee that the Conference should be open to all States members of FAO, the United Nations, any of its specialized agencies, or IAEA.

ii. *Change of name of the region 'Latin America'*³⁶⁵

At its eighty-second session, the Council noted that the Seventeenth Regional Conference for Latin America, which had been held at Managua, had endorsed a proposal to change the name of the region from "Latin America" to "Latin America and the Caribbean". The Council agreed with the proposal (whereby the region would be known as "Latin America and the Caribbean"; the Regional Conference, "Regional Conference for Latin America and the Caribbean"; and the Regional Office for Latin America, "Regional Office for Latin America and the Caribbean") and invited the Conference to endorse the changes.

(b) *Legislation Branch*³⁶⁶

(i) *Legislative research and publications*³⁶⁷

Research was conducted, *inter alia*, on legislation on coastal State requirements for foreign fishing; fisheries; joint ventures; forestry and wildlife legislation in Africa; the law of international water resources; regional compendia of fisheries legislation; legislation on food for infants and small children; and meat export and import legislation.

(ii) *Collection, translation and dissemination of legislative information*

FAO published the semi-annual *Food and Agriculture Legislation*. Annotated lists of relevant laws and regulations appear regularly in *Land Reform, Land Settlement and Co-operatives*, also a semi-annual FAO publication. Similar lists are also published in the semi-

annual *Food and Nutrition Review* and in *Unasylyva* (*An international journal of forestry and forest industries*).

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(a) Constitutional and procedural questions

MEMBERSHIP OF THE ORGANIZATION

Indicated below is information on the signature and acceptance of the Constitution of UNESCO³⁶⁸ by States which became members of the organization within the period covered by the present review:

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of acceptance</i>
Bhutan	13 April 1982	13 April 1982
Belize	10 May 1982	10 May 1982
Antigua and Barbuda	15 July 1982	15 July 1982

Under the terms of articles II and XV of the Constitution, each of the above-mentioned States became a member of the organization on the respective date on which its acceptance took effect.

(b) International regulations

(i) *Entry into force of instruments previously adopted*

In accordance with the terms of its article 18, the Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region,³⁶⁹ adopted on 21 December 1979 at Paris, by an International Conference of States convened by UNESCO, entered into force on 18 February 1982, that is, one month after the deposit with the Director-General of the fifth instrument of ratification.

(ii) *Instruments adopted by international conferences of States for which UNESCO became the depository*

—Protocol to Amend the Convention on Wetlands of International Importance Especially as Waterfowl Habitat³⁷⁰ (adopted on 3 December 1982 at Paris, France).

(c) Human rights

Examination of cases and questions concerning the exercise of human rights coming within the competence of UNESCO

The Committee on Conventions and Recommendations met in private session at UNESCO headquarters from 21 April to 3 May and 30 August to 7 September 1982 in order to examine communications which had been transmitted to it in accordance with decision 104 EX/3.3 of the Executive Board.

At its spring session, the Committee examined 58 communications of which 54 were examined as to their admissibility and 4 were examined on their substance. Of the 54 commun-

ications examined as to admissibility, 6 were declared admissible, 13 were declared inadmissible, 6 were struck from the list since they were considered as having been settled and 1 was forwarded to another organization of the United Nations system. The examination of 32 communications was suspended. The Committee presented its report to the Executive Board at its one hundred twelfth session.

At its fall session, the Committee had before it 55 communications of which 45 were examined as to their admissibility, 1 was declared admissible and 12 were declared irreceivable. The examination of 37 communications was suspended, 4 communications were struck from the list since they were considered as having been settled and 1 communication concerning a missing person was transmitted to the Working Group on Enforced or Involuntary Disappearances, set up by the United Nations Commission on Human Rights. The Committee presented its report on its examination of those communications to the Executive Board at its one hundred thirteenth session. Due to the urgent nature of one communication, it was examined by the Committee at an extraordinary session held on 3 December 1982.

(d) Copyright and neighbouring rights

(i) *Safeguarding of folklore*

A Committee of Governmental Experts on the Safeguarding of Folklore, convened by UNESCO at its headquarters from 22 to 26 February 1982, analysed on an interdisciplinary basis, within the framework of an overall and integrated approach, various aspects of folklore including its definition, identification, conservation, preservation and utilization on the basis of a global survey on the totality of the protection of folklore. The Committee reached a consensus on the long-awaited definition of folklore and, *inter alia*, made a number of recommendations to the member States as well as to the organization for the safeguarding of folklore and stressed that UNESCO should continue its studies and deliberations aimed at formulating international recommendations in this regard.³⁷¹

(ii) *Intellectual property aspects of folklore protection*

Based on the preparatory work of two joint UNESCO/WIPO working groups on the intellectual property aspects of folklore protection (meeting in January 1980 and February 1981, respectively), a joint UNESCO/WIPO Committee of Governmental Experts on the Intellectual Property Aspects of the Protection of Expressions of Folklore met at Geneva from 28 June to 2 July 1982 and adopted the Model Provisions for National Laws on the Protection of Expressions of folklore against Illicit Exploitation and other Prejudicial Actions.³⁷²

(iii) *"Domaine public payant"*

In pursuance of resolution 5/01 adopted by the General Conference of UNESCO at its twenty-first session and of the decisions of their respective governing bodies, UNESCO and WIPO jointly convened a Committee of Non-Governmental Experts on the "Domaine Public Payant", which met at Geneva from 26 to 29 April 1982 to prepare guidelines on the question of "domaine public payant". On the basis of an analysis of the replies to the survey of existing provisions on the application of the system of "domaine public payant" in national legislation, the Committee considered that a list of topics could be defined with a view to preparing draft model guidelines, and accordingly nine relevant topics, including categories of works, prior authorization, competent authorities, beneficiaries and remedies, to the extent that they concerned works in the public domain, were selected for deliberation. The findings of the Committee would be submitted to the 1983 sessions of the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union.³⁷³

(iv) *Copyright and neighbouring rights problems raised
by distribution by cable*

The subcommittees of the Executive Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union), of the Intergovernmental Copyright Committee of the Universal Copyright Convention³⁷⁴ and of the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)³⁷⁵ met at UNESCO headquarters from 13 to 17 December 1982 to examine the copyright and so-called neighbouring rights problems raised by distribution by cable, on the basis, in particular, of the draft Annotated Model Provisions for the Protection of Authors, Performers, Producers of Phonograms and Broadcasting Organizations prepared by the secretariats of ILO, UNESCO and WIPO. In concluding their discussions of the various relevant aspects of the issue, the subcommittees noted that in spite of the progress they had achieved, they were not in a position to reach sufficiently elaborated conclusions and therefore recommended to their respective secretariats that proper measures be taken to enable them to resume their work at a later date before the 1983 sessions of the three committees and that consultants be appointed by Governments by mid-1983 to advise the three secretariats on a revised edition of the draft Annotated Model Provisions.³⁷⁶

(v) *Copyright problems arising from the use of computers for access
to or the creation of works*

The second joint UNESCO/WIPO Committee of Governmental Experts on Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works met at UNESCO headquarters from 7 to 11 June 1982. The Committee considered the draft Recommendations on the subject prepared by the two secretariats in consultation with the officers of the first Committee on these problems (which had met in December 1980) and adopted the Recommendations for Settlement of Copyright Problems Arising from the Use of Computer Systems for the Access to or the Creation of Works. The Committee asked the secretariat to assure wide dissemination of those Recommendations among member States and to inform the Intergovernmental Copyright Committee of the Universal Copyright Convention³⁷⁷ and the Executive Committee thereof at their next sessions to be held in December 1983.

(vi) *Access by the visually and aurally handicapped to material
reproducing works protected by copyright*

In pursuance of the decisions of their respective governing bodies and of the recommendation made by the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention at their 1981 sessions, UNESCO and WIPO jointly convened a Working Group on Access by the Visually and Auditorily Handicapped to Material Reproducing Works Protected by Copyright at UNESCO headquarters from 25 to 27 October 1982. The Working Group drafted two alternatives, A and B, of Model Provisions concerning the Access by Handicapped Persons to the Work Protected by Copyright—one permitting the reproduction in Braille of any published work or authorized translation thereof without the consent of the author and without payment of remuneration, subject to the obligations under the international conventions and the absence of a motive of commercial gain, and the other permitting such reproduction against payment of remuneration subject to the same obligations. The two Model Provisions also covered reproduction in large print or by sound recording or broadcasting by means of a radio-reading service of works of the above-mentioned category free or against payment of remuneration but with permission from the competent authority, subject to similar conditions.³⁷⁸

(vii) *Guidelines on the system of translation and reproduction licences
for developing countries under the Copyright Conventions*

The joint UNESCO/WIPO Working Group on the Formulation of Guidelines on the System of Translation and Reproduction Licences for Developing Countries under the Copyright

Conventions held its third meeting at UNESCO headquarters from 6 to 10 December 1982 to clarify certain aspects further and to finalize the text of the Guidelines, which had been adopted at its second meeting in 1980. The Working Group amended certain paragraphs of the Guidelines and also decided to change the title of the document to read "Advisory Notes on the Implementation of the System of Translation and Reproduction Licences for Developing Countries under the Copyright Conventions".³⁷⁹

(viii) *Model contracts concerning co-publishing and commissioned works*

In pursuance of the deliberations of the first ordinary session of the Joint UNESCO/WIPO Consultative Committee (1981) within the framework of the Joint International UNESCO/WIPO Service for Access by Developing Countries to Works Protected by Copyright, UNESCO and WIPO jointly convened a Working Group on Model Contracts concerning Co-publishing and Commissioned Works at Geneva from 8 to 12 November 1982. The Working Group considered the preliminary drafts of Model Contracts concerning relations between an author and a publisher in respect of commissioned works; relations between a translator and a publisher with respect to commissioned translations; and the co-production of copies of a work by a publisher holding rights in the work and a publisher in a developing country; and also made several observations to be taken into account in preparing revised drafts of each of the draft model contracts. The Working Group noted that the joint secretariat would report on its meeting to the above-mentioned UNESCO/WIPO Joint Consultative Committee during its second session in July 1983.³⁸⁰

4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

(a) Legal activities

There was no legal meeting during the year 1982; however, pursuant to the recommendations of the twenty-third session of the Assembly and decisions of the Council, a considerable amount of work was done in preparation for the twenty-fifth session of the Legal Committee.

