

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

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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**

**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 matters .....	71
2. Other political and security questions .....	81
3. Economic, social, humanitarian and cultural questions .....	83
4. Law of the sea .....	93
5. International Court of Justice .....	94
6. International Law Commission .....	95
7. United Nations Commission on International Trade Law .....	96
8. Legal questions dealt with by the Sixth Committee of the General Assembly and by <i>ad hoc</i> legal bodies .....	98
9. Co-operation between the United Nations and the Asian-African Legal Consultative Committee .....	103
10. United Nations Institute for Training and Research .....	103

**B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS  
RELATED TO THE UNITED NATIONS**

1. International Labour Organisation .....	103
2. Food and Agriculture Organization of the United Nations .....	104
3. United Nations Educational, Scientific and Cultural Organization .....	110
4. International Civil Aviation Organization .....	113
5. World Health Organization .....	115
6. World Bank .....	115
7. International Monetary Fund .....	117
8. Universal Postal Union .....	118
9. World Meteorological Organization .....	121
10. International Maritime Organization .....	125
11. International Fund for Agricultural Development .....	127
12. International Atomic Energy Agency .....	129

**CHAPTER IV. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES  
OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS**

**TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED  
NATIONS**

United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1 March-8 April 1983) .....	139
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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 MATTERS<sup>1</sup>

###### (a) Comprehensive approaches to disarmament

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

The general discussion relating to follow-up of the special sessions of the General Assembly devoted to disarmament was held in the Disarmament Commission and the Committee on Disarmament.

Furthermore, the General Assembly at its thirty-eighth session considered certain proposals submitted in that context dealing with broad or comprehensive questions, such as the review of the implementation of the Assembly's recommendations and decisions taken at one or the other of the special sessions, confidence-building measures, disarmament and international security, and the convening of a third special session of the Assembly devoted to disarmament. Two collective items dealing with the overall question of follow-up of its special session on disarmament were placed on its agenda. The first, which has appeared on the agenda since 1978, was entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session"; the second, which was added in 1982, was entitled "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly". Member States used the two items to cover many and varied proposals relating to matters which had been initiated at one or the other of the special sessions and submitted a large number of documents and draft resolutions in that context; this led to the adoption by the Assembly of 26 resolutions out of the overall total of 62 disarmament resolutions adopted at its thirty-eighth session. Apart from their consideration of the relevant individual questions put forward under the items, a number of participants in the general debates both in plenary and First Committee meetings<sup>2</sup> made observations about the importance of the follow-up of the General Assembly's recommendations and the urgent need to build upon the expectations which evolved from the agreement reached at the first special session on disarmament and reaffirmed at the second, in 1982.

No more than during any other year since 1978, when the first special session was held, was any significant beginning made in 1983 towards a process to curb, halt and reverse the arms race, on a comprehensive basis — what would have been meant by the effective implementation of the measures recognized as necessary at special sessions of the General Assembly devoted to disarmament. As to the items directly related to follow-up, except for some progress on the question of guidelines for confidence-building which was achieved by the Disarmament Commission, any other positive signs were reflected mainly in the administrative and procedural areas.

###### (ii) *General and complete disarmament*

Although general and complete disarmament under effective international control continued to be regarded as the ultimate object of all disarmament efforts, no substantive or tangible progress towards it was made in the various disarmament bodies in 1983. General and complete disarmament was also reaffirmed as an ultimate goal in a number of resolutions adopted by the General Assembly at its thirty-eighth session.

By resolution 38/188 F of 20 December 1983,<sup>3</sup> on curbing the naval arms race, the General Assembly, aware that the growing military presence and naval activities of some States in conflict areas or far from their own shores increased the tension in those regions and could adversely affect the security of international sea lanes through those areas and the exploitation of marine resources, and alarmed by the ever more frequent use of naval formations for the demonstration of force and as an instrument of pressure against sovereign States or of interference in their internal affairs, appealed to all Member States, in particular the major naval Powers, to refrain from enlarging their naval activities in areas of conflict or tension, or far from their own shores, and recognized the urgent need to start negotiations with the participation of the major naval Powers, the nuclear-weapon States in particular, on the limitation of naval activities and the extension of confidence-building measures to seas and oceans, especially to regions with the busiest sea lanes or regions where the probability of conflict situations was high; and by resolution 38/188 J of 20 December 1983,<sup>4</sup> entitled "Institutional arrangements relating to the process of disarmament", the Assembly invited the specialized agencies and other organizations and programmes of the United Nations system to broaden further their contribution, within their areas of competence, to the cause of arms limitation and disarmament and reaffirmed the necessity of ensuring constant co-ordination of activities carried out in the field of disarmament by various entities of the United Nations.

Furthermore, some other resolutions were introduced under certain agenda items which, although not dealing primarily with disarmament, covered related security issues and contained aspects relevant to disarmament questions. For example, by resolution 38/77 of 15 December 1983,<sup>5</sup> the General Assembly, affirming the conviction that Antarctica should continue forever to be used exclusively for peaceful purposes, requested the Secretary-General to prepare a comprehensive study on all aspects of Antarctica. By resolution 38/189 of 20 December 1983,<sup>6</sup> the Assembly stressed the importance of the strengthening of peace and security in the Mediterranean region and its impact on international peace and security and called for strengthening co-operation among the States of the region and between them and all other States.

By resolution 38/190 of 20 December 1983<sup>7</sup> on "Review of the implementation of the Declaration on the Strengthening of International Security", the General Assembly again called upon all States, in particular the nuclear-weapon States and other militarily significant States, to take immediate steps aimed at promoting and using effectively the system of collective security as envisaged in the Charter of the United Nations, together with measures for the effective halting of the arms race and for the achievement of general and complete disarmament under effective international control.

By resolution 38/191 of 20 December 1983,<sup>8</sup> the General Assembly decided to establish an *Ad Hoc* Committee on the Implementation of the Collective Security Provisions of the Charter of the United Nations for the purpose of exploring ways and means of implementing the said provisions.

### (iii) *Comprehensive programme of disarmament*

After the failure of the twelfth special session of the General Assembly to achieve consensus on a comprehensive programme of disarmament, in 1983 the Committee on Disarmament succeeded in reaching agreement on a considerably more modest and shorter programme than had been envisaged at the outset of the current endeavours, in 1979.<sup>9</sup> Even the shorter programme was incomplete, reflecting reservations by some delegations in a number of areas. That limitation on what was accomplished was due to the persistence of differences among States on various questions of long-standing difficulty such as priorities, measures to be undertaken, a timetable for implementation, machinery for implementation and the legal character of the document.

By resolution 38/183 K of 20 December 1983,<sup>10</sup> the General Assembly, while welcoming the progress achieved in the preparation of the programme during the period covered by the report of the *Ad Hoc* Working Group on the Comprehensive Programme of Disarmament, noted that it had not yet been possible to complete the elaboration of such a comprehensive programme, which, as provided for in paragraph 109 of the Final Document of the Tenth Special Session of the General Assembly, should encompass all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control became a reality in a

world in which international peace and security prevailed and in which the new international economic order was strengthened and consolidated.

(iv) *World disarmament conference*

In 1983 the trend towards a gradual lessening of interest in a world disarmament conference prevailed. None of the countries which had supported the idea during the debate in the *Ad Hoc* Committee referred to the subject during the thirty-eighth session of the General Assembly. The Assembly retained the question of the convening of a world disarmament conference as a recurring item on its agenda by renewing the mandate of the *Ad Hoc* Committee by resolution 38/186 of 20 December 1983.<sup>11</sup>

(b) Nuclear disarmament

(i) *Nuclear arms limitation and disarmament*

Throughout 1983, the question of nuclear arms limitation and disarmament was actively debated in the Disarmament Commission, the Committee on Disarmament and the General Assembly at its thirty-eighth session, as well as bilaterally between the USSR and the United States in their two separate negotiating forums—one on strategic and one on intermediate-range forces—at Geneva. No substantial progress was made, however, in solving any of the problems connected with many aspects of the question.

At its thirty-eighth session, the General Assembly adopted altogether 26 resolutions dealing with nuclear questions. Only one of the resolutions was adopted without a vote.

The question of the bilateral nuclear arms negotiations between the two major Powers was the subject of particularly intense consideration, as evidenced by the submission of four distinct and partly competing draft resolutions on the subject.<sup>12</sup> None of the four was supported by consensus despite general recognition that it would have been not only preferable but also more meaningful and encouraging had the international community been able to speak with a common voice on this important subject.

By resolution 38/183 A of 20 December 1983,<sup>13</sup> the General Assembly urged the Governments of the Union of Soviet Socialist Republics and the United States of America to make every effort to reach an agreement at their bilateral negotiations at Geneva, or at least to agree on a provisional basis that no medium-range missiles be deployed and the number of existing ones be reduced, and called upon all European States as well as all interested States to do their utmost in order to assist the process of negotiation. By resolution 38/183 N of 20 December 1983,<sup>14</sup> the Assembly further urged the two States mentioned above to examine immediately, as a way out of the current impasse, the possibility of combining into a single forum the two series of negotiations which they had been carrying out and of broadening their scope so as to embrace also the “tactical” or “battlefield” nuclear weapons and reiterated its request to the two negotiating parties that they bear constantly in mind that not only their national interests but also the vital interests of all the peoples of the world were at stake in the question. In a similar way, the Assembly urged the two States also by resolution 38/183 P of 20 December 1983<sup>15</sup> to continue, without pre-conditions, their bilateral negotiations at Geneva as long as necessary in order to achieve positive results in accordance with the security interests of all States and the universal desire for progress towards disarmament and to spare no effort in seeking the attainment of the final objective of the negotiations.

Dealing with the more general aspect of the question of nuclear disarmament and the prevention of nuclear war under the item “Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session”, the General Assembly, by its resolution 38/183 M of 20 December 1983,<sup>16</sup> recalling that nuclear weapons posed the greatest danger to mankind and to the survival of civilization and that removing the threat of a nuclear world war was the most acute and urgent task of the day, reaffirmed the special responsibilities of the nuclear-weapon States for nuclear disarmament and for undertaking measures to prevent nuclear war and to halt the nuclear-arms race in all its aspects and the central role and primary responsibility of

the United Nations in the sphere of disarmament. Furthermore, by resolution 38/183 D, also of 20 December 1983,<sup>17</sup> the Assembly, convinced that the Conference on Disarmament was the most suitable forum for the preparation and conduct of negotiations on nuclear disarmament, called upon the Conference 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 the purpose an *ad hoc* working group on the cessation of the nuclear-arms race and on nuclear disarmament. And by resolution 38/183 C of the same date,<sup>18</sup> the Assembly reaffirmed its request to the Conference on Disarmament to start without delay negotiations with a view to concluding a convention on the prohibition of the development, production, stockpiling, deployment and use of nuclear neutron weapons as an organic element of negotiations, as envisaged in paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly.