In accordance with the report of the Panel of Experts on the work programme of the Legal Committee, in October 1981, the Council had decided that the Legal Bureau should undertake simultaneously a study on the following two items: (a) liability of air traffic control agencies; and (b) study of the status of the instruments of the Warsaw System. A preliminary study of the items was considered by the Council at its one hundred fifth session, in March 1982; the study was accompanied by detailed questionnaires on each item. The secretariat study and the questionnaires attached thereto were sent to Contracting States and international organizations for their comments and replies. Furthermore, during the same session the Council, bearing in mind the decision of the twenty-third session of the Assembly which directed the Council to convene a session of the Legal Committee to consider the question of revising the general work programme, decided to convene the twenty-fifth session of the Legal Committee at Montreal, Canada, from 12 to 27 April 1983.

(b) Unlawful interference with international civil aviation and its facilities

The Committee on Unlawful Interference with International Civil Aviation and its Facilities held eight meetings during the year. It considered proposals concerning the implementation of Assembly resolution A23-22, entitled "Refusal to allow unlawfully seized aeroplanes to land", and presented its recommendations to the ICAO Council. In accordance with the recommendation of the Committee, the Council on 30 June adopted a resolution entitled "Assistance to unlawfully seized aircraft", in which it urged each Contracting State to provide, as it might find practicable, such measures of assistance to an aircraft subjected to an act of unlawful

seizure—including the provision of navigational aids, air traffic services and permission to land—as might be necessitated by the circumstances.

In response to a recommendation made by the United Nations Security Council Commission of Inquiry established under Security Council resolution 496 (1981), the Committee considered measures and procedures to prevent the clandestine transportation of weapons and munitions in checked baggage.

The Council noted the conclusion of the Committee that provisions had been adopted in annexes 17 and 9 to the Chicago Convention³⁸¹ with a view to eliminating the clandestine transportation of weapons and munitions on board aircraft engaged in international air transport and that it was up to Contracting States to apply those provisions.

5. WORLD HEALTH ORGANIZATION

(b) Constitutional and legal developments

During 1982 Bhutan became a member of the World Health Organization through the deposit of an instrument of acceptance of the WHO Constitution³⁸² on 8 March 1982.³⁸² At the end of the year there were 158 members and one associate member of the organization.

The amendments to articles 24 and 25 of the Constitution, adopted in 1976 by the Twenty-ninth World Health Assembly and providing for an increase in the membership of the Executive Board from 30 to 31, were accepted by a further 27 members, bringing the total number of acceptances to 86.

The amendment to article 74 of the Constitution, adopted in 1978 by the Thirty-first World Health Assembly to include an Arabic version among the authentic texts, was accepted by a further eight members, bringing the total number of acceptances to 24.

The Thirty-fifth World Health Assembly, on the recommendation of the Executive Board at its Sixty-ninth session, adopted resolution WHA35.14 on policy on patents. By that resolution the Assembly decided that it would be the policy of WHO to obtain patents, inventors' certificates or interests in patents on patentable health technology developed through projects supported by WHO, where such rights and interests were necessary to ensure the development of the new technology; the organization would use its patent rights, and any financial or other benefits associated therewith, to promote the development, production and wide availability of health technology in the public interest.

(b) Health legislation and human rights

At its thirty-seventh session, the General Assembly of the United Nations adopted the revised resolution on principles of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment.³⁸³ Those principles are based on proposals made by WHO and the Council for International Organizations of Medical Sciences (CIOMS).

WHO and CIOMS commenced in 1982 a joint study of the principles that should govern the use of laboratory animals in human medical research with a view to promulgating international guidelines on the subject.

A meeting was held at Copenhagen in November 1982 on strategies for the legal implementation of the International Code of Marketing of Breast-milk Substitutes: The purpose of the meeting was to inform Member States on the Code and to develop national strategies for its legal implementation.

A study was undertaken to assist Governments and health officials to develop effective legislation as part of a campaign to reduce morbidity and mortality from smoking-related diseases. A survey of legislative texts was carried out and conclusions were drawn concerning experience with attempts to control smoking by means of legislation.

6. WORLD BANK

International Centre for Settlement of Investment Disputes

(i) *Signatures and ratifications*

During 1982, El Salvador signed the Convention.³⁸⁴ On 31 December 1982, the number of Contracting States stood at 81, and seven countries had signed the Convention but had not yet deposited an instrument of ratification.

(ii) *Disputes submitted to the Centre*

In 1982, the Centre registered one new request for arbitration and its first request for conciliation proceedings. The arbitration proceedings involved *Société Oues Africaine des Bétons Industriels (SOABI) v. The State of Senegal*. The conciliation proceedings involved *SEDITEX Engineering Beratungsgesellschaft für die Textilindustrie mbH v. the Government of the Democratic Republic of Madagascar*.

7. INTERNATIONAL MONETARY FUND

MEMBERSHIP, QUOTAS, AND PARTICIPATION IN THE SPECIAL DRAWING RIGHTS DEPARTMENT

In 1982, Antigua and Barbuda, Belize and Hungary became members of the Fund,³⁸⁵ on 25 February, 16 March and 6 May respectively, raising the membership of the Fund to 146. All three of the aforementioned States elected to participate in the Special Drawing Rights Department; thus, all members of the Fund were participants in that Department at the end of 1982. The application of Poland for membership was pending.

The Fund continued its work during 1982 on the Eighth General Review of Quotas, which was completed on 31 March 1983 by a resolution of the Board of Governors which authorized an increase of 47.5 per cent in aggregate Fund quotas from the level of 61,059.8 million special drawing rights to SDR 90,034.8 million. The new quotas are intended to become effective by the end of 1983 in order to enable the Fund to carry out its tasks of assisting in the financing and adjustment of members' payments imbalances and to better reflect members' relative positions in the world economy.

FINANCIAL ASSISTANCE

The Fund increased its financial assistance to members substantially in 1982. New commitments of resources under the Supplementary Financing Facility ceased on 22 February. Members continued, however, to have similar access to resources of the Fund under the Fund's policy of enlarged access, which was approved in March and became operative on 7 May. On 17 November, the Fund permitted members to use the Fund's Buffer Stock Financing Facility for contributions under the 1979 International Natural Rubber Agreement and the Sixth International Tin Agreement. During 1982 internal procedures regarding members that were not current in their financial obligations to the Fund were modified to promote compliance.

CHARGES AND REMUNERATION

On 9 June 1982, the Fund revised the criteria for determining the rate of charge for the conditional use of its ordinary resources. At the beginning of each financial year, starting 1 May 1983, the rate of charge shall be determined at the beginning of each financial year on the basis of the estimated income and expense of the Fund during the year and the target amount of net income for the year. The latter shall be 3 per cent of the Fund's reserves at the beginning of the year or such other percentage as the Executive Board may determine, particularly in the light of the results in the previous financial year. If the Fund's net income for a financial year exceeds the target amount for that year, the Executive Board may deem any part of the excess over the target amount that has been placed in reserve as income for the next year in determining the rate of charge for that next year. Following these criteria the Fund deemed SDR 92 million of its net income for fiscal year 1982 as income for fiscal year 1983 for the purpose of calculating the rate of charge for fiscal year 1983, which was set at 6.6 per cent per annum. On 23 April 1982 the Fund decided to permit members needing SDRs to pay charges to the Fund within 30 days to obtain them from the Fund in exchange for other members' currencies selected by the Fund.

BORROWING

On 13 January 1982, the Fund adopted Guidelines for Borrowing by the Fund. Also in 1982, the Fund staff considered proposals which led to the adoption, on 24 February 1983, of a decision of the Executive Board to increase the size of the General Arrangements to Borrow (GAB) from SDR 6.4 billion to SDR 17 billion and to amend them to permit their use to finance purchases by non-participants in GAB, if necessary to preserve the stability of the international monetary system, and to permit Switzerland to become a participant in GAB.

SPECIAL DRAWING RIGHTS

Two international development institutions and a joint central bank were prescribed as "other holders" of SDRs in 1982, bringing the total number of "other holders" to 13. The Bank of Central African States was prescribed on 26 February, the Islamic Development Bank on 5 April, and the Asian Development Bank on 15 October. The Fund continued to consider whether to make additional allocations of SDRs but did not reach any conclusion on the question.

During 1982 the International Telecommunication Union adopted SDR as its unit of account, bringing to 15 the number of international and regional organizations using SDR in determining a unit of account.

SURVEILLANCE

Article IV, section 3, of the Fund's Articles of Agreement³⁸⁶ provides that the Fund shall oversee the international monetary system and the compliance of each member with its obligations concerning exchange and related policies. In order to fulfil these tasks the Fund must exercise firm surveillance over the exchange rate policies of members and adopt policies to guide members with respect to those policies. During 1982 the Fund intensified its consultations with members under its principles and procedures for surveillance, adopted in 1977. These included regular consultations under article IV that, in principle, take place annually with each member, consultations with members to help the Executive Board review the world economic outlook or major economic developments taking place in the country and other *ad hoc* consultations.

STATUS UNDER ARTICLE VIII OR ARTICLE XIV

Article VIII of the Fund's Articles of Agreement requires each member to refrain from imposing restrictions on the making of payments and transfers for current international transac-

tions, or discriminatory currency arrangements or multiple currency practices without the approval of the Fund, and to ensure the convertibility of balances of its currency held by other members. Article XIV, however, permits a member to avail itself of transitional arrangements that were in effect at the time it became a member of the Fund. As of the end of 1982, 56 members had accepted the obligations of article VIII, sections 2, 3 and 4, of the Articles of Agreement, 89 members were availing themselves of the transitional arrangements under article XIV, section 2, and one member had not yet completed formal procedures to establish its status under these provisions.

SUBSIDY PAYMENTS

Subsidy payments totalling SDR 9.3 million were made under the Oil Facility Subsidy Account on 1 June 1982 to certain members of the Fund on the average daily balances of the Fund's holdings of their currencies that were outstanding during fiscal year 1982 under the 1975 Oil Facility and were subject to charges. Subsidy payments amounting to SDR 44.3 million were also made on 10 August 1982 under the Supplementary Financing Facility Subsidy Account to certain members in respect of the charges paid by them on the Fund's holdings of their currencies acquired as a result of purchases under the Supplementary Financing Facility and the policy on exceptional use of the Fund's resources.

The Subsidy Account for the Oil Facility was established on 1 August 1975 to assist members most seriously affected by oil price increases by reducing the interest cost of using the 1975 Oil Facility. The Supplementary Financing Facility Subsidy Account was established on 17 December 1980 to assist the low-income developing members to meet the cost of using resources made available through the Fund's Supplementary Financing Facility and under the policy on exceptional use.

8. UNIVERSAL POSTAL UNION³⁸⁷

The Universal Postal Union continued its study of the legal and administrative problems entrusted by the Congress to the Executive Council. Among the most important problems which may be of interest to other organizations, specific mention should be made of the following studies.

ORGANIZATION, FUNCTIONING AND METHODS OF WORK OF THE CONGRESS

The basic purpose of the study is to lighten and shorten the deliberations of the Congress, the supreme organ of UPU, which in principle meets every five years for six weeks. The study, which reappraises the entire procedure governing the mechanism of the Congress, has already led to a series of decisions which will become operational for the 1984 Hamburg Congress. However, the study will not really be completed until 1984, and will be the subject of an exhaustive report at that time.

ORGANIZATION, FUNCTIONING AND METHODS OF WORK OF THE EXECUTIVE COUNCIL AND DELIMITATION OF POWERS BETWEEN THE EXECUTIVE COUNCIL AND THE CONSULTATIVE COUNCIL FOR POSTAL STUDIES

The study's principal objective has been to redefine and specify the powers of the Executive Council, in view of the practice that has developed since its establishment in 1948. It will be the subject of a report and proposals which will be submitted to the 1984 Hamburg Congress.

QUORUM REQUIRED FOR AMENDING THE CONSTITUTION

Having been instructed to consider various aspects of the quorum requirement within the organs of the Congress, the Executive Council decided to recommend that the Hamburg Congress should reintroduce into the rules of procedure of the Congress a quorum equal to the required majority for amending the Constitution, namely, two thirds of the States members of the Union.

On the other hand, the Executive Council has not deemed it advisable to recommend a reduction in the quorum currently required for the opening of plenary meetings and meetings of the commissions, namely, a majority of the member States represented in the Congress or, where appropriate, a majority of the States represented in the Congress and parties to the optional arrangements when they are under consideration. It should be noted that these different quorums are also those required for the taking of decisions within the organs of the Congress, except with respect to the Constitution and the general regulations, which require larger quorums.

9. WORLD METEOROLOGICAL ORGANIZATION

(a) Questions relating to the Convention³⁸⁸ and the General Regulations

INTERPRETATION OF THE TERM "DESIGNATED" IN REGULATION 142 OF THE GENERAL ASSEMBLY

The Executive Committee considered the draft report prepared by the Secretary-General, as requested by the Committee at its thirty-third session, containing the study prepared by the Secretary-General and the detailed amendments which would satisfy each of the two alternative interpretations of the term "designated" in regulation 142 of the General Regulations.

In connection with the request made by the Committee to emphasize the suggestion to confine the list of candidates for an acting member of the Committee to those coming from the same Region as the outgoing member, it was felt that such a suggestion would suffice if it were reflected in the accompanying text to be submitted to the Ninth Congress in connection with the proposed amendments to the regulation rather than in the General Regulations or the rules of procedure of the Executive Committee.

The Committee noted that only the proposed amendments to article 16 of the Convention and to regulation 142 of the General Regulations were to be submitted to the Ninth Congress and that any amendments to the rules of procedure of the Committee would be dealt with accordingly by the Committee itself depending on the final interpretation of the term by the Ninth Congress.

The Executive Committee incorporated its view in resolution 26 of its thirty-fourth session (EC-XXXIV).

In examining the proposed amendments to article 16 of the Convention, the Committee also noted that the reference in the article to the fact that a member of the Executive Committee in casting his vote might be acting in more than one capacity appeared to be redundant, taking into account the provisions of regulation 8 of the WMO General Regulations.

With a view to avoiding possible misinterpretations, the Committee concluded that, if the Congress decided to amend article 16 of the Convention as a result of its interpretation of the term "designated" in regulation 142, it would be preferable to delete at the same time the relevant part of the sentence containing the aforesaid reference.

The Committee therefore requested the Secretary-General, in submitting to the Ninth Congress, in accordance with resolution 26 (EC-XXXIV), the proposed amendments to article

16 of the Convention, to emphasize that the proposed deletion, although incorporated in the proposed amended text of the article, is to be considered as a matter distinct from the question of the interpretation of the term "designated" in regulation 142.

PROCEDURES RELATING TO INVITATIONS FOR SESSIONS OF CONSTITUENT BODIES

The Committee studied and approved the proposed draft amendment to annex I to the General Regulations (reference: regulation 16) and requested the Secretary-General to present the proposal to the Ninth Congress on behalf of the Committee.

DISCREPANCY BETWEEN THE ENGLISH AND FRENCH TEXTS OF ARTICLE 14 (f) OF THE CONVENTION

The Executive Committee considered the draft resolution prepared by the Secretary-General, as requested by the Committee at its thirty-third session, for the interpretation of the Convention in connection with this article. The Committee expressed the desire that the proposed editorial adjustment of the English text of the article should be made by a formal amendment of the article. Therefore, following up on its own interpretation of the article already expressed during its thirty-third session, the Committee decided to submit the editorial adjustment as a formal proposal for the amendment of article 14 (f) to the Ninth Congress.

The Committee reflected its view on the matter in resolution 27 (EC-XXIV).

DISTRIBUTION OF SEATS ON THE EXECUTIVE COMMITTEE AMONGST THE DIFFERENT REGIONS

The Executive Committee reviewed the results of the second consultation undertaken by the Secretary-General with the members of the Organization on the subject of the distribution of seats on the Committee amongst the different Regions. Judging from the comments resulting from the two consultations held on the matter, the Committee identified the following suggestions as the most frequently proposed:

- (a) There should be a mechanism whereby the Regions have greater representation;
- (b) There should be a proportional distribution in accordance with the number of members from each Region in relation to the total number of members of the Organization;
- (c) There should be three bodies within the Executive Committee each with 10 seats:
 - (i) The administrative body with members represented by the elected president, the three vice-presidents and the six presidents of regional associations;
 - (ii) The permanent representative body with the members representing the more economically developed countries, the largest contributors to the budget, the largest in area, the most scientifically developed and the most active in the World Weather Watch (WWW), taking into account that all six Regions must be represented by at least one of their members;
 - (iii) Elected members of the Regions in proportion to the number of members in the Region;
- (d) The election of all members must be made by the Congress, except in the case of presidents of regional associations;
- (e) The level of participation in WWW, as the main programme of WMO, must be considered as a strong point in electing members to the permanent body;
- (f) It is not possible to refer to the idea of personal qualifications and competence of members because this would require a previous evaluation of each member;
- (g) Consideration might be given to the possibility of electing permanent representatives instead of individuals so that their successors could take the vacant seats in case of retirement, resignation or death;

- (h) The selection of mathematical formulas acceptable to all would be very difficult;
- (i) The minimum number of members should be such that there is in most circumstances at least one elected member from each Region.

Although the Executive Committee noted that the existing distribution system of seats in the Committee did not seem to adapt itself to the increase in membership of the Organization, it was felt that the present criteria as well as the consultation process during the Congress in connection with the distribution of seats in the Committee were still supported by an appreciable number of members.

In this connection, concern was expressed that at present Region IV was not adequately represented in the Executive Committee. The hope was expressed that at some point a way could be found to rectify the situation.

The Executive Committee, aware of the difficulties involved in reaching a possible consensus on the matter, decided to submit the comments received from members as a result of the two consultations held on the question to the Ninth Congress for its consideration.

PROPOSED AMENDMENTS TO THE GENERAL REGULATIONS

The Executive Committee examined the proposals for amendment of certain of the General Regulations, the need for which had arisen as a result of the experience gained since the Eighth Congress in the application of those regulations. The Committee decided to recommend to the Ninth Congress the adoption of the proposed amendments to the General Regulations and requested the Secretary-General to submit the amendments to the Ninth Congress.

(b) Membership of the organization

In 1982, Belize, Vanuatu and Swaziland became members of the organization under article 3 (b) of the Convention on 24 June, 24 July and 2 December respectively, those dates being the thirtieth day after the respective deposits of the instruments of accession to the Convention.

The total membership of the organization at the end of 1982 comprised 152 States and five Territories.

10. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

(a) Members of the organization

In 1982, Nicaragua became a member of the Inter-Governmental Maritime Consultative Organization (17 March). As at 31 December 1982, the number of members of the organization was 122. There was also one associate member.