Finally, under the agenda item entitled "Implementation of the conclusions of the Second Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a Preparatory Committee for the Third Review Conference of the Parties to the Treaty", the General Assembly adopted resolution 38/74 of 15 December 1983<sup>19</sup> in which, noting the provisions of article VIII, paragraph 3, of that Treaty concerning the holding of successive review conferences and that, in its Final Document of the Second Review Conference of the Parties to the Treaty, the Conference had proposed to the Depositary Governments that a third conference to review the operation of the Treaty be convened in 1985, requested the Secretary-General to render the necessary assistance and to provide the necessary services for the Third Review Conference and its preparation.

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

As in recent years, the debate in 1983 centred on the question of whether a declaration on the non-use or non-first-use of nuclear weapons, or an international convention outlawing the use of nuclear weapons, would provide an effective measure to reduce the threat of nuclear war. The two viewpoints on the question remained widely divergent. On the one hand, the Western States continued to hold that a declaration on the non-first-use of nuclear weapons would undermine the wider principle of the non-use of force in any form set out in the Charter of the United Nations. On the other hand, the supporters of a declaration maintained that such an obligation, undertaken by all nuclear-weapon States, would strengthen that principle of the Charter. Accordingly, by resolution 38/183 B of 20 December 1983<sup>20</sup> the General Assembly, reaffirming that the nuclear-weapon States had special responsibilities to undertake measures aimed at preventing the outbreak of nuclear war, considered that the solemn declaration 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 those nuclear-weapon States which had not yet done so would consider making similar declarations with respect to not being the first to use nuclear weapons.

By resolution 38/183 G, also of 20 December 1983,<sup>21</sup> the General Assembly requested the Conference on Disarmament to undertake negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war and to establish for that purpose an *ad hoc* working group on the subject. By resolution 38/73 G of 15 December 1983<sup>22</sup> the General Assembly, reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its previous resolutions, reiterated its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve 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 annexed to the resolution.

By resolution 38/75 of the same date<sup>23</sup> the General Assembly resolutely, unconditionally and for all time condemned nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right—the right to life, condemned the formulation, propounding, dissemination and propaganda of political and military doctrines and concepts intended to provide "legitimacy" for the first use of nuclear weapons and

in general to justify the "admissibility" of unleashing nuclear war, and called upon all States to unite and redouble their efforts aimed at removing the threat of nuclear war, halting the nuclear-arms race and reducing nuclear weapons until they were completely eliminated.

### (iii) *Freeze on nuclear weapons*

The proponents of a freeze on nuclear weapons continued in the various disarmament bodies to hold that the nuclear arms race must be brought to a halt, both in qualitative and quantitative terms as well as in certain other of its aspects, such as the testing of nuclear weapons. In general, they saw a freeze as a first step towards the reduction and eventual elimination of all nuclear weapons. A minority of delegations, mainly those of Western States, however, saw little or no merit in the freeze concept or in the three freeze proposals that were placed before the Assembly in 1983. According to them a freeze would indicate acceptance of certain imbalances which had built up in favor of the USSR and ultimately increase, not decrease, the danger of war by reducing the latter's incentive to negotiate.

By resolution 38/73 B of 15 December 1983,<sup>24</sup> the General Assembly once again 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 weapon purposes. By resolution 38/73 E, also of 15 December 1983,<sup>25</sup> the Assembly urged once more 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. Finally, by resolution 38/76 of the same date,<sup>26</sup> the Assembly urged all nuclear-weapon States to proceed to freeze, under appropriate verification, all nuclear weapons in their possession; called upon the USSR and the United States, which possessed the largest nuclear arsenals, to freeze, in the first place and simultaneously, their nuclear weapons on a bilateral basis by way of example to other nuclear States; believed that all the other nuclear-weapon States should subsequently and as soon as possible freeze their nuclear weapons; and stressed the urgent need to intensify efforts aimed at the speedy achievement of agreements on substantial limitations and radical reductions of nuclear weapons with a view to their complete elimination as the ultimate goal.

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

Differing views persisted on the scope, nature and substance, as well as the form, of possible arrangements towards effective international assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons. Although many States favoured the conclusion of an international convention, opposition to the practical implementation of that idea continued. In addition, there were divergent views on whether or not the nuclear-weapon States had exhibited genuine political will, on the value and application of their unilateral declarations regarding the non-use of nuclear weapons against non-nuclear-weapon States and on the relevance of pledges on the non-first-use of nuclear weapons to security assurances offered to non-nuclear-weapon States.

By its resolutions 38/67<sup>27</sup> and 38/68<sup>28</sup> of 15 December 1983, the General Assembly recommended that the Conference on Disarmament should actively continue to explore ways and means to overcome the difficulties encountered in the negotiation to reach an appropriate agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

### (v) *Cessation of nuclear-weapon tests*

In 1983 the debate in the various disarmament bodies disclosed that some major Powers were not ready in the current situation to relinquish nuclear-test explosions as a means of enhancing the effectiveness of their nuclear arsenals. A major obstacle to progress was seen by a large number of States in the continued refusal of some States to accede to changing the mandate of the Disarmament Committee's Working Group to enable it to commence actual multilateral negotiations on the

formulation of a comprehensive nuclear-test-ban treaty. The States resisting such a change in the mandate held that the current one was far from exhausted and, moreover, that it embraced the major outstanding issues, including verification and control and nuclear explosions for peaceful purposes, which had to be resolved before such negotiations could be constructively undertaken.

By resolution 38/62 of 15 December 1983<sup>29</sup> the General Assembly, taking into account that the three nuclear-weapon States which acted as depositaries of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water<sup>30</sup> had undertaken in that Treaty to seek the achievement of the discontinuance of all test explosions of nuclear weapons for all time and that such an undertaking had been explicitly reiterated in 1968 in the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>31</sup> article VI of which further embodied their solemn and legally binding commitment to take effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament, 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 highest priority and that such a treaty would constitute a contribution of the utmost importance to the cessation of the arms race and an indispensable element for the success of the Treaty on the Non-Proliferation of Nuclear Weapons; urged once more the three depository Powers to abide strictly by their undertakings; and reiterated its appeal to all States members of the Conference on Disarmament to initiate immediately the multilateral negotiation of a treaty for the prohibition of all nuclear-weapon tests.

Similar views were expressed in resolutions 38/63<sup>32</sup> and 38/72<sup>33</sup> of 15 December 1983.

#### (vi) *Nuclear-weapon-free zones*

In 1983, as in previous years, a large number of States supported the idea of the creation of nuclear-weapon-free zones either in general or in regions of particular concern. In the debates it was argued that the creation of nuclear-weapon-free zones would prevent the further proliferation of nuclear weapons and strengthen the security of the countries in such zones. However, certain prerequisites were emphasized, including the principle that general agreement should exist among all countries of the region on the creation of such a zone, that the zones should be based on agreements freely arrived at between the States of a given region and that the nuclear-weapon States should undertake obligations to respect the denuclearized status of such zones. A number of delegations considered that the Treaty of Tlatelolco<sup>34</sup> should serve as a model for the zones in other parts of the world. By resolution 38/61 of 15 December 1983,<sup>35</sup> the General Assembly deplored the fact that the signature of Additional Protocol I of the Treaty of Tlatelolco by France had not yet been followed by corresponding ratification and once more urged France not to delay any further such ratification. By resolution 38/181 A of 20 December 1983<sup>36</sup> the Assembly, bearing in mind the Declaration on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session, held at Cairo from 17 to 21 July 1964, strongly reiterated its call upon all States to consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone and condemned South Africa's continued pursuit of a nuclear capability and all forms of nuclear collaboration by any State, corporation, institution or individual which enabled it to frustrate the objective of the Declaration which sought to keep Africa free from nuclear weapons.

By resolution 38/64 of 15 December 1983<sup>37</sup> the General Assembly, recalling its previous resolutions on the establishment of a nuclear-weapon-free zone in the region of the Middle East, 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 and, as a means of promoting that objective, invited the States concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons. In that connection, the Assembly condemned again, by resolution 38/69 of the same date,<sup>38</sup> Israel's refusal to renounce any possession of nuclear weapons and to place all its nuclear activities under international safeguards.

And by resolution 38/65, also of 15 December 1983,<sup>39</sup> the General Assembly reaffirmed its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia.



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

The General Assembly decided by resolution 38/60 of 14 December 1983<sup>40</sup> that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy should be held in 1986. By resolution 38/8<sup>41</sup> of 4 November 1983, the Assembly, conscious of the importance of the work of the International Atomic Energy Agency in the implementation of the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and other international treaties, conventions and agreements designed to achieve similar objectives and welcoming the decision of the General Conference of the International Atomic Energy Agency to grant membership of the Agency to the People's Republic of China, expressed its satisfaction at the prospect of mutual benefit arising from that membership and urged all States to strive for effective and harmonious international co-operation in carrying out the work of the 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.

(c) Prohibition or restriction of use of other weapons

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

In 1983 the negotiations in the *Ad Hoc* Working Group on Chemical Weapons and its Contact Groups caused the Committee on Disarmament to succeed in elaborating and agreeing on many of the substantive provisions to be included in a chemical weapons convention. Regardless of the limited progress achieved with regard to such long-standing issues as the scope and verification procedures for a future convention, crucial differences persisted as to such areas as the actual steps in the process of the destruction of chemical weapons stocks, including the content of initial declarations on stockpiles and whether verification of the destruction of stockpiles should be carried out by inspections on a quota basis or continuously. Although there was general recognition of the existence of a rule of customary international law regarding the non-use of chemical weapons and agreement on most issues relating to the incorporation of a prohibition of their use in a new convention, positions varied as to the scope of such a provision and how it should be reflected in the convention.