(b) Amendments to the IMCO Convention

The amendments adopted on 14 November 1975³⁸⁹ to the Convention on the Inter-Governmental Maritime Consultative Organization, done at Geneva on 6 March 1948,³⁹⁰ entered into force on 22 May 1982. The amendments changed as from 22 May 1982 the name of the Organization to "International Maritime Organization" (IMO). They also expanded article I of the Convention to include activities concerning "the prevention and control of marine pollution from ships" and "legal matters related to the purposes set out in this article". In addition, the amendments provided for the institutionalization of the Legal Committee and the Marine Environment Protection Committee in the IMO Constitution.

11. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

MEMBERSHIP

At its sixth session, held from 13 to 15 December 1982, the Governing Council of IFAD approved the membership of three countries: Belize, Saint Vincent and the Grenadines and Suriname. As at 31 December 1982, IFAD had a total membership of 137 States—20 in category I (developed countries), 12 in category II (oil-exporting developing countries) and 105 in category III (other developing countries).

ADOPTION OF IFAD'S PROCUREMENT GUIDELINES

In order to regulate the acquisition of goods and related services needed to carry out a project or a programme, the Agreement establishing IFAD requires that the Executive Board shall adopt suitable regulations for the procurement of goods and services to be financed from the resources of IFAD. Accordingly, the Executive Board, after due deliberation at its Sixteenth Session, in September 1982, adopted the Guidelines for procurement under financial assistance from the International Fund for Agricultural Development. These Guidelines, in general, adhere to the principles of international competitive bidding followed by major international financial institutions. The recipient country may procure the required goods and services only from the member countries of IFAD. However, if justifications exist, the Executive Board, upon the recommendations of the president, may waive the membership restriction for a particular project and, as an exceptional measure, allow the recipient country to make procurement from a country that may not be a member of IFAD.

Conforming to the requirements of the Agreement establishing IFAD, in the evaluation of bids the recipient is to give a margin of preference within a prescribed range to procurement from developing member countries of IFAD. For the goods manufactured within the recipient country, the margin of preference can be up to 15 per cent of the bid price, and up to 5 per cent of the bid price in the case of goods manufactured in other developing member countries. Similarly, in the evaluation of bids for civil works contracts, the recipient can give up to a 7.5 per cent margin of preference for domestic contractors under conditions to be agreed with IFAD. After evaluation, if a bid from a developing member country is lowest in price or equivalent to the bid from a country that is not entitled to preference, then such a bid is to be considered for the award of contract. In the interest of economy and efficiency or under special circumstances and in agreement with IFAD, the recipient may not give some or all preferences.

The Procurement Guidelines will apply to all exclusively IFAD-financed projects and programmes approved by the Executive Board after its sixteenth session. In the case of co-financed projects and programmes, regulations of the international or regional financial institution that is to co-finance the project or programme with IFAD and administer such project or programme on behalf of IFAD as IFAD's Co-operating Institution will continue to be applied to the procurement of goods and related services financed from IFAD's resources. In the application of the co-operating institution's procurement regulations, IFAD has to ensure that such regulations are consistent with the general principles of IFAD's Procurement Guidelines.

USE OF CONSULTANTS BY IFAD AND ITS BORROWERS

The Executive Board of IFAD, at its sixteenth session, held in September 1982, deliberated on the issue of adopting rules for the use of consultants by IFAD and its borrowers. Regarding the use of consultants by IFAD itself, the Board decided that there was no need for detailed guidelines in that regard since the Board had the opportunity regularly to assess the use and need for such consultants when reviewing IFAD's annual budget proposals. With regard to the use of consultants by borrowers for projects financed by IFAD, the Board noted that since IFAD did not itself administer projects it would have to permit the guidelines of its co-operating institutions to be used. With respect to projects that were exclusively financed by IFAD, however, the Board decided that the eligibility criteria set out in IFAD's Procurement

Guidelines should be observed and that in engaging consultant services appropriate preferences should be given to consultants from developing member countries.

CO-OPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

In accordance with section 2 of article 8 of the Agreement establishing IFAD, IFAD seeks collaboration in its activities with other United Nations organizations, intergovernmental organizations, international financial institutions, non-governmental organizations and governmental agencies concerned with agricultural development. To carry out this collaboration, IFAD is empowered to conclude co-operation agreements with any of these organizations. These agreements assume special importance in co-operation activities involving the identification, preparation and appraisal of projects, since article 7, section 2, of the Agreement establishing IFAD makes it mandatory for IFAD to entrust the administration of its loans, for the purposes of the disbursement of the proceeds of the loans and the supervision of the implementation of the projects, to competent international institutions.

To broaden further the scope of its co-operation, IFAD signed a number of new co-operation agreements and working arrangements during 1982 with entities whose activities in development and food production correspond to IFAD's areas of interest. These new entities were:

- (a) Arab Bank for Economic Development in Africa (BADEA);
- (b) Andean Development Corporation (CAF);
- (c) Central American Bank for Economic Integration (BCIE);
- (d) United Nations Industrial Development Organization (UNIDO);
- (e) Organization of African Unity (OAU).

12. INTERNATIONAL ATOMIC ENERGY AGENCY

SAFEGUARDS AGREEMENTS

By the end of 1982, safeguards agreements were in force with 90 States. The total number of parties to the Treaty on the Non-Proliferation of Nuclear Weapons³⁹¹ was 121, including three nuclear-weapon States. Seventy safeguards agreements concluded pursuant to the Treaty were in force.

REGIONAL CO-OPERATION IN ASIA

The Regional Co-operative Agreement (RCA) for Research, Development and Training Related to Nuclear Science and Technology, concluded in 1972³⁹² and extended for a period of five years in 1977,³⁹³ was extended for a further period of five years with effect from 12 June 1982.³⁹⁴ By the end of 1982, RCA as thus extended was in force for the Agency and the following 13 member States in the Asia and the Pacific region: Australia, Bangladesh, India, Indonesia, Japan, Republic of Korea, Malaysia, Pakistan, Philippines, Singapore, Sri Lanka, Thailand and Viet Nam.

In October, the Government of Viet Nam notified the Director General of its acceptance of the Agreement Establishing the Asian Regional Co-operative Project on Food Irradiation³⁹⁵ within the framework of RCA. By the end of 1982, the Agreement was in force for the Agency and the following 11 member States: Bangladesh, India, Indonesia, Japan, Republic of Korea, Malaysia, Pakistan, Philippines, Sri Lanka, Thailand and Viet Nam.

ADVISORY SERVICES IN NUCLEAR LEGISLATION

As a follow-up to the advisory services provided to Chile in 1981, which resulted in the passing of a law on nuclear safety and nuclear third-party liability in October 1982, advice was

given on the elaboration of regulations for the licensing of activities involving radioactive materials and nuclear installations and for the physical protection of nuclear materials.

Advisory services were also provided to Uruguay on the framing of legislation concerning radiation protection and nuclear safety and on related organizational and regulatory matters.

PHYSICAL PROTECTION OF NUCLEAR MATERIAL

By the end of 1982, 33 States and the European Atomic Energy Community (EURATOM) had signed the Convention on the Physical Protection of Nuclear Material³⁹⁶ and six States had ratified it. Pursuant to article 19 of the Convention, 21 ratifications are required for its entry into force.

INTERNATIONAL SPENT FUEL MANAGEMENT

A major study on international spent fuel management was completed in July 1982 by a group of experts convened in 1979 to examine the potential for international co-operation in the management of spent fuel from nuclear reactors and to assist the Agency in defining what role it might play in solving problems created by growing accumulations of spent fuel.

Experts from 24 member States and three international organizations took part in the work of the Group. An essential finding was that for a number of countries international co-operation might offer advantages over strictly national approaches as regards the economic and management aspects of spent fuel storage. The necessary groundwork on international aspects of shared storage arrangements was done by the Group, and the conceptual work performed by it would facilitate the consideration of co-operative arrangements among interested parties. The Group concluded that arrangements similar to those provided for in various existing bilateral and multinational agreements in the nuclear field would be feasible for spent fuel management.

INTERNATIONAL PLUTONIUM STORAGE

In October 1982, the Expert Group on International Plutonium Storage (IPS) completed its work, which had been started in 1978. The purpose of the Group's study, in which experts from 34 member States and one international organization took part, was to examine the technical and operational aspects of establishing an IPS system within the framework of the Agency, including the harmonization of IPS procedures with existing safeguards. In its final report, the Expert Group identified three alternative approaches to procedures for implementing an IPS system and provided supporting material on international plutonium storage and possible institutional arrangements.

COMMITTEE ON ASSURANCES OF SUPPLY

The Committee on Assurances of Supply (CAS), established by the Board of Governors in June 1980, has continued its consideration of the question of the assurance of supplies of nuclear material, equipment and technology and fuel cycle services in accordance with mutually acceptable considerations of non-proliferation, and of the Agency's role and responsibilities thereto. This has been an issue not only between industrially advanced and developing countries but also among industrially advanced countries.

The Committee held its fifth and sixth sessions in April and October 1982 respectively. At those sessions, it continued consideration of the topics "Principles of international co-operation in the field of nuclear energy", in accordance with its mandate, and "Emergency and back-up mechanisms". In addition, the Committee began consideration of a third topic, "Revision mechanisms".

FUEL SUPPLY ARRANGEMENTS

On 20 December 1982, the Agency and the Governments of the United States and Yugoslavia amended the fourth supply agreement, concluded between them on 16 January 1980,³⁹⁷

in connection with the Agency's assistance to Yugoslavia for the transfer of enriched uranium from the United States for a research reactor in Yugoslavia. The amendment³⁹⁸ provides for the transfer to Yugoslavia, through the Agency, of approximately 5,098 grams of low-enriched uranium.

HOST COUNTRY ARRANGEMENTS

An agreement between the Agency and the Government of Austria was concluded on 1 March 1982 for the inclusion of the Agency's laboratories at Seibersdorf in the headquarters of the Agency. The agreement includes provisions regarding operational safety.

SAFE TRANSPORT OF RADIOACTIVE MATERIALS

As part of its efforts to provide adequate and compatible safety standards for use as a basis for the national and international transport of radioactive materials, the Agency continued its work on developing and updating universally applicable regulations for safe transport. A revised and expanded edition of the "Advisory material for the application of the IAEA transport regulations"³⁹⁹ was issued in March 1982; a major draft revision of the Transport Regulations⁴⁰⁰ was circulated for review by member States prior to completion of the revision, scheduled for 1984.

MUTUAL EMERGENCY ASSISTANCE

As a result of a request by the Board of Governors in February 1982, a group of experts met in June 1982 to study the most appropriate means of responding to the need for mutual assistance in connection with a nuclear accident. The group, *inter alia*, recommended the development of a single set of provisions that could be applied to emergency assistance and could serve as a model for the negotiation of bilateral or regional agreements, which are to be encouraged.

NOTES

¹ This summary has been prepared on the basis of *The United Nations Disarmament Yearbook*, vol. 7: 1982 (United Nations publication, Sales No. E.83.IX.7).

² For the preparatory work for the second special session of the General Assembly see *The United Nations Disarmament Yearbook*, vol. 6: 1981 (United Nations publication, Sales No. E.82.IX.7), pp. 51-60, and vol. 7: 1982 (United Nations publication, Sales No. E.83.IX.7), pp. 7-14.

³ *Official Records of the General Assembly, Tenth Special Session, Supplement No. 4 (A/S-10/4)*, sect. III; the Final Document is reproduced in *Juridical Yearbook*, 1978, p. 42, and in *The United Nations Disarmament Yearbook*, vol. 3, 1978 (United Nations publication, Sales No. E.79.IX.3), appendix I.

⁴ *Official Records of the General Assembly, Twelfth Special Session, Annexes*, agenda items 9, 10, 11, 12 and 13, document A/S-12/32; the Concluding Document is reproduced in *The United Nations Disarmament Yearbook*, vol. 7: 1982, appendix I.

⁵ See A/S-12/AC.1/PV.1-15.

⁶ See A/S-12/PV.1-29.

⁷ Reproduced in the present volume, pp. 61-63.

⁸ Adopted by a recorded vote of 116 to 12 (Western States), with 12 abstentions.

⁹ Adopted by a recorded vote of 134 to none, with 16 abstentions (Western States, Colombia and Lebanon).

¹⁰ *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 3 (A/S-12/3)*, annex III, para. 4 (d).

¹¹ See, in particular, paragraph 63 of the conclusions, p. 62 of the present volume.

¹² *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 27 (A/37/27)*, appendix II (see CD/335, appendix II, document CD/242).

¹³ Resolution 37/99 B was adopted without a vote.

- ¹⁴ Resolution 37/99 G was adopted by a recorded vote of 121 to none, with 17 abstentions (including Eastern European States, except Romania).
- ¹⁵ Resolution 37/99 H was adopted without a vote.
- ¹⁶ Resolution 37/99 I was adopted by a recorded vote of 135 to none, with 7 abstentions.
- ¹⁷ *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2)*, appendix I.
- ¹⁸ *Ibid.*, Supplement No. 4 (A/S-12/4), paras. 32-34.
- ¹⁹ *Ibid.*, Thirty-seventh Session, Supplement No. 28 (A/37/28).
- ²⁰ Adopted without a vote.
- ²¹ See especially paragraphs 59 and 62 of the Concluding Document, p. 62 of the present volume.
- ²² Adopted by a recorded vote of 114 (including China) to 1 (United States), with 32 abstentions.
- ²³ Adopted by a recorded vote of 118 to 19, with 9 abstentions.
- ²⁴ Adopted by a recorded vote of 81 to 14, with 52 abstentions.
- ²⁵ Adopted by a recorded vote of 70 to 18 (mainly Western States), with 51 abstentions.
- ²⁶ Adopted by a recorded vote of 121 to none, with 22 abstentions.
- ²⁷ Adopted by a recorded vote of 122 to 16 (mainly Western States), with 6 abstentions (including China).
- ²⁸ Adopted by a recorded vote of 119 to 17 (mainly Western States), with 5 abstentions.
- ²⁹ See paragraph 62 of the Concluding Document, p. 62 of the present volume.
- ³⁰ Adopted by a recorded vote of 117 to 17, with 8 abstentions.
- ³¹ Adopted by a recorded vote of 130 to none, with 17 abstentions (Western States).
- ³² Adopted by a recorded vote of 112 to 19, with 15 abstentions.
- ³³ Adopted by a recorded vote of 144 to none, with 3 abstentions (India, United Kingdom and United States).
- ³⁴ Adopted by a recorded vote of 108 to 17 (Western States), with 19 abstentions.
- ³⁵ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 27 (A/37/27 and Corr.1)*, para. 39.
- ³⁶ Adopted by a recorded vote of 115 to 5 (Australia, China, France, United Kingdom and United States), with 25 abstentions.
- ³⁷ Adopted by a recorded vote of 124 to 2 (United Kingdom and United States), with 19 abstentions.
- ³⁸ Adopted by a recorded vote of 111 to 1 (United States), with 35 abstentions.
- ³⁹ Adopted by a recorded vote of 136 to none, with 7 abstentions.
- ⁴⁰ Adopted by a recorded vote of 134 to none, with 13 abstentions.
- ⁴¹ Adopted without a vote.
- ⁴² Adopted by a recorded vote of 106 to 2 (Israel and United States), with 34 abstentions.
- ⁴³ See resolution 37/18, adopted by a recorded vote of 119 to 2 (Israel and United States), with 13 abstentions.
- ⁴⁴ Adopted by a recorded vote of 99 to 2 (Bhutan and India), with 45 abstentions.
- ⁴⁵ Established by General Assembly resolution 35/112 of 5 December 1980; in accordance with resolution 36/78 of 9 December 1981, six new members were appointed to the Preparatory Committee, in addition to those already appointed in 1981. The Committee in 1982 was thus composed of 64 Member States, as follows: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian SSR, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Iraq, Ireland, Italy, Ivory Coast, Japan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Romania, Senegal, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Turkey, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Cameroon, United States, Uruguay, Venezuela, Yugoslavia and Zaire.
- ⁴⁶ Adopted by a vote of 105 to 2 (Israel and United States), with 25 abstentions.
- ⁴⁷ A/S-12/AC.1/12 and Corr.1.
- ⁴⁸ A/S-12/AC.1/37 and Corr.1.
- ⁴⁹ A/S-12/AC.1/18 (Belgium), A/S-12/AC.1/29 and Corr.1 (German Democratic Republic) and A/S-12/AC.1/41 (France).
- ⁵⁰ See, for instance, A/S-12/22 (Netherlands), A/S-12/AC.1/5 (Hungary), A/S-12/AC.1/10 and Corr.1 (USSR) and A/S-12/AC.1/23 and Corr.1 (China).
- ⁵¹ See note 4.
- ⁵² *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2)*, para. 66, sect. III.
- ⁵³ Resolution 37/98 A was adopted by a recorded vote of 95 to 1 (United States), with 46 abstentions; resolution 37/98 B was adopted without a vote.

- ⁵⁴ Adopted by a vote of 124 to 15, with 1 abstention.
- ⁵⁵ Adopted by a vote of 86 to 19, with 33 abstentions.
- ⁵⁶ A/37/259, annex.
- ⁵⁷ Adopted by a recorded vote of 83 to 22, with 33 abstentions.
- ⁵⁸ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 27 (A/37/27 and Corr.1)*, paras. 76-89.
- ⁵⁹ Adopted by a recorded vote of 119 to none, with 26 abstentions.
- ⁶⁰ Adopted by a recorded vote of 114 to 10 (Western States), with 17 abstentions.
- ⁶¹ Documents CD/31 and CD/32 of 9 July 1979; see also *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2)*, para. 69.
- ⁶² Adopted without a vote.
- ⁶³ *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2)*, paras. 80-83, and *ibid.*, *Thirty-seventh Session, Supplement No. 27 (A/37/27 and Corr.1)*, paras. 97-106.
- ⁶⁴ A/CONF.101/10 and Corr.1 and 2, para. 426.
- ⁶⁵ Adopted by a recorded vote of 138 to 1, with 7 abstentions.
- ⁶⁶ Adopted by a recorded vote of 112 to none, with 29 abstentions.
- ⁶⁷ *Official Records of the General Assembly, Tenth Special Session, Supplement No. 4 (A/S-10/4)*, sect. III, para. 45; the Final Document is reproduced in *Juridical Yearbook, 1978*, p. 42.
- ⁶⁸ By Denmark (A/CN.10/33) and by the German Democratic Republic (A/CN.10/34).
- ⁶⁹ *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 3 (A/S-12/3)*, annex III.
- ⁷⁰ A/S-12/PV.2-25.
- ⁷¹ According to estimates of the Stockholm International Peace Research Institute, in *World Armaments and Disarmament, SIPRI Yearbook 1982* (London, Taylor & Frances, 1982), p. 176.
- ⁷² *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2)*, appendix I.
- ⁷³ See note 4.
- ⁷⁴ Adopted without a vote.
- ⁷⁵ Adopted without a vote.
- ⁷⁶ See *Official Records of the General Assembly, Tenth Special Session, Supplement No. 4 (A/S-10/4)*, sect. III, paras. 89 and 90.
- ⁷⁷ *Ibid.*, *Thirty-fourth Session, Supplement No. 42 (A/34/42)*, para. 19, sect. III.A, para. 4.
- ⁷⁸ Adopted without a vote.
- ⁷⁹ Adopted by a recorded vote of 96 to 13 (including the Eastern European States), with 9 abstentions.
- ⁸⁰ The *Ad Hoc* Committee in 1982 was composed of the following 46 Member States: Australia, Bangladesh, Bulgaria, Canada, China, Democratic Yemen, Djibouti, Egypt, Ethiopia, France, German Democratic Republic, Germany, Federal Republic of, Greece, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Liberia, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Netherlands, Norway, Oman, Pakistan, Panama, Poland, Romania, Seychelles, Singapore, Somalia, Sri Lanka, Sudan, Thailand, USSR, United Kingdom, United Republic of Tanzania, United States, Yemen, Yugoslavia and Zambia.
- ⁸¹ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 45 (A/34/45)*.
- ⁸² Adopted without a vote.
- ⁸³ See A/37/742.
- ⁸⁴ A/37/476.
- ⁸⁵ General Assembly resolution 2734 (XXV); reproduced in *Juridical Yearbook, 1970*, p. 62.
- ⁸⁶ Adopted by a recorded vote of 116 to none, with 19 abstentions.
- ⁸⁷ See A/37/743.
- ⁸⁸ Adopted without a vote.
- ⁸⁹ See A/37/744.
- ⁹⁰ For the report of the Legal Sub-Committee, see A/AC.105/305.
- ⁹¹ A/AC.105/288 and Add.1.
- ⁹² A/AC.105/287.
- ⁹³ A/AC.105/304.
- ⁹⁴ Working papers of Canada (A/AC.105/C.2/L.129 and L.135); Italy (WG/NPS(1981)/WP.2); Argentina and Chile (WG/NPS(1982)/WP.1); Brazil (WG/NPS(1982)/WP.3 and Rev.1); and Nigeria (WG/NPS(1982)/WP.4).
- ⁹⁵ A/AC.105/304.
- ⁹⁶ A/AC.105/C.2/L.121 and A/AC.105/L.112 respectively.