By resolution 38/187 A of 20 December 1983<sup>42</sup> the General Assembly, taking note of proposals on the creation of chemical-weapon-free zones aimed at facilitating the complete prohibition of chemical weapons, reaffirmed the necessity of the speediest elaboration and conclusion of a convention on the prohibition of the development, production and stockpiling of all chemical weapons and on their destruction and reaffirmed its call to all States to refrain from any action that could impede negotiations on the prohibition of chemical weapons and specifically to refrain from the production and deployment of binary and other new types of chemical weapons, as well as from stationing chemical weapons on the territory of other States.

By resolution 38/187 B<sup>43</sup> of the same date the General Assembly, reaffirming the necessity of strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,<sup>44</sup> and of the adherence by all States to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed in London, Moscow and Washington on 10 April 1972,<sup>45</sup> urged the Conference on Disarmament, as a matter of high priority, to intensify, during its session in 1984, the negotiations on a convention on the prohibition of the development, production and stockpiling of all chemical weapons and on their destruction.

(ii) *New weapons of mass destruction*

In 1983 the Eastern European States and a number of non-aligned countries reaffirmed their belief that the conclusion of a general international agreement of a comprehensive character would be the most effective way towards the prohibition of the development and manufacture of new weapons of mass destruction. They also supported the conclusion of separate agreements banning specific

types of weapons of mass destruction. The Western States continued to believe that the general prohibitory agreement would be too ambiguous to be useful and would not permit the definition and implementation of the requisite verification measures. They considered, however, that periodic informal meetings of the Committee on Disarmament would allow it to follow the question in an appropriate manner and to identify adequately any cases which might require particular consideration, thus justifying the opening of specific negotiations. By resolution 38/182 of 20 December 1983,<sup>46</sup> the General Assembly requested the Conference on Disarmament to intensify negotiations, with the assistance of qualified governmental experts, with a view to preparing a draft comprehensive agreement on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons, and to draft possible agreements on particular types of such weapons; once again urged all States to refrain from any action which could adversely affect the talks aimed at working out an agreement or agreements to prevent the emergence of new types of weapons of mass destruction and new systems of such weapons; and called upon the States permanent members of the Security Council as well as upon other militarily significant States to make declarations, identical in substance, concerning the refusal to create new types of weapons of mass destruction and new systems of such weapons, as a first step towards the conclusion of a comprehensive agreement on the subject, bearing in mind that such declarations would be approved thereafter by a decision of the Security Council.

### (iii) *Radiological weapons*

As negotiations on the question of radiological weapons continued in the Committee on Disarmament in 1983, the problem of a linkage between the so-called traditional radiological weapon matters and the prohibition of attacks on nuclear facilities was deliberately given less prominence than in the previous year. On the suggestion of the Chairman of the *Ad Hoc* Working Group on Radiological Weapons, two subgroups were established to deal with two major aspects of the issue. However, differences of opinion among delegations on many aspects of those issues continued during the session.

The General Assembly adopted resolution 38/188 D of 20 December 1983,<sup>47</sup> by which it requested the Conference on Disarmament to continue negotiations on a convention prohibiting the development, production, stockpiling and use of radiological weapons in order that it might be submitted to the Assembly at its thirty-ninth session, and to continue its search for a prompt solution to the question of prohibition of attacks on nuclear facilities.

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

At the thirty-eighth session of the General Assembly, the main focus of discussion on the question of the militarization of outer space and efforts to prevent an arms race in that sphere continued to be on whether the work should be concentrated on a general agreement to prevent an arms race in outer space in all its aspects, taking into account the draft treaty submitted by the Soviet Union, or whether priority should be given to a verifiable agreement prohibiting anti-satellite systems, as a first step.

By resolution 38/70 of 15 December 1983<sup>48</sup> the General Assembly, recalling that the States parties to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,<sup>49</sup> had undertaken, in article III, to carry on activities in the exploration and use of outer space in accordance with international law and the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding, reaffirmed that general and complete disarmament under effective international control warranted that outer space should be used exclusively for peaceful purposes and should not become an arena for an arms race; reiterated that the Conference on Disarmament had a primary role in the negotiation of an agreement or agreements on the prevention of an arms race in all its aspects in outer space; and requested the Conference to consider as a matter of priority the question of preventing an arms race in outer space.

(d) Consideration of conventional disarmament and other approaches

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

Although not a separate item on the agenda, the subject of conventional weapons arose on a number of occasions at the thirty-eighth session of the General Assembly, either in its own right or as part of efforts aimed at regional measures of disarmament.

The year 1983 did not witness, however, a single measure of progress in restraining the constant march of conventional armaments and arms transfers other than the entering into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III).<sup>50</sup>

By its resolution 38/66 of 15 December 1983,<sup>51</sup> the General Assembly noted with satisfaction that, upon the fulfilment of the conditions set out in article 5 of the Convention, the Convention and the three Protocols annexed thereto had entered into force on 2 December 1983; urged all States that 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 ultimately universal adherence; and noted that, under article 8 of the Convention, conferences might be convened to consider amendments to the Convention or any of the annexed Protocols, to consider additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols, or to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments to the Convention or to the existing annexed Protocols and any proposals for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols.

By its resolution 38/73 J also of 15 December 1983<sup>52</sup> on regional disarmament the General Assembly expressed its satisfaction at the convening at Stockholm of the Conference on Confidence- and Security-building Measures and Disarmament in Europe, commencing on 17 January 1984, as a substantial and integral part of the multilateral process initiated by the Conference on Security and Co-operation in Europe.

(ii) *Reduction of military budgets*

In 1983 the Disarmament Commission continued its efforts to elaborate the principles that should govern actions of States in freezing and reducing military expenditures. However, discussions in its Working Group established for that purpose revealed continuing irreconcilable differences among individual Member States and groupings.<sup>53</sup>

The general debate in the General Assembly and deliberations in the First Committee indicated, as in previous years, the growing concern of many Member States about the implications—both for international peace and security and for the world economy—of the growth and magnitude of world military expenditures. At the same time opinions continued to differ as to the best or most expeditious means of curbing and reducing spending on armaments.

By its resolution 38/184 A of 20 December 1983,<sup>54</sup> the General Assembly declared once again its conviction that it was possible to achieve international agreements on the reduction of military budgets without prejudice to the right of all States to undiminished security, self-defence and sovereignty, called upon all Member States, in particular the most heavily armed States, to reinforce their readiness to co-operate in a constructive manner with a view to reaching agreements to freeze, reduce or otherwise restrain military expenditures; and appealed to all 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, particularly for the benefit of developing countries.

By resolution 38/184 B, also of 20 December 1983,<sup>55</sup> the General Assembly, reaffirming its conviction that provisions for defining, reporting, comparing and verifying military expenditures would have to be basic elements of any international agreement to reduce such expenditures and recalling that an international system for the standardized reporting of military expenditures had been introduced in pursuance of General Assembly resolution 35/142 B and that annual reports on military expenditures had been received from a number of Member States, stressed the need to increase the number of reporting States with a view to the broadest possible participation of States from different geographic regions and representing different budgeting systems.

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

Pursuant to resolution 37/96 of 13 December 1982, by which the General Assembly had renewed its mandate, the *Ad Hoc* Committee on the Indian Ocean held three sessions in 1983. As before, the main task of the Committee was to do preparatory work for the convening of the Conference on the Indian Ocean. Consequently, it dealt with the substantive and organizational issues relating to the Conference. Two basic approaches regarding the Conference on the Indian Ocean continued to prevail in the discussion. Most of the non-aligned members, supported by the Eastern European States, held that the Committee should finalize the dates for the Conference as soon as possible and begin practical preparations, including discussion on its draft agenda and other substantive and organizational matters, with the aim of holding it not later than the first half of 1984. Other members of the Committee, however, took the view that until the necessary harmonization of views on the remaining issues had been achieved and until there was closer agreement on the scope and nature of the zone of peace and on how the Conference would contribute to its establishment, the setting of conference dates was premature, and that the prevailing political and security climate in the region, including the situation in Afghanistan, prejudiced the likelihood of success of any such conference.

By its resolution 38/185 of 20 December 1983,<sup>56</sup> the General Assembly regretted that the *Ad Hoc* Committee had failed to reach consensus on the finalization of dates for the convening, during 1984, of the Conference on the Indian Ocean; emphasized its decision to convene the Conference at Colombo as a necessary step for the implementation of the Declaration of the Indian Ocean as a Zone of Peace, adopted in 1971,<sup>57</sup> and requested the *Ad Hoc* Committee to make decisive efforts in 1984 to complete preparatory work relating to the Conference, in consideration of the political and security climate in the region and with a view to enabling the opening of the Conference at Colombo in the first half of 1985.

(iv) *Second Review Conference of the Parties to the Sea-Bed Treaty*

The Second Review Conference of the Parties to 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<sup>58</sup> was held at Geneva from 12 to 23 September 1983. The Conference was convened in order to enable the States parties to review the Treaty's operation with a view to ensuring that its purposes and provisions were being realized. The substantive work of the Conference was devoted largely to two items on its agenda, namely: (a) "Review of the operation of the Treaty as provided for in article VII"; and (b) "Preparation and adoption of Final Document(s)".

Regarding the scope of the Treaty, it was generally recognized by delegations that, within its limits, the Treaty had been effective and that the continued observance of the prohibition contained in article I was essential to the objective of avoiding an arms race in nuclear and other weapons of mass destruction on the sea-bed. At the same time, many non-aligned and socialist States parties reiterated their belief that the scope of the Treaty was too narrow and called again, as at the First Review Conference, for the initiation of negotiations on further measures for the prevention of an arms race on the sea-bed. For their part, Western States generally did not see any current need for such negotiations. In their opinion, the Treaty not only had achieved its primary purpose by banning nuclear and other weapons of mass destruction from the sea-bed, but had also played a broader role by preventing the emergence of an arms race in that environment.

Two main points of view were discernible with respect to the verification procedures. On the one hand, a number of States parties considered that, since most States parties did not possess adequate independent means of verification, the procedures provided for in article III should be further elaborated to include resort to international mechanisms. On the other hand, others, including the three depositaries, maintained that the relevant provisions were adequate to ensure effective verification of compliance with the Treaty and broad enough to permit States parties to resort to various international procedures.

With regard to the relationship between the sea-bed Treaty and the 1982 United Nations Convention on the Law of the Sea, it was generally held that nothing in that Convention should affect the rights and obligations assumed by States parties under the sea-bed Treaty.

On 23 September 1983, at its final plenary meeting, the Second Review Conference adopted its Final Document<sup>59</sup> by consensus. Part II of the Document contains the Final Declaration which consists of a preamble and the Conference's article-by-article review of the Treaty, including certain affirmations and requests concerning its operation and a call for additional States to become parties.