- ⁹⁷ Adopted without a vote.
- ⁹⁸ See A/37/646.
- ⁹⁹ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (resolution 2345 (XXII), annex); Convention on International Liability for Damage Caused by Space Objects (resolution 2777 (XXVI), annex); Convention on Registration of Objects Launched into Outer Space (resolution 3235 (XXIX), annex); Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (resolution 34/68, annex).
- ¹⁰⁰ Adopted without a vote.
- ¹⁰¹ See A/37/646.
- ¹⁰² *Report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 9-21 August 1982* (A/CONF.101/10 and Corr.1 and 2).
- ¹⁰³ *Ibid.*, para. 361.
- ¹⁰⁴ Adopted by a recorded vote of 107 to 13, with 73 abstentions.
- ¹⁰⁵ See A/37/646.
- ¹⁰⁶ For detailed information, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 25* (A/37/25).
- ¹⁰⁷ *Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972* (United Nations publication, Sales No. E.73.II.A.14), chap. I.
- ¹⁰⁸ *Ibid.*, chap. II.
- ¹⁰⁹ UNEP/GC.10/5/Add.2 and Corr.1 (English only) and Corr.2.
- ¹¹⁰ Adopted without a vote.
- ¹¹¹ Approved by consensus.
- ¹¹² UNEP/GC.10/8 and Corr.1 and 2 and Add.1.
- ¹¹³ UNEP/GC.10/5/Add.1 and Corr.1.
- ¹¹⁴ UNEP/GC/INFORMATION/5/Supplement 5.
- ¹¹⁵ UNEP/GC.9/5/Add.5, annex III.
- ¹¹⁶ Approved by consensus.
- ¹¹⁷ See *Report of the United Nations Conference on the Human Environment*.
- ¹¹⁸ Approved by consensus.
- ¹¹⁹ UNEP/GC.10/5/Add.2 and Corr.1 (English only) and Corr.2.
- ¹²⁰ *Ibid.*, pp. 2-4.
- ¹²¹ *Ibid.*, pp. 5-16.
- ¹²² *Ibid.*, sect. II.E, pp. 14-16.
- ¹²³ Approved by consensus.
- ¹²⁴ UNEP/GC.10/5/Add.2 and Corr.1 (English only) and Corr.2.
- ¹²⁵ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 25* (A/37/25).
- ¹²⁶ Adopted without a vote.
- ¹²⁷ A/37/680/Add.8.
- ¹²⁸ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 25* (A/37/25), part one, annex II; the Nairobi Declaration is reproduced in the present volume, pp. 80-81.
- ¹²⁹ Adopted without a vote.
- ¹³⁰ See A/37/680/Add.8.
- ¹³¹ UNEP/GC.10/7 and Corr.1.
- ¹³² See UNEP/GC.10/5/Add.2 and Corr.1 and 2.
- ¹³³ A/37/396 and Corr.1, annex.
- ¹³⁴ See UNEP/GC.9/5/Add.5, annex III.
- ¹³⁵ Adopted by a recorded vote of 111 to 1, with 18 abstentions.
- ¹³⁶ A/36/539.
- ¹³⁷ A/37/398 and Add.1.
- ¹³⁸ Adopted without a vote.
- ¹³⁹ See A/37/680/Add.2.
- ¹⁴⁰ For detailed information, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12* (A/37/12) and *ibid.*, *Supplement No. 12A* (A/37/12/Add.1).
- ¹⁴¹ United Nations, *Treaty Series*, vol. 189, p. 137.
- ¹⁴² *Ibid.*, vol. 606, p. 267.
- ¹⁴³ EC/SCP/25.
- ¹⁴⁴ Adopted without a vote.
- ¹⁴⁵ See A/37/692.

¹⁴⁶ Adopted without a vote.
¹⁴⁷ See A/37/692.
¹⁴⁸ Adopted without a vote.
¹⁴⁹ See A/37/692.
¹⁵⁰ United Nations, *Treaty Series*, vol. 520, p. 151.
¹⁵¹ *Ibid.*, vol. 1019, p. 175.
¹⁵² Adopted without a vote.
¹⁵³ See A/37/745.
¹⁵⁴ Set out in the report of the Commission on its seventh special session, *Official Records of the Economic and Social Council, 1981, Supplement No. 4 (E/1981/24)*, annex II.
¹⁵⁵ For background information on the question, see *Juridical Yearbook, 1981*, p. 59.
¹⁵⁶ Adopted without a vote.
¹⁵⁷ See A/37/727.
¹⁵⁸ See the Declaration of the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex), article 1 of which states:

"1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

"2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment."

Article 7 of the Declaration states:

"Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture."

The text of the resolution is also reproduced in *Juridical Yearbook, 1975*, p. 48.

¹⁵⁹ Particularly the Universal Declaration of Human Rights (resolution 217 A (III)), the International Covenants on Human Rights (resolution 2200 A (XXI), annex), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex) and the Standard Minimum Rules for the Treatment of Prisoners (*First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A).

¹⁶⁰ See General Assembly resolution 2200 A (XXI), annex. Also reproduced in *Juridical Yearbook, 1966*, pp. 170 *et seq.*

¹⁶¹ United Nations, *Treaty Series*, vol. 993, p. 3.

¹⁶² *Ibid.*, vol. 999, p. 171.

¹⁶³ Adopted without a vote.

¹⁶⁴ See A/37/718.

¹⁶⁵ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40 (A/37/40)*.

¹⁶⁶ See General Assembly resolution 2106 A (XX), annex. Also reproduced in *Juridical Yearbook, 1965*, p. 63.

¹⁶⁷ Adopted without a vote.

¹⁶⁸ See A/37/581.

¹⁶⁹ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 18 (A/37/18)*, chap. IX.A.

¹⁷⁰ Adopted without a vote.

¹⁷¹ See A/37/581.

¹⁷² Adopted by a recorded vote of 131 to 2, with 15 abstentions.

¹⁷³ See A/37/581.

¹⁷⁴ For the text of the Convention see General Assembly resolution 3068 (XXVIII) of 30 November 1973; and United Nations, *Treaty Series*, vol. 1015, p. 244. Also reproduced in *Juridical Yearbook, 1973*, p. 70.

¹⁷⁵ Adopted by a recorded vote of 124 to 1, with 22 abstentions.

¹⁷⁶ See A/37/581.

¹⁷⁷ E/CN.4/1286, annex.

¹⁷⁸ For the text of the Convention see General Assembly resolution 34/180 of 18 December 1979. Also reproduced in *Juridical Yearbook*, 1979, p. 115.

¹⁷⁹ Adopted without a vote.

¹⁸⁰ See A/37/677.

¹⁸¹ For the composition of the Committee, see A/37/349, annex III.

¹⁸² For background information on this question see *Juridical Yearbook*, 1980 pp. 66 and 67.

¹⁸³ Adopted without a vote.

¹⁸⁴ See A/37/727.

¹⁸⁵ Adopted without a vote.

¹⁸⁶ See A/37/745.

¹⁸⁷ See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1., chap. XXI, sect. A.

¹⁸⁸ For background information on the question see *Juridical Yearbook*, 1981, p. 62.

¹⁸⁹ Adopted without a vote.

¹⁹⁰ See A/37/718.

¹⁹¹ Adopted by a recorded vote of 113 to 1, with 26 abstentions.

¹⁹² See A/37/693.

¹⁹³ See *Official Records of the Economic and Social Council*, 1982, *Supplement No. 2* (E/1982/12 and Corr.1), chap. XXVI, sect. A.

¹⁹⁴ Adopted by a recorded vote of 81 to 38, with 20 abstentions.

¹⁹⁵ See A/37/693.

¹⁹⁶ See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1., chap. XXI, sect. A, resolution 1982/27.

¹⁹⁷ Adopted without a vote.

¹⁹⁸ See A/37/746.

¹⁹⁹ A/37/145, para. 4.

²⁰⁰ See A/36/245, annex, para. 10.

²⁰¹ Adopted without a vote.

²⁰² See A/37/745.

²⁰³ See A/37/521, annex.

²⁰⁴ Adopted without a vote.

²⁰⁵ See A/37/745.

²⁰⁶ See A/C.3/37/7 and Corr.1 and 2.

²⁰⁷ Adopted without a vote.

²⁰⁸ See A/37/745.

²⁰⁹ A/C.3/37/8.

²¹⁰ A/C.3/35/14 and Corr.1.

²¹¹ A/C.3/36/11.

²¹² Adopted without a vote.

²¹³ See A/37/717.

²¹⁴ See E/1982/12/Add.1, sect. C.

²¹⁵ See *Official Records of the Economic and Social Council*, 1982, *Supplement No. 2* (E/1982/12 and Corr.1), chap. XI.

²¹⁶ Adopted without a vote.

²¹⁷ See A/37/715.

²¹⁸ The text of the Declaration is reproduced in *Juridical Yearbook*, 1981, pp. 63-65.

²¹⁹ Adopted without a vote.

²²⁰ See A/37/745.

²²¹ See American Society of International Law, *International Legal Materials* vol. XXI, No. 1, January 1982, p. 59.

²²² See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVI (United Nations publication, Sales No. E.84.V.2).

²²³ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3).

²²⁴ *Ibid.*, vol. XVI (United Nations publication, Sales No. E.84.V.2), document A/CONF.62/119.

²²⁵ *Ibid.*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/123.

²²⁶ *Ibid.*, vol. XV (United Nations publication, Sales No. E.84.V.4), document A/CONF.62/116.

²²⁷ Adopted by a recorded vote of 130 to 4, with 17 abstentions (the delegation of Liberia subsequently informed the Secretariat that it had intended to abstain in the vote).

²²⁸ *Ibid.*, document A/CONF.62/L.78, as amended by *ibid.*, vol. XVI (United Nations publication, Sales No. E.84.V.2), documents A/CONF.62/L.93; L.132, annexes I, II, III and V L.137; and L.141.

²²⁹ *Ibid.*, document A/CONF.62/L.94, as amended by A/CONF.62/L.132, annex III, para. 2, and A/

CONF.62/L.137, para. 2.

²³⁰ *Ibid.*, document A/CONF.62/L.132, annex IV, as amended by A/CONF.62/L.141.

²³¹ *Ibid.*, document A/CONF.62/L.94.

²³² *Ibid.*, document A/CONF.62/L.132, annex I.

²³³ *Ibid.*, document A/CONF.62/L.127. Adopted without a vote.

²³⁴ *Ibid.*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121.

²³⁵ *Ibid.*, document A/CONF.62/122.

²³⁶ The Convention was signed by 119 countries.

²³⁷ Adopted by a recorded vote of 135 to 2, with 22 abstentions.

²³⁸ For the composition of the Court, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 51*, sect. X, p. 253.

²³⁹ As of 31 December 1982, the number of States recognizing the jurisdiction of the Court as compulsory in accordance with declarations filed under article 36, paragraph 2, of the Statute stood at 47.

²⁴⁰ For detailed information, see *I.C.J. Reports 1979, I.C.J. Reports 1980, I.C.J. Reports 1981, I.C.J. Reports 1982, I.C.J. Yearbook 1978-1979*, No. 33, *I.C.J. Yearbook 1979-1980*, No. 34, *I.C.J. Yearbook 1980-1981*, No. 35, and *I.C.J. Yearbook 1981-1982*, No. 36.

²⁴¹ The summary outline which follows is taken from *I.C.J. Yearbook 1981-1982*, No. 36, p. 127. For the full text of the judgment, see *I.C.J. Reports 1982*, p. 18.

²⁴² *I.C.J. Reports 1982*, p. 95.

²⁴³ *Ibid.*, p. 143.

²⁴⁴ For detailed information, see *I.C.J. Yearbook 1981-1982*, No. 36, p. 130.

²⁴⁵ *I.C.J. Reports 1982*, p. 325.

²⁴⁶ For detailed information, see *I.C.J. Yearbook 1981-1982*, No. 36, and *I.C.J. Yearbook 1982-1983*,

No. 37.

²⁴⁷ *I.C.J. Reports 1982*, p. 9.

²⁴⁸ *Ibid.*, p. 10.

²⁴⁹ *Ibid.*, pp. 11 and 12.

²⁵⁰ *Ibid.*, p. 15.

²⁵¹ *Ibid.*, p. 557.

²⁵² *Ibid.*, p. 560.

²⁵³ For detailed information, see *I.C.J. Yearbook 1981-1982*, No. 36, and *I.C.J. Yearbook 1982-1983*,

No. 37.

²⁵⁴ *I.C.J. Reports 1982*, p. 554.

²⁵⁵ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10 (A/37/10)*, chap. I.

²⁵⁶ For detailed information, see *Yearbook of the International Law Commission, 1982*, vol. I and vol. II (Parts One and Two) (United Nations publications, Sales Nos. E.83.V.2 and E.83.V.3 (Parts I and II)).

²⁵⁷ *Ibid.*, vol. II (Part One) (United Nations publication, Sales No. E.83.V.3 (Part I)), document A/CN.4/353.

²⁵⁸ *Ibid.* (Part Two) (United Nations publication, Sales No. E.83.V.3 (Part II)), document A/37/10, chap. II.

²⁵⁹ *Ibid.* (Part One) (United Nations publication, Sales No. E.83.V.3 (Part I)), document A/CN.4/354 and Add.1 and 2.

²⁶⁰ *Ibid.*, document A/CN.4/360.

²⁶¹ *Ibid.*, document A/CN.4/357.

²⁶² *Ibid.*, document A/CN.4/359 and Add.1.

²⁶³ *Ibid.* (Part Two) (United Nations publication, Sales No. E.83.V.3 (Part II)), document A/37/10.

²⁶⁴ Adopted without a vote.

²⁶⁵ See A/37/700.

²⁶⁶ See p. 99 of the present report.

²⁶⁷ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 17 (A/37/17)*.

²⁶⁸ For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. XIII, 1982 (United Nations publication, Sales No. E.84.V.5).

²⁶⁹ *Ibid.*, part one, III, B, para. 63.

²⁷⁰ *Ibid.*, part two, III, C, document A/CN.9/222.

²⁷¹ *Ibid.*, III, B, document A/CN.9/WG.II(WP.35).

²⁷² Convention on the Limitation Period in the International Sale of Goods (New York, 1974); Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980); United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg); and United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980). A note by the Secretary-General

entitled "Status of conventions" (*ibid.*, part two, VII, document A/CN.9/227) sets forth the status of signatures, ratifications and accessions to these Conventions as at 15 May 1982.

²⁷³ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 10, A/33/10 and Corr.1* (Arabic only); see also *Yearbook of the International Law Commission, 1978*, vol. II (Part Two) (United Nations publication, Sales No. E.79.V.6 (Part II)).

²⁷⁴ Adopted without a vote.

²⁷⁵ See A/37/620.

²⁷⁶ Adopted without a vote.

²⁷⁷ See A/37/590.

²⁷⁸ General Assembly resolution 2625 (XXV), annex.

²⁷⁹ Adopted by a recorded vote of 136 to 1.

²⁸⁰ See A/37/593.

²⁸¹ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10 (A/36/10 and Corr.1)*, chap. II, sect. D.

²⁸² Adopted by a recorded vote of 126 to none, with 17 abstentions.

²⁸³ See A/37/714.

²⁸⁴ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10 (A/37/10)*, para. 255.

²⁸⁵ Adopted by a recorded vote of 113 to 1, with 30 abstentions.

²⁸⁶ See A/37/720.

²⁸⁷ Adopted by a recorded vote of 110 to 10, with 17 abstentions.

²⁸⁸ See A/37/750.

²⁸⁹ *Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations*, vol. II, *Documents of the Conference* (United Nations publication, Sales No. E.75.V.12), p. 207; the text of the Convention is reproduced also in *Juridical Yearbook, 1975*, pp. 87-116.

²⁹⁰ For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 41 (A/37/41)*.

²⁹¹ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 41 (A/36/41)*, para.

259. Originally circulated as document A/AC.193/WG/R.2/Rev.1.

²⁹² *Ibid.*, *Thirty-seventh Session, Supplement No. 41 (A/37/41)*, paras. 371 and 372.

²⁹³ Adopted by a recorded vote of 119 to 15, with 8 abstentions.

²⁹⁴ See A/37/721.

²⁹⁵ Adopted without a vote.

²⁹⁶ See A/37/699.

²⁹⁷ United Nations, *Treaty Series*, vol. 500, p. 95.

²⁹⁸ *Ibid.*, vol. 596, p. 261.

²⁹⁹ General Assembly resolution 3166 (XXVIII), annex.

³⁰⁰ For the report of the *Ad Hoc Committee*, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 43 (A/37/43 and Corr.1)*.

³⁰¹ A/AC.207/L.3; reproduced in *ibid.*, annex I.

³⁰² *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 43 (A/37/43 and Corr.1)*, para. 94.

³⁰³ A/AC.207/L.3 (see note 300, above) and L.9.

³⁰⁴ Adopted without a vote.

³⁰⁵ See A/37/648.

³⁰⁶ Adopted without a vote.

³⁰⁷ See A/37/751.

³⁰⁸ A/C.6/37/L.29.

³⁰⁹ ST/LEG/6.

³¹⁰ ST/LEG/7.

³¹¹ Adopted without a vote.

³¹² See A/37/700.

³¹³ For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 33 (A/37/33)*.

³¹⁴ That compilation is reproduced in paragraph 152 of the report of the Special Committee on the work of its 1980 session, *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 33 (A/35/33 and Corr.1)*.

³¹⁵ *Ibid.*, *Thirty-seventh Session, Supplement No. 33 (A/37/33 and Corr.1)* para. 188; a revised version of the draft recommendation appears in paragraph 254.

³¹⁶ *Ibid.*, paras. 256 and 265.