The General Assembly by its resolution 38/188 B of 20 December 1983<sup>60</sup> welcomed with satisfaction the positive assessment by the Second Review Conference of the effectiveness of the Treaty since its entry into force, as reflected in its Final Declaration; reiterated its expressed hope for the widest possible adherence to the Treaty; and requested the Conference on Disarmament, in consultation with the States parties to the Treaty, to proceed promptly with consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

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## 2. OTHER POLITICAL AND SECURITY QUESTIONS

### (a) Implementation of the Declaration on the Strengthening of International Security<sup>61</sup>

In its resolution 38/190 of 20 December 1983,<sup>62</sup> adopted on the recommendation of the First Committee,<sup>63</sup> the General Assembly reaffirmed the validity of the Declaration on the Strengthening of International Security and called upon all States to contribute effectively to its implementation; again called upon all States, in particular the nuclear-weapon States and other militarily significant States, to take immediate steps aimed at promoting and using effectively the system of collective security as envisaged in the Charter of the United Nations, together with measures for the effective halting of the arms race and for the achievement of general and complete disarmament under effective international control; considered that respect for and the promotion of human rights and fundamental freedoms in their civil, political, economic, social and cultural aspects, on the one hand, and the strengthening of international peace and security, on the other, mutually reinforced each other; reaffirmed the legitimacy of the struggle of peoples under colonial domination, foreign occupation or racist régimes and their inalienable right to self-determination and independence and urged Member States to take urgent and effective measures for the speedy completion of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples<sup>64</sup> and for the final elimination of colonialism, racism and *apartheid*; and welcomed the successful conclusion of the Madrid meeting of representatives of the participating States of the Conference on Security and Co-operation in Europe, held from 11 November 1980 to 9 September 1983, and expressed the hope that the conference to be held at Stockholm, beginning on 17 January 1984, the Conference on Confidence- and Security-Building Measures and Disarmament in Europe, the continent with the greatest concentration of armaments and military forces, would achieve significant and positive results.

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

In its resolution 38/191 of 20 December 1983,<sup>65</sup> adopted on the recommendation of the First Committee,<sup>66</sup> the General Assembly decided to establish an *Ad Hoc* Committee on the Implementation of the Collective Security Provisions of the Charter of the United Nations for the purpose of exploring ways and means of implementing the said provisions.

(c) 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-second session at United Nations Headquarters from 21 March to 8 April 1983.<sup>67</sup>

In continuing as a matter of priority 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 re-established its Working Group on remote sensing. The Sub-Committee's Working Group had carried out a principle-by-principle reading of the draft principles as formulated to date with special attention being given to the discussion of principles XI through XV.

The Sub-Committee also re-established its Working Group on the agenda item "Consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space". The Sub-Committee's Working Group examined the question of notification in the case of the malfunctioning of a space object with nuclear power sources on board with a risk of re-entry of radioactive materials to the Earth and addressed itself to the matters of the format, content and procedure of such notification. Two working papers were submitted, one by Canada entitled "Use of nuclear power sources in outer space"<sup>68</sup> and the other by the Federal Republic of Germany entitled "Recommendations for the notification prior to re-entry of a nuclear-powered satellite".<sup>69</sup>

The Working Group agreed that "any State launching a space object with nuclear power sources on board should timely inform States concerned in the event this space object is malfunctioning with a risk of re-entry of radioactive materials to the Earth . . . This information should also be transmitted to the Secretary-General of the United Nations." The format according to which the information should be submitted was also agreed.<sup>70</sup>

The Legal Sub-Committee continued to consider 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 had before it a working paper submitted by the Union of Soviet Socialist Republics entitled "Approach to the delimitation of airspace and outer space".<sup>71</sup>

During a general exchange of views the Latin American countries members of the Legal Sub-Committee presented a declaration in the form of a working paper containing the views on some aspects of the utilization, exploration and exploitation of outer space.<sup>72</sup>

The Committee on the Peaceful Uses of Outer Space, at its twenty-sixth session held at United Nations Headquarters from 20 June to 1 July 1983, took note with appreciation of the report of the Legal Sub-Committee on the work of its twenty-second session<sup>73</sup> and made a recommendation as to the agenda of the Sub-Committee at its twenty-third session. At the same session the Committee, taking into account the recommendation contained in paragraph 309 of the report of UNISPACE-82,<sup>74</sup> by which the Conference recognized, *inter alia*, that "it is now time for countries to agree on the legal implications of remote sensing of the Earth from space", recommended that the Legal Sub-Committee should make every effort to finalize the draft principles on remote sensing; in particular, the Committee recommended that the Legal Sub-Committee should devote special attention to principles XII, XIII and XV with a view to reaching meaningful agreement.

With regard to the item entitled "Consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space", the Committee endorsed an agreed text concerning the format and the procedure for notification in the case of malfunction of a spacecraft carrying a nuclear power source on board.

A variety of views was expressed on the necessity of drafting a treaty concerning the use of direct television broadcast satellites and whether the principles adopted by the General Assembly at its thirty-seventh session in resolution 37/92 of 10 December 1982<sup>75</sup> could serve as the basis for this purpose.

At its thirty-eighth session, by resolution 38/80 of 15 December 1983,<sup>76</sup> adopted on the recommendation of the Special Political Committee,<sup>77</sup> the General Assembly endorsed the report of the Committee on the Peaceful Uses of Outer Space; decided that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space at its twenty-third session should: (a) continue, 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 relating to remote sensing; (b) continue its consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space through its working group; and (c) establish a working group to consider, on a priority basis, matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including the elaboration of general principles to govern the rational and equitable use of the geostationary orbit, a limited natural resource, and, to that end, requested Member States to submit draft principles; in doing so, it would have to take account of the different legal régimes governing airspace and outer space, respectively, and the need for technical planning and legal regulation of the geostationary orbit; invited States that had not become parties to the international treaties governing the use of outer space<sup>78</sup> to give consideration to ratifying or acceding to those treaties; called upon all States, in particular those with major space capabilities, to undertake prompt negotiations, under the auspices of the United Nations, with a view to reaching agreement or agreements designed to halt the militarization of outer space and to prevent an arms race in outer space, thus contributing to the achievement of the internationally accepted goal of ensuring the use of outer space exclusively for peaceful purposes.

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### 3. ECONOMIC, SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

#### (a) Environmental questions

##### *Eleventh session of the Governing Council of the United Nations Environment Programme*<sup>79</sup>

The eleventh session of the United Nations Environment Programme was held at UNEP headquarters, Nairobi, from 11 to 24 May 1983.

By its decision 11/7 of 24 May 1983,<sup>80</sup> adopted by consensus, in Part two, B, "Environmental law", section I, the Governing Council requested the Executive Director to convene a third session 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 1983 and, if required, a fourth session in 1984, with a view to having the Working Group, if possible, complete its work and transmit an agreed draft text of such a convention, through the Executive Director and the Governing Council, to the General Assembly; in section II, requested the Executive Director to ensure the continuation of adequate preparatory work on the meetings to be held in connection with the preparation of guidelines and principles on the following topics of the Montevideo Programme for the Development and Periodic Review of Environmental Law:<sup>81</sup> (a) the protection of the marine environment against 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; in section III, decided, subject to the availability of additional funds, to entrust the Working Group of Experts on Environmental Law established under decision 91 (V) of 25 May 1977 with the task of developing principles and guidelines with regard to environmental impact assessment; in section IV, called upon all States not yet parties to existing conventions and protocols in the field of the environment to consider early adherence to them and appealed to all contracting parties to promote the effective implementation of these conventions and protocols; and in section V, requested the Executive Director

to make available to the Governing Council at its twelfth session a consolidated and updated register of international treaties and other agreements in the field of the environment in all official languages of the Governing Council and further requested him, in co-operation with other intergovernmental and non-governmental organizations as appropriate, to continue the collection and dissemination of information concerning international and national legal instruments and machinery in the field of the environment, in particular the publication of national profiles in the Handbook of Environmental Legislation and Machinery.

*Consideration by the General Assembly*

At its thirty-eighth session the General Assembly, by its resolution 38/165 of 19 December 1983,<sup>82</sup> adopted on the recommendation of the Second Committee,<sup>83</sup> took note of the report of the Governing Council of the United Nations Environment Programme on the work of its eleventh session and the decisions contained therein and welcomed the progress made in the implementation of the Montevideo Programme for the Development and Periodic Review of Environmental Law and appealed to Governments to participate actively in the Programme and provide adequate financial resources or facilities in order to achieve its full and timely implementation.

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

By its resolution 38/153 of 19 December 1983,<sup>84</sup> adopted on the recommendation of the Second Committee,<sup>85</sup> the General Assembly decided to convene a sixth session of the United Nations Conference on an International Code of Conduct on the Transfer of Technology, under the auspices of the United Nations Conference on Trade and Development, in order to complete successfully the negotiations on the code of conduct not later than the first half of 1985.

(c) Office of the United Nations High Commissioner for Refugees<sup>86</sup>

The period under review was marked by an evolution of existing refugee situations rather than by an upsurge of new emergencies.

In the field of international protection, increasing attention had been given to problems arising from mass movements of people who were forced to seek refuge elsewhere as a result of serious civil disturbances or military conflict in their countries of origin. At the same time, attention continued to be given to the difficulties confronting individual refugees and asylum-seekers, as their situation in various parts of the world was frequently no less critical than that of the asylum-seeker in a large-scale influx.

In cases of either large-scale influxes or individual asylum-seekers, UNHCR considered it of the utmost importance to enhance the principles of international protection developed since the establishment of UNHCR. Efforts had been firmly directed towards the promotion of accession to the international refugee instruments and the adoption of pertinent provisions in national legislation.

Another important point of concern for UNHCR related to the physical safety of refugees and asylum-seekers. While UNHCR had neither the means nor the competence to provide refugees with direct physical protection, which remained the primary responsibility of the country where refugees found themselves, the Office had been instrumental in involving other States in providing assistance and support in the context of international solidarity and humanitarian concern.

The primary objective of UNHCR's assistance programmes continued to be the achievement of permanent solutions to the problems of refugees through voluntary repatriation, local integration or resettlement to another country. Pending the attainment of such solutions, which might take considerable time, the current assistance programmes included, besides the necessary care and maintenance measures, projects designed to promote the self-reliance of the refugees through income-generating and other activities, thereby also reducing the burden on the host countries. Throughout the year, measures were also taken to strengthen and improve UNHCR emergency preparedness and to advise on the management of actual refugee emergencies.



The High Commissioner's efforts to extend international protection to refugees, both individually and in large-scale refugee situations, were aimed at ensuring that refugees received asylum, that they were protected against *refoulement*, that their basic human rights were respected and that they were treated according to recognized international standards.

With reference to the basic international instruments regulating the problem of refugees, it should be noted that during 1983 three more States became parties to the 1951 Convention relating to the Status of Refugees<sup>87</sup> and to the 1967 Protocol relating to the Status of Refugees.<sup>88</sup>

The High Commissioner's activities in the field of international protection had been effectively supported by the adoption and acceptance by States of standard-setting instruments at the regional levels.

The determination of refugee status was of fundamental importance to enable refugees to take advantage of the various rights and standards established by the international community for their benefit and to avail themselves of the international protection extended to refugees by the High Commissioner's Office. During the reporting period, encouraging progress was made in a number of countries towards the adoption of procedures for determining the refugee status of individual applicants.

In a number of countries confronted with large numbers of individual asylum-seekers whose determinations were made on an individual basis, a recent phenomenon was that a large number of abusive or manifestly unfounded claims were made by persons seeking to take advantage of asylum procedures in order to remain in the country. At its thirty-third session, the Executive Committee of the Programme of the United Nations High Commissioner for Refugees recognized the need for measures to meet this problem. It further recognized that a decision that a claim was manifestly unfounded or abusive should only be taken by or after reference to the authority competent to determine refugee status.<sup>89</sup>

With regard to social security, UNHCR welcomed the adoption in June 1982 of Convention 157 concerning the Establishment of an International System for the Maintenance of Rights in Social Security by the International Labour Organisation. Some of the main provisions of the Convention were specially extended to refugees and stateless persons.

During the reporting period UNHCR continued an active programme of the promotion, advancement and dissemination of principles of international protection and of refugee law. The Office co-operated with States at the national level in the training of government officials concerned with the admission and determination of refugees in the principles of international protection. Workshops or seminars for the purpose were held in Canada, Bolivia, the Dominican Republic, Sudan, the United States of America, Zaire and Zambia. In Honduras, UNHCR briefed military staff in various parts of the country on the basic principles of international protection.

The Office continued its close and fruitful co-operation with the International Institute of Humanitarian Law at San Remo, Italy. A two-week lecture course on refugee law brought together government officials from 27 countries. The Institute organized a series of meetings of experts to discuss matters of relevance to the continuing development of principles of international protection.

The promotional activities of the Office were of particular importance in countries which were not party to the international refugee instruments. In those countries, UNHCR sought to establish a climate of opinion that was both understanding of the problem of refugees and favourable to the acceptance of the international instruments that had been established for their benefit.

At its thirty-fourth session, held at Geneva from 10 to 20 October 1983, the Executive Committee of the Programme of the United Nations High Commissioner for Refugees considered the question of the international protection of refugees and adopted a number of conclusions on the subject. The Committee, *inter alia*, reaffirmed the fundamental humanitarian character of the activities of the Office of the High Commissioner but drew attention to the vital need for the international community to address in appropriate forums the root causes of refugee flows through actions complementing the efforts of the High Commissioner on behalf of refugees; noted that the High Commissioner's international protection function included, in addition to promoting the development and observance

of basic standards for the treatment of refugees, promoting, by all means within his competence, measures to ensure the physical safety of refugees and asylum-seekers; stressed the importance for further States to accede to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and welcomed the additional accessions to those important humanitarian instruments which had taken place since the Committee's thirty-third session; called upon all States to ensure the full and effective application of those and other instruments for the protection of refugees to which they were party; noted with satisfaction that further States had adopted national measures to ensure the effective implementation of the provisions of the 1951 Convention and the 1967 Protocol, particularly as regards procedures for the determination of refugee status, and stressed the importance for States to establish such procedures to ensure fair and equitable decision-making in line with the conclusions adopted by the Executive Committee at its twenty-eighth and thirty-third sessions; reiterated the importance of determining the country which was responsible for examining an asylum request by the adoption of common criteria as identified in the Conclusion on Refugees without an Asylum Country, adopted by the Executive Committee at its thirtieth session; recognized the importance of developing standards of protection by maintaining a constant dialogue with Governments, non-governmental organizations and academic institutions and of filling lacunae in international refugee law, particularly as regards asylum-seekers whose status had not been determined and as regards the physical protection of refugees and asylum-seekers; recognized the value of the High Commissioner's continuing activities in encouraging the teaching and further development of international refugee law and welcomed his intention to enlarge his Office's legal documentation centre in co-operation with the International Institute of Humanitarian Law at San Remo; considered that national procedures for the determination of refugee status might usefully include special provisions for dealing in an expeditious manner with applications considered to be so obviously without foundation as not to merit full examination at every level of the procedure (such applications had been termed either "clearly abusive" or "manifestly unfounded" and were to be defined as those which were clearly fraudulent or not related to the criteria for the granting of refugee status laid down in the 1951 United Nations Convention relating to the Status of Refugees or to any other criteria justifying the granting of asylum); welcomed the initiatives undertaken by UNHCR to meet the grave problem of asylum-seekers in distress at sea by promoting measures to facilitate the rescue of those asylum-seekers and expressed the hope that those initiatives would receive the widest possible support of Governments; commended the initiatives undertaken by UNHCR in co-operation with the International Maritime Organization aimed at identifying joint action for facilitating the rescue of asylum-seekers in distress at sea; took note of the report of the Sub-Committee of the Whole on International Protection, which included a draft statement of principles on the prohibition of military and armed attacks on refugee camps and settlements; noted with regret that it had not been possible to reach a consensus on those principles in the time available; and requested the Chairman to continue his consultations in order to seek final agreement on the principles with the least possible delay.

By its resolution 38/121 of 16 December 1983,<sup>90</sup> adopted on the recommendation of the Third Committee,<sup>91</sup> 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 this 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*; urged States, in co-operation with the Office of the High Commissioner and other competent international bodies, to take all necessary measures to ensure the safety of refugees and asylum-seekers; and reaffirmed the principle of international solidarity and burden-sharing in responding to the refugee problem, particularly in view of the heavy burden borne by receiving countries on account of the presence of large numbers of refugees and asylum-seekers.

#### (d) International drug control

In the course of 1982, there was no change in the status of the multilateral treaties on international drug control.

By its resolution 38/98 of 16 December 1983,<sup>92</sup> adopted on the recommendation of the Third Committee,<sup>93</sup> the General Assembly approved the programme of action for the biennium

1984-1985, the third and fourth years of the basic five-year programme of action,<sup>94</sup> and decided that, beginning with its eighth special session, the Commission on Narcotic Drugs, meeting in plenary during its sessions and in the presence of all interested observers, would constitute the task force envisaged in General Assembly resolution 36/168 of 16 December 1981 to review, monitor and co-ordinate the implementation of the International Drug Abuse Control Strategy and the basic five-year programme of action. Moreover, by its resolution 38/122 of the same date,<sup>95</sup> adopted also on the recommendation of the Third Committee,<sup>96</sup> the General Assembly called upon Member States that had not yet done so to ratify the international drug control treaties and, until such time, to endeavour to abide by the provisions thereof, and requested the Secretary-General, through the Commission on Narcotic Drugs, to explore all avenues leading to a further improvement of regional and interregional co-ordination of activities against drug trafficking and drug abuse.

(e) Crime prevention and criminal justice

*Principles of Medical Ethics*<sup>97</sup>

By its resolution 38/118 of 16 December 1983,<sup>98</sup> adopted on the recommendation of the Third Committee,<sup>99</sup> the General Assembly urged all Governments to take measures with a view to promoting the application by all health personnel and government officials, in particular those employed in institutions of detention or imprisonment, of the Principles of Medical Ethics<sup>100</sup> 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.

(f) Human rights questions

(1) *Status and implementation of international instruments*

(i) *International Covenants on Human Rights*<sup>101</sup>

In 1983, five more States became a party to the International Covenant on Economic, Social and Cultural Rights,<sup>102</sup> five more States became a party to the International Covenant on Civil and Political Rights<sup>103</sup> and three more States became a party to the Optional Protocol to the International Covenant on Civil and Political Rights.<sup>104</sup>

By its resolution 38/116 of 16 December 1983,<sup>105</sup> adopted on the recommendation of the Third Committee,<sup>106</sup> the General Assembly took note with appreciation of the report of the Human Rights Committee on its seventeenth, eighteenth and nineteenth sessions<sup>107</sup> and expressed its satisfaction at the serious and constructive manner in which the Committee was continuing to perform its functions; again invited all States that had not yet done so to become parties to the Covenants, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights; and 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. Moreover, by its resolution 38/117 of the same date,<sup>108</sup> adopted also on the recommendation of the Third Committee,<sup>109</sup> the Assembly reiterated the importance it attached to the reporting systems established by the International Covenants on Human Rights; requested the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to consider the suggestions contained in the report of the Secretary-General<sup>110</sup> with a view to improving the situation regarding the submission of reports under the Covenant; and requested the Secretary-General to consider the possibility of convening, in accordance with the suggestion contained in the report of the Human Rights Committee<sup>111</sup> and within existing resources, a meeting of the chairmen of the bodies entrusted with the consideration of reports submitted under the relevant human rights instruments in order to consider the report of the Secretary-General, taking into account the results of General Assembly resolution 38/20 of 22 November 1983 and of the current resolution.

(ii) *International Convention on the Elimination of All Forms of Racial Discrimination*<sup>112</sup>

In 1983, five more States became a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

By its resolution 38/18 of 22 November 1983,<sup>113</sup> adopted on the recommendation of the Third Committee,<sup>114</sup> the General Assembly reaffirmed once again 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 those 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. By its resolution 38/20 of the same date,<sup>115</sup> adopted also on the recommendation of the Third Committee,<sup>116</sup> the General Assembly requested the Secretary-General to transmit his report on the reporting obligations of States parties under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments,<sup>117</sup> and an analytical summary of the records of the General Assembly's consideration thereof, to the ninth meeting of the States parties to the Convention; and invited the Committee on the Elimination of Racial Discrimination to consider the analysis and recommendations contained in the report of the Secretary-General, taking into account the various suggestions made in the General Assembly and at the ninth meeting of the States parties to the Convention.