- ³¹⁷ Adopted by a recorded vote of 125 to none, with 17 abstentions.
- ³¹⁸ See A/37/722.
- ³¹⁹ See pp. 103-106 above.
- ³²⁰ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 33 (A/34/33), para. 13.*
- ³²¹ For background information on the question, see *Juridical Yearbook, 1981*, p. 67.
- ³²² Adopted without a vote.
- ³²³ See A/37/710.
- ³²⁴ A/37/146.
- ³²⁵ Adopted without a vote.
- ³²⁶ See A/37/641.
- ³²⁷ A/34/445.
- ³²⁸ A/32/144, annexes I and II.
- ³²⁹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
- ³³⁰ For detailed information, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 26 (A/37/26).*
- ³³¹ Adopted without a vote.
- ³³² See A/37/752.
- ³³³ Adopted without a vote.
- ³³⁴ A/37/701, para. 10.
- ³³⁵ A/C.6/37/L.16.
- ³³⁶ Adopted without a vote.
- ³³⁷ *Official Records of the General Assembly, Thirty-seventh Session, Plenary Meetings, 49th meeting, paras. 2-7.*
- ³³⁸ *Ibid.*, paras. 9-17.
- ³³⁹ For detailed information, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 14 (A/37/14)*, and *ibid.*, *Thirty-eighth Session, Supplement No. 14 (A/38/14).*
- ³⁴⁰ UNITAR/DS/5.
- ³⁴¹ A/37/409.
- ³⁴² See also p. 107 of the present volume.
- ³⁴³ United Nations publication, Sales No. E.82.XV.PE/6.
- ³⁴⁴ With regard to the adoption of instruments, information on the preparatory work, which by virtue of the double-discussion procedure normally covers a period of two years, is given in the year during which the instrument was adopted, in order to facilitate reference work.
- ³⁴⁵ *Official Bulletin*, vol. LXV, 1982, Series A, No. 2, pp. 61-71; English, French, Spanish. Regarding preparatory work, see *First Discussion—Maintenance of migrant workers' rights in social security* (revision of Convention No. 48), International Labour Council (ILC), 67th Session (1981), Reports VII (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), and V (2), 82 and 96 pages respectively; English, French, German, Russian, Spanish. See also ILC, 67th Session (1981), *Record of Proceedings*, No. 32; No. 39, pp. 16-21; English, French, Spanish. *Second Discussion—Maintenance of migrant workers' rights in social security* (revision of Convention No. 48), ILC, 68th Session (1982), Reports IV (1) and IV (2), 47 and 53 pages respectively; English, French, German, Russian, Spanish. See also ILC, 68th Session (1982), *Record of Proceedings*, No. 28; No. 33, pp. 1-7; No. 35, pp. 13-16; English, French, Spanish.
- ³⁴⁶ *Official Bulletin*, vol. LXV, 1982, Series A, No. 2, pp. 72-83; English, French, Spanish. Regarding preparatory work, see: *First Discussion—Termination of employment at the initiative of the employer*, ILC, 67th Session (1981), Reports VIII (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference) and VIII (2), 107 and 147 pages respectively; English, French, German, Russian, Spanish. See also ILC, 67th Session (1981), *Record of Proceedings*, No. 33; No. 39, pp. 21-26; English, French, Spanish. *Second Discussion—Termination of employment at the initiative of the employer*, ILC, 68th Session (1982), Reports V (1) and V (2), 80 and 87 pages respectively; English, French, German, Russian, Spanish. See also ILC, 68th Session (1982), *Record of Proceedings*, No. 30; No. 35, pp. 1-9; No. 36, pp. 6 and 14-21; English, French, Spanish.
- ³⁴⁷ *Official Bulletin*, vol. LXV, 1982, Series A, No. 2, pp. 84 and 85; English, French, Spanish. *Single Discussion—Revision of the plantations Convention* (No. 110) and recommendation (No. 110), 1958, ILC, 68th Session (1982), Reports VII (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference) and VII (2), 30 and 31 pages respectively; English, French, German, Russian, Spanish. See also ILC, 68th Session (1982), *Record of Proceedings*, No. 18; No. 24, pp. 1-3; No. 29, pp. 10-14; English, French, Spanish.
- ³⁴⁸ The report has been published as report III (part 4) to the 68th Session of the Conference and comprises two volumes: vol. A: "General report and observations concerning particular countries" (report

III (part 4A)), 271 pages; English, French, Spanish. Vol. B: "Tripartite consultat on (International Labour Standards): general survey of the reports relating to Convention No. 144 and Recommendation No. 152" (report III (part 4B)), 76 pages; English, French, Spanish.

³⁴⁹ *Official Bulletin*, vol. LXV, 1982, Series B, No. 1.

³⁵⁰ *Ibid.*, No. 2.

³⁵¹ *Ibid.*, No. 3.

³⁵² For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60.

³⁵³ CL 82/5, paras. 4-28, and CL 82/REP, paras. 200-223.

³⁵⁴ See chapter VIII of the present volume, pp. 234-237.

³⁵⁵ CL 82/4, paras. 87-94; CL 82/11, paras. 2.77-2.79; CL 82/5, paras. 4-13; CCLM 42/2; CL 82/LIM/2; CL 82/PV/14; CL 82/PV/15; CL 82/PV/19 and CL 82/REP, paras. 200-218.

³⁵⁶ It is worth noting that section 16 of the Headquarters Agreement is an almost word-for-word reproduction of section 2 of the Convention on the Privileges and Immunities of the United Nations and of section 4 of the Convention on the Privileges and Immunities of the Specialized Agencies.

³⁵⁷ The text of that section reads as follows: "The property of FAO, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action."

³⁵⁸ CL 82/REP, paras. 219-223.

³⁵⁹ United Nations, *Treaty Series*, vol. 150, p. 67; see also *Juridical Yearbook*, 1979, p. 79, and *Juridical Yearbook*, 1981, p. 81.

³⁶⁰ *Ibid.*, vol. 247, p. 400; see also *Juridical Yearbook*, 1979, p. 78.

³⁶¹ *Ibid.*, vol. 1138, p. 3; see also *Juridical Yearbook*, 1978, p. 88.

³⁶² *Ibid.*, vol. 1175, p. 18818; see also *Juridical Yearbook*, 1979, p. 79, and *Juridical Yearbook*, 1980, p. 85.

³⁶³ See *Juridical Yearbook*, 1981, p. 81.

³⁶⁴ CL 82/REP, paras. 168-172.

³⁶⁵ CL 82/REP, paras. 241-243.

³⁶⁶ For general information on the organization and functions of the Legislation Branch, see *Juridical Yearbook*, 1972, p. 62, note 59.

³⁶⁷ See part four, Bibliography, especially pages 274-275.

³⁶⁸ United Nations, *Treaty Series*, vol. 4, p. 275.

³⁶⁹ *UNESCO's Standard-Setting Instruments* (UNESCO, Paris, 1981), I.A.5.

³⁷⁰ For the text of the Convention, see United Kingdom, *Treaty Series*, No. 34 (1976).

³⁷¹ Report of the Committee (UNESCO/CPY/TPC/1/4).

³⁷² Report of the Committee (UNESCO/WIPO/FOLK/CGE/1/6).

³⁷³ Report of the Committee (UNESCO/WIPO/DPP/CE/1/4).

³⁷⁴ United Nations, *Treaty Series*, vol. 216, p. 133.

³⁷⁵ *Ibid.*, vol. 496, p. 43.

³⁷⁶ Draft Annotated Model Provisions for the Protection of Authors, Performers, Producers of Phonograms and Broadcasting Organizations (BEC/IGC/ICR/SC.2/CTV/4); Report of the Subcommittees (BEC/IGC/ICR/SC.2/CTV/5).

³⁷⁷ Report of the Committee (UNESCO/WIPO/CEGO/II/7).

³⁷⁸ Report of the Working Group (UNESCO/WIPO/WGH/1/3).

³⁷⁹ Report of the Working Group (UNESCO/WIPO/WG/III/CWA/5).

³⁸⁰ Report of the Working Group (UNESCO/WIPO/CCC/WG.1/6).

³⁸¹ United Nations, *Treaty Series*, vol. 15, p. 295.

³⁸² *Ibid.*, vol. 14, p. 185, and vol. 377, p. 380.

³⁸³ Resolution 37/194; for the text of the principles, see p. 88 of the present volume.

³⁸⁴ Convention on the Settlement of Investment Disputes between States and Nationals of Other States, United Nations, *Treaty Series*, vol. 575, p. 159. The text is reproduced in *Juridical Yearbook*, 1966, p. 196.

³⁸⁵ For the Articles of Agreement of the International Monetary Fund, see United Nations, *Treaty Series*, vol. 2, p. 39.

³⁸⁶ See *Juridical Yearbook*, 1977, pp. 87 and 88.

³⁸⁷ Translation prepared by the Secretariat of the United Nations on the basis of a French version provided by UPU.

³⁸⁸ Convention of the World Meteorological Organization, signed at Washington on 11 October 1947; United Nations, *Treaty Series*, vol. 77, p. 143.

³⁸⁹ IMCO resolution A.358(IX); see also United Kingdom, *Treaty Series*, No. 34 (1982).

³⁹⁰ United Nations, *Treaty Series*, vol. 289, p. 3.

- ³⁹¹ *Ibid.*, vol. 729, p. 161.
³⁹² INFCIRC/167.
³⁹³ INFCIRC/167/Add.8.
³⁹⁴ The Second Extension Agreement of 1 April 1982 is reproduced in document INFCIRC/167/
Add.11.
³⁹⁵ INFCIRC/285.
³⁹⁶ INFCIRC/274/Rev.1.
³⁹⁷ INFCIRC/32/Add.4, sect. I.
³⁹⁸ INFCIRC/32/Add.4/Mod.1.
³⁹⁹ Safety Series, No. 37, 2nd ed., 1982 (STi/PuB/589).
⁴⁰⁰ *Ibid.*, No. 6, 1973; rev. ed. (as amended), 1979 (STi/PuB/517).