By its resolution 38/21 of 22 November 1983,<sup>118</sup> adopted on the recommendation of the Third Committee,<sup>119</sup> the General Assembly took note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its twenty-seventh and twenty-eighth sessions; called upon all Member States to adopt effective legislative, socio-economic and other necessary measures in order to ensure the prevention or elimination of discrimination based on race, colour, descent or national or ethnic origin; further called upon the States parties to the Convention to protect fully, by the adoption of the relevant legislative and other measures, in conformity with the Convention, the rights of national or ethnic minorities and persons belonging to such minorities, as well as the rights of indigenous populations; reiterated its invitation to the States parties to the Convention to provide the Committee, in accordance with its general guidelines, with information on the implementation of the provisions of the Convention, including information on the demographic composition of their population and on their relations with the racist régime of South Africa; and took note with appreciation of the contribution of the Committee towards the achievement of the goals of the Decade to Combat Racism and Racial Discrimination as well as its contribution to the Second World Conference to Combat Racism and Racial Discrimination in preparing studies on the implementation of particular articles of the Convention.

Furthermore, by its resolution 38/14 of 22 November 1983,<sup>120</sup> adopted likewise on the recommendation of the Third Committee,<sup>121</sup> the General Assembly proclaimed the 10-year period beginning on 10 December 1983 the Second Decade to Combat Racism and Racial Discrimination; took note of the results of the Second World Conference to Combat Racism and Racial Discrimination contained in the report of the Conference,<sup>122</sup> and approved the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination annexed to the resolution and called upon all States to co-operate in its implementation. Sections F and G of the Programme of Action are reproduced below.

F. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AND OTHER RELATED INTERNATIONAL INSTRUMENTS

44. The Conference urges States which have not yet become parties to the International Convention on the Elimination of All Forms of Racial Discrimination to do so as part of their contribution to the objectives of the Decade for Action to Combat Racism and Racial Discrimination and until such States ratify the Convention they should utilize its provisions as guidelines in combating racial discrimination and in securing the realization of the principles of equality at both the national and international levels. The Conference calls upon States parties to the Convention to consider the possibility of making the Declaration provided for in article 14 of the Convention.

45. Those States should enact, as a matter of the highest priority, appropriate legislation and other suitable measures to prohibit and bring to an end racial discrimination, to abrogate, amend, rescind or nullify any policies or regulations that have the effect of creating or perpetuating racial hatred and to declare the dissemination of ideas based on racial superiority and hatred to be an offence punishable by law, taking duly into account the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

46. The Conference also appeals to States which have not yet done so to consider ratifying or acceding to as soon as possible other relevant international instruments adopted under the aegis of the United Nations and of the specialized agencies, such as the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, the Convention concerning Discrimination in Respect of Employment and Occupation adopted by the International Labour Organisation on 25 June 1958, the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization and the Convention on the Elimination of All Forms of Discrimination against Women; States are urged to comply with the reporting requirements called for by the relevant conventions.

#### G. NATIONAL LEGISLATION AND INSTITUTIONS

47. The Conference suggests that States that have not already done so should consider the urgent enactment, as a matter of the highest priority, of appropriate legislation and other suitable measures to prohibit and bring to an end racial discrimination, to abrogate, amend, rescind or nullify any policies or regulations that have the effect of creating or perpetuating racial hatred and, with due regard to the principles embodied in the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, *Apartheid* and Incitement to War, the Declaration on Race and Racial Prejudice adopted by the United Nations Educational, Scientific and Cultural Organization on 27 November 1978, and the rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination, to declare the dissemination of ideas based on racial superiority and hatred to be an offence punishable by law.

48. The Conference calls upon all States that have not yet done so to take effective legislative and other measures, including in the field of penal law, to prevent the recruitment, use, financing and training, transit and transport of mercenaries, in particular when the aim is to assist racist régimes, and to punish such mercenaries as common criminals. The Conference urges the *Ad Hoc* Committee on the Drafting of an International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, established by the General Assembly at its thirty-fifth session, to complete, as soon as possible, the draft international convention.

49. The Conference urges all States to adopt strict legislation to declare any dissemination of ideas based on racial superiority or hatred to be an offence punishable by law and to prohibit organizations based on racial prejudice and hatred, including neo-Nazi and Fascist organizations, and private clubs and institutions established on the basis of racial criteria or propagating ideas of racial discrimination and *apartheid*.

50. With regard to national legislation, the Conference recommends that:

- (a) Governments, where necessary, should guarantee non-discrimination on grounds of race and equal rights for all individuals in their constitutions and legislation;
- (b) Governments, where necessary, should undertake to review and update all national legislation and remove from it any discriminatory provisions;
- (c) Legislation should be consistent with international standards embodied in relevant international instruments;
- (d) Victims of discrimination should be informed and advised of their rights, by all possible means, and given assistance in securing those rights;
- (e) Governments should, where necessary, establish appropriate and effective mechanisms, including conciliation and mediation procedures and national commissions, to ensure that such legislation is enforced effectively and thereby to promote equality of opportunity and good race relations.

51. A system of regular review and appraisal should be continued to enable Member States, all organizations of the United Nations system, including relevant regional bodies, and non-governmental organizations, to assess the measures taken towards achieving the aims and objectives of the Decade.

52. Within the framework of their national legislation and policy, and according to their means, States should set up national institutions for the promotion and protection of human rights. Those institutions should study legal developments and review the laws and policies of the Government with a view to ensuring the elimination of all discriminatory laws, prejudices and practices based on race, sex, colour, descent and national and ethnic origin.

(iii) *International Convention on the Suppression and Punishment of the Crime of Apartheid*<sup>123</sup>

In 1983, eight more States became a party to the International Convention on the Suppression and Punishment of the Crime of *Apartheid*.

By its resolution 38/19 of 22 November 1983,<sup>124</sup> adopted on the recommendation of the Third Committee,<sup>125</sup> 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; expressed its appreciation of 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;<sup>126</sup> and called upon all States parties to the Convention to implement fully article IV thereof 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.

(iv) *Convention on the Elimination of All Forms of Discrimination against Women*<sup>127</sup>

In 1983, eight more States became a party to the Convention on the Elimination of all Forms of Discrimination against Women.

By its resolution 38/109 of 16 December 1983,<sup>128</sup> adopted on the recommendation of the Third Committee,<sup>129</sup> the General Assembly invited States that had not yet done so to become parties to the Convention and welcomed the fact that the Committee on the Elimination of Discrimination against Women had successfully started its work and, *inter alia*, had adopted general guidelines regarding the form and content of reports received from States parties under article 18 of the Convention.

(2) *Torture and other cruel, inhuman or degrading treatment or punishment*<sup>130</sup>

By its resolution 38/119 of 16 December 1983,<sup>131</sup> adopted on the recommendation of the Third Committee,<sup>132</sup> the General Assembly requested the Commission on Human Rights to complete, at its fortieth session, as a matter of the highest priority, the drafting of a convention against 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-ninth session.

(3) *Summary or arbitrary executions*

By its resolution 38/96 of 16 December 1983,<sup>133</sup> adopted on the recommendation of the Third Committee,<sup>134</sup> the General Assembly appealed to all Governments to co-operate with and assist the Special Rapporteur of the Commission on Human Rights in the preparation of his report on the occurrence and extent of the practice of summary or arbitrary executions; again requested the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appeared not to be respected; and requested the Commission on Human Rights at its fortieth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35 and 1983/36, to make recommendations concerning appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions.

(4) *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 38/124 of 16 December 1983,<sup>135</sup> adopted on the recommendation of the Third Committee,<sup>136</sup> 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, including the question of the Commission's programme and working methods, 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 and concepts of General Assembly resolution 32/130 and other relevant texts; reaffirmed that it was of paramount importance for the promotion of human rights and fundamental freedoms that the 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 the implementation of the relevant international instruments should be encouraged; and considered it necessary that all Member States promote international co-operation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of each people to choose freely its own socio-economic and political system, with a view to resolving international problems of an economic, social and humanitarian character.

Furthermore, by its resolution 38/123 of 16 December 1983,<sup>137</sup> adopted also on the recommendation of the Third Committee,<sup>138</sup> the General Assembly invited all Member States to take appropriate steps for the establishment or, where they already existed, the strengthening of national institutions for the protection and promotion of human rights; emphasized the importance of the integrity and independence of such national institutions, in accordance with national legislation; and drew attention to the constructive role that national non-governmental organizations could play in the work of national institutions.

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

By its resolution 38/86 of 16 November 1983,<sup>139</sup> adopted on the recommendation of the Third Committee,<sup>140</sup> the General Assembly took note of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and expressed its satisfaction with the substantial progress that the Working Group had so far made in the accomplishment of its mandate and decided that, in order to enable it to complete its task as soon as possible, the Working Group should again hold an intersessional meeting of two weeks' duration in New York, immediately after the first regular session of 1984 of the Economic and Social Council; and that it should meet also during the thirty-ninth session of the General Assembly to continue and, if possible, to complete the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

(6) *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 38/87 of 16 December 1983,<sup>141</sup> adopted on the recommendation of the Third Committee,<sup>142</sup> the General Assembly decided to establish, at its thirty-ninth session, an open-ended working group 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.

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

By its resolution 38/114 of 16 December 1983,<sup>143</sup> adopted on the recommendation of the Third Committee,<sup>144</sup> the General Assembly requested the Commission on Human Rights to give the highest priority at its fortieth session to the question of completing a draft convention on the rights of the child and to make every effort to submit it, through the Economic and Social Council, to the General Assembly at its thirty-ninth session, as the Commission's tangible contribution to the commemoration of the twenty-fifth anniversary of the Declaration of the Rights of the Child.

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

By its resolution 38/110 of 16 December 1983,<sup>145</sup> adopted on the recommendation of the Third Committee,<sup>146</sup> the General Assembly, noting that the Economic and Social Council, in its

decision 1983/150 of 27 May 1983, had endorsed the request of the Commission on Human Rights to the Secretary-General to hold, within the framework of the advisory services programme in the period 1984-1985, a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief, pledged its determination to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and expressed the hope that the seminar would contribute towards the realization of those aims and requested the Commission to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief<sup>147</sup> and to report, through the Economic and Social Council, to the General Assembly at its thirty-ninth session.

(9) *Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror*

By its resolution 38/99 of 16 December 1983,<sup>148</sup> adopted on the recommendation of the Third Committee,<sup>149</sup> the General Assembly again condemned all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which had such consequences; called upon States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they were found guilty, in punishing them; and invited Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies.

(10) *Human rights and scientific and technological developments*

By its resolution 38/111 of 16 December 1983,<sup>150</sup> adopted on the recommendation of the Third Committee,<sup>151</sup> the General Assembly, recalling its resolution 33/53 of 14 December 1978, in which it had requested the Commission on Human Rights to urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health, with a view to formulating guidelines, and reaffirming its conviction that detention of persons in mental institutions on account of their political views or on other non-medical grounds was a violation of their human rights, again urged the Commission on Human Rights and, through it, the Sub-Commission to expedite their consideration of the draft body of guidelines, principles and guarantees, so that the Commission could submit its views and recommendations, including a draft body of guidelines, principles and guarantees, to the General Assembly at its fortieth session, through the Economic and Social Council.

By its resolution 38/112 of 16 December 1983,<sup>152</sup> adopted on the recommendation of the Third Committee,<sup>153</sup> the General Assembly stressed the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind<sup>154</sup> in order to promote human rights and fundamental freedoms and requested the Commission on Human Rights to pay special attention, in its consideration of the item entitled "Human rights and scientific and technological developments", to the question of the implementation of the provisions of the Declaration, taking into consideration the information submitted by Member States, specialized agencies and other organizations of the United Nations system pursuant to General Assembly resolution 35/130 A of 11 December 1980. Furthermore, by its resolution 38/113 of 16 December 1983,<sup>155</sup> adopted also on the recommendation of the Third Committee,<sup>156</sup> the General Assembly reaffirmed that all peoples and all individuals had an inherent right to life and that the safeguarding of that cardinal right was an essential condition for the enjoyment of the entire range of economic, social and cultural, as well as civil and political rights; called upon all States, appropriate organs of the United Nations, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress were used exclusively in the interests of international peace. for the benefit of mankind and for promoting



and encouraging universal respect for human rights and fundamental freedoms; and again called upon all States that had not yet done so to take effective measures with a view to prohibiting by law any propaganda for war.

#### 4. LAW OF THE SEA

##### *Status of the United Nations Convention on the Law of the Sea*<sup>157</sup>

As of 31 December 1983, 132 States had signed and 8 States and the United Nations Council for Namibia had ratified the United Nations Convention on the Law of the Sea.

##### *Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea*<sup>158</sup>

Resolution I of the Third United Nations Conference on the Law of the Sea, adopted on 30 April 1982, together with the United Nations Convention on the Law of the Sea, established a Preparatory Commission to prepare for two of the institutions to be established when the Convention entered into force: the International Sea-Bed Authority and the International Tribunal for the Law of the Sea.

In accordance with the requirements established by resolution I of the Conference and as authorized by General Assembly resolution 37/66 of 3 December 1982, the Secretary-General convened the Preparatory Commission, which held its first session at Kingston, Jamaica, from 15 March to 8 April 1983. The total attendance was 99 members and 17 observers. On 8 April 1983, the Preparatory Commission adopted a "consensus statement of understanding" concerning the general features of the structure of the Commission, its agenda and decision-making.<sup>159</sup> During the session, the Group of 77 issued a statement opposing any action by States to apply selectively provisions of the Convention and appealed to all States to sign expeditiously the Convention.<sup>160</sup> The Group of Eastern European States made a similar declaration.<sup>161</sup>

The Commission reconvened on 15 August at Kingston for the resumed first session. The total attendance was 82 members and 16 observers. The Preparatory Commission adopted a package of three proposals of the Chairman before proceeding to the adoption of its rules of procedure.<sup>162</sup> On 8 September 1983, the Chairman declared that it was the understanding of the Preparatory Commission that the elaboration and adoption of rules, regulations and procedures for the implementation of resolution II of the Conference on the protection of preparatory investments in pioneer activities relating to the mining of polymetallic nodules should be considered as a matter of high priority by the Preparatory Commission at its next session.<sup>163</sup> The Commission concluded the organization of its work with the adoption of its rules of procedure<sup>164</sup> on the same day. It decided that it would hold one regular four-week session a year at the seat of the International Sea-Bed Authority and one four-week session a year of its working groups (plenary, Special Commissions and other subsidiary bodies) at Kingston, New York or Geneva, depending on the decision of the Commission. Furthermore, the Preparatory Commission might at any time decide to hold additional sessions for itself or for its working groups.

##### *Consideration by the General Assembly*

By its resolution 38/59 A of 14 December 1983,<sup>165</sup> the General Assembly recalled the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world; expressed its satisfaction at the large number of signatures affixed to the Convention as well as at the number of ratifications deposited with the Secretary-General during the year following the opening of the Convention for signature; called upon States that had not done so 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; also called upon all States to safeguard the unified character of

the Convention and its related resolutions; and appealed to all States to refrain from taking any action directed at undermining the Convention or defeating its objectives and purposes.

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## 5. INTERNATIONAL COURT OF JUSTICE<sup>166, 167</sup>

### Cases before the Court

#### (i) *Continental Shelf (Libyan Arab Jamahiriya/Malta)*<sup>168</sup>

On 27 July 1982 the Vice-President of the Court made an Order<sup>169</sup> whereby, having regard to an agreement between the Parties recorded in the Special Agreement, he fixed 26 April 1983 as the time-limit for the filing of a Memorial by each Party. The Memorials were duly filed and, by an Order dated 26 April 1983, the President fixed 26 October 1983 as the time-limit for the filing of Counter-Memorials.<sup>170</sup> These pleadings were duly filed.

Since the Court did not include upon the Bench a judge of Libyan or of Maltese nationality, each of the Parties exercised its right under Article 31 of the Statute of the Court to choose a person to sit as judge *ad hoc*. The Libyan Arab Jamahiriya chose Mr. E. Jiménez de Aréchaga and Malta chose Mr. J. Castañeda.

On 24 October 1983 the Government of Italy filed an Application for permission to intervene pursuant to Article 62 of the Statute. It indicated in its Application that its purpose in seeking to intervene in the case concerning delimitation of the continental shelf between the Libyan Arab Jamahiriya and Malta was to enable it to take part in the proceedings to the extent necessary to defend its rights over certain of the areas claimed by the Parties so that the Court would be in a position to take those rights into consideration in coming to its decision.

Pursuant to Article 83 of the Rules of Court, on 5 December 1983, within the time-limit fixed therefor, the Governments of the Libyan Arab Jamahiriya and Malta submitted written observations on Italy's request for permission to intervene. Objections have been raised to that request.

#### (ii) *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*<sup>171</sup>

By an Order dated 5 November 1982, the President of the Chamber constituted to deal with the case fixed 28 June 1983 as the time-limit for the filing of Counter-Memorials,<sup>172</sup> which were duly filed.

By an Order dated 27 July 1983, the President of the Chamber authorized the filing of Replies by Canada and the United States of America and fixed 12 December 1983 as the time-limit therefor.<sup>173</sup> These pleadings were duly filed. In support of their contentions, the Parties had submitted an extremely copious documentation to the Chamber (approximately 9,500 pages).

#### (iii) *Frontier dispute (Upper Volta/Mali)*

On 14 October 1983, the Governments of the Republic of Upper Volta and the Republic of Mali jointly notified to the Registrar a Special Agreement concluded by them on 16 September 1983, having entered into force on that same day and registered with the United Nations Secretariat, by which they submitted to a chamber of the Court the question of the delimitation of part of the land frontier between the two States. Each Party has appointed an agent.

## 6. INTERNATIONAL LAW COMMISSION<sup>174</sup>

### THIRTY-FIFTH SESSION OF THE COMMISSION<sup>175</sup>

The International Law Commission held its thirty-fifth session at Geneva from 3 May to 22 July 1983. In accordance with General Assembly resolutions 37/102 and 37/111 of 16 December 1982, it continued its work aimed at the preparation of drafts on all the topics on its current programme.

With respect to the question of the draft Code of Offences against the Peace and Security of Mankind, the Commission held a general debate on the basis of the first report submitted by the Special Rapporteur,<sup>176</sup> which dealt with the scope of the draft (*ratione materiae* and *ratione personae*), its methodology and the implementation of the Code. In its conclusions the Commission expressed the opinion that the draft Code should cover only the most serious international offences and that those offences would be determined by reference to a general criterion and also to the relevant conventions and declarations pertaining to the subject. The Commission also asked the General Assembly to express its views with regard to the subjects of law to which international criminal responsibility could be attributed and with regard to the implementation of the Code to indicate whether the Commission's mandate extended to the preparation of the statute of a competent international criminal jurisdiction for individuals as well as whether such jurisdiction should also be competent with respect to States.

On the question of jurisdictional immunities of States and their property, the Commission had before it the fifth report on the topic submitted by the Special Rapporteur.<sup>177</sup> The report dealt with part III of the draft articles concerning exceptions to State immunity and contained three draft articles: "Contracts of employment" (article 13); "Personal injuries and damage to property" (article 14); and "Ownership, possession and use of property" (article 15). At the conclusion of its debate on the topic, the Commission decided to refer draft articles 13, 14 and 15 to the Drafting Committee. The Drafting Committee recommended draft articles 10, 12 and 15, which were provisionally adopted by the Commission, together with the relevant provisions of articles 2 (1) (g) and 3 (2). On the basis of the discussions in the Commission, the Special Rapporteur prepared and submitted to the Drafting Committee a revised version of draft articles 13 and 14.<sup>178</sup>

Regarding the topic of State responsibility, the Commission considered the fourth report submitted by the Special Rapporteur,<sup>179</sup> which concentrated on an "outline" of the possible contents of part 2 (the content, forms and degrees of international responsibility) and part 3 (settlement of disputes and the implementation of international responsibility) of the draft articles on State responsibility.

With regard to the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, the Commission considered the first and second instalments of the fourth report submitted by the Special Rapporteur.<sup>180</sup> They contained draft articles 15 to 23 of part II of the draft articles on facilities to be granted to the diplomatic courier and the inviolability and jurisdictional immunity of the diplomatic courier. The Commission decided to refer draft articles 15 to 19 to the Drafting Committee and to resume its debate on draft articles 20 to 23 at its next session. The Commission adopted also on first reading the texts of articles 1 to 8.

Regarding the question of the law of the non-navigational uses of international watercourses, the Commission had before it the first report submitted by the newly appointed Special Rapporteur,<sup>181</sup> which contained, as a basis for discussion, a tentative draft of a convention on the law of the non-navigational uses of international watercourses. There was broad agreement that the Special Rapporteur's outline could, generally speaking, be taken as the basis for further work on the topic.

The Commission resumed also its consideration of the topic "Relations between States and international organizations" (second part of the topic) on the basis of a preliminary report submitted by the current Special Rapporteur.<sup>182</sup> The Commission reached the following conclusions: (a) it should take up the study of the second part of the topic; (b) the work should proceed with great prudence; (c) for the purposes of its initial work on the second part of the topic it should adopt a broad outlook, inasmuch as the study should include regional organizations, and the final decision on whether to include such organizations in a future codification should be taken only when

the study was completed; (d) the same broad outlook should be adopted in connection with the subject-matter, as regards determination of the order of work on the topic and the desirability of carrying out that work in different stages.

With respect to the question of international liability for injurious consequences arising out of acts not prohibited by international law, the Commission had before it the fourth report submitted by the Special Rapporteur,<sup>183</sup> containing a single chapter entitled "Delineation of the topic". The main purpose of the report was to take into account the views expressed in the Sixth Committee and in the Commission in 1982, to re-evaluate the schematic outline in the light of those views and to provide a better and more complete commentary. At the end of a short debate, it was agreed that the third part of the Secretariat's review of State practice should be put in the form of an analytical study so that it would correspond more closely with the two earlier parts. It was also agreed that the Special Rapporteur should, with the help of the Secretariat, prepare a questionnaire to be addressed to selected international organizations.

#### CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-eighth session, the General Assembly had before it the report of the International Law Commission on the work of its thirty-fifth session.<sup>184</sup> By its resolution 38/138 of 19 December 1983,<sup>185</sup> adopted on the recommendation of the Sixth Committee,<sup>186</sup> the Assembly recommended that the Commission continue its work on all the topics in its current programme; reaffirmed its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the documentation of the Commission; and also reaffirmed its wish that the Commission continue to enhance its co-operation with intergovernmental legal bodies whose work was of interest for the progressive development of international law and its codification. Moreover, by its resolution 38/132 of 19 December 1983,<sup>187</sup> adopted also on the recommendation of the Sixth Committee,<sup>188</sup> the Assembly invited the Commission to continue its work on the elaboration of the draft Code of Offences against the Peace and Security of Mankind by elaborating, as a first step, an introduction recalling the general principles of criminal law as well as a list of offences that the draft Code should cover.<sup>189</sup>

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## 7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW<sup>190</sup>

#### SIXTEENTH SESSION OF THE COMMISSION<sup>191</sup>

The United Nations Commission on International Trade Law held its sixteenth session at Vienna, from 24 May to 3 June 1983.

With respect to international contract practices, the Commission had before it a revised text of the uniform rules on liquidated damages and penalty clauses.<sup>192</sup> After deliberation, the Commission completed its work on the substance of the subject by adopting the draft Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance.<sup>193</sup> The Commission could not, however, reach a consensus as to the form which the draft Rules should take. In view of the importance of the issue, which was of interest to all States, the Commission considered that any decision on the final form of the draft Rules should be one for the Sixth Committee of the General Assembly.

Regarding the question of international payments, the Commission considered a suggestion of the Secretariat to devote a substantial period of time of the seventeenth session to a substantive discussion of key features and major controversial issues to be identified by the Secretariat in an analysis of all comments of Governments and international organizations on the draft Convention on International Bills of Exchange and International Promissory Notes and the draft Convention on International Cheques. The Commission accepted the suggestion in principle. Furthermore, the Commission took note of a progress report that the Secretariat had begun the work leading to the preparation of the legal guide on electronic funds transfers.<sup>194</sup>

On the question of international commercial arbitration, the Commission took note of the reports of the Working Group on International Contract Practices on the preparation of a draft model law on international commercial arbitration<sup>195</sup> and requested the Working Group to proceed with its work expeditiously.

With respect to the new international economic order, the Commission had before it the report of the Working Group on the New International Economic Order on the work of its fourth session,<sup>196</sup> which set forth the deliberations of the Working Group on the basis of the report of the Secretary-General entitled "Draft legal guide on drawing up contracts for construction of industrial works: sample chapters".<sup>197</sup> The Commission expressed its appreciation to the Group for the progress made in this extremely complex field. The importance of the guide for developing countries was stressed and the Commission agreed with the Working Group on the need to prepare the legal guide expeditiously.

The Commission discussed also a report of the Secretary-General which set forth the main activities of the Secretariat for the purpose of co-ordination of work in the field of international trade law since the fifteenth session<sup>198</sup> and expressed its approval of those activities. The Secretariat was urged to continue its efforts in this regard. In response to the request by the General Assembly contained in its resolution 34/142 of 17 December 1979 that the Secretary-General place before the Commission, at each of its sessions, a report on the legal activities of the international organs, organizations and bodies concerned, together with recommendations regarding steps to be taken by the Commission, the Commission had before it a report of the Secretary-General entitled "Current activities of international organizations related to the harmonization and unification of international trade law".<sup>199</sup> There was general agreement that the report was informative and useful to government officials and law professors alike and that it also contributed to the co-ordination of activities among international organizations.

After considering a report of the Secretary-General on some recent developments in the field of international transport of goods,<sup>200</sup> which described the activities of other organizations in the areas of marine insurance, transport by container and freight forwarding as well as liability of international terminal operators, the Commission decided to include the topic of liability of international terminal operators in its work programme, to request the International Institute on the Unification of Private Law to transmit its preliminary draft Convention on the subject to the Commission for its consideration and to assign work on the preparation of uniform rules on the topic to a working group.

The Commission considered the status of conventions that were the outcome of its work.<sup>201</sup> The Secretary of the Commission informed the Commission that the Secretariat had intensified its efforts to promote the conventions, particularly through its co-ordination and training-and-assistance programmes.

With regard to training and assistance, the Commission had before it a report of the Secretary-General on the subject.<sup>202</sup> The report set out the steps taken by the Secretariat to implement the decisions of the Commission and of the General Assembly. The report also noted that plans had been made to collaborate in the holding of regional seminars and that, while the principal limitation on the organization of symposia and seminars was that not enough funds were available for these purposes, the Secretariat would continue its efforts to explore all suitable opportunities for training and assistance and to make the work of the Commission known. The Commission approved the general approach taken by the Secretariat in this area.

#### CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-eighth session, the General Assembly, by its resolution 38/134 of 19 December 1983,<sup>203</sup> adopted on the recommendation of the Sixth Committee,<sup>204</sup> called upon UNCITRAL to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the Assembly at its sixth and seventh special sessions; took note with appreciation of the commencement by the Commission of work on drafting a legal guide on drawing up contracts for the supply and construction of industrial works, identifying the legal issues

involved in such contracts and suggesting possible solutions to assist parties, in particular from developing countries, in their negotiations; reaffirmed the mandate of the Commission, as a 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 effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law; and recommended that UNCITRAL continue its work on the topics included in its programme of work. Furthermore, by its resolution 38/135 of 19 December 1983,<sup>205</sup> adopted also on the recommendation of the Sixth Committee,<sup>206</sup> the Assembly, noting that UNCITRAL had adopted Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance, recommended that States give serious consideration to the Rules and, where appropriate, implement them in the form of either a model law or a convention.

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

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

By its resolution 38/136 of 19 December 1983,<sup>207</sup> adopted on the recommendation of the Sixth Committee,<sup>208</sup> the General Assembly 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 to ensure effectively the protection, security and safety of all diplomatic and consular missions and representatives officially present in territory under their jurisdiction, including practicable measures to prohibit in their territories 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; recommended that States should co-operate closely through, *inter alia*, contacts between the diplomatic and consular missions and the receiving State, 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, in cases where a dispute arose in connection with a violation of the principles and rules of international law concerning the inviolability of diplomatic and consular missions and representatives, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General; also 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; and requested (a) all States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives; and (b) the State in which the violation had taken place—and, to the extent applicable, the State where the alleged offender had been present—to report as promptly as possible 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.

### (b) Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

By its resolution 38/130 of 19 December 1983,<sup>209</sup> adopted on the recommendation of the Sixth Committee,<sup>210</sup> the General Assembly invited all States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism,

such as the harmonization of domestic legislation with international conventions, the implementation of assumed international obligations and the prevention of the preparation and organization in their territory of acts directed against other States; called upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State, or acquiescing in organized activities within their territory directed towards the commission of such acts; appealed to all States that had not yet done so to consider becoming parties to the existing international conventions relating to various aspects of the problem of international terrorism; urged all States to co-operate with one another more closely, especially through the exchange of relevant information concerning the prevention and combating of international terrorism, the apprehension and prosecution of the perpetrators of such acts, the conclusion of special treaties and/or the incorporation into appropriate bilateral treaties of special clauses, in particular regarding the extradition or prosecution of international terrorists; re-endorsed the recommendations submitted by the *Ad Hoc* Committee on International Terrorism in its report to the General Assembly at its thirty-fourth session relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism;<sup>211</sup> and called upon all States to observe and implement the recommendations submitted by the *Ad Hoc* Committee.

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

By its resolution 38/126 of 19 December 1983,<sup>212</sup> adopted on the recommendation of the Sixth Committee,<sup>213</sup> the General Assembly reaffirmed that good-neighbourliness fully conformed with the purposes of the United Nations and should be founded upon the strict observance of the principles of the Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,<sup>214</sup> and so presupposed the rejection of any acts seeking to establish zones of influence or domination; deemed it appropriate, on the basis of the working paper concerning the development and strengthening of good-neighbourliness between States,<sup>215</sup> as well as of other proposals and ideas which had been or would be submitted by States, and the replies and views of States and international organizations, to start clarifying and formulating the elements of good-neighbourliness as part of a process of elaboration of a suitable international document on the subject; and requested the Sixth Committee to decide, at the thirty-ninth session of the General Assembly, on the appropriate framework to accomplish those tasks.

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

By its resolution 38/128 of 19 December 1983,<sup>216</sup> adopted on the recommendation of the Sixth Committee,<sup>217</sup> the General Assembly requested UNITAR to continue preparing the third and final phase of the analytical study on the progressive development of the principles and norms of international law relating to the new international economic order and to complete it in time for the Secretary-General to submit it to the General Assembly at its thirty-ninth session; also requested UNITAR to prepare a summary and an outline of the study in order to facilitate debate on the item; and urged Member States to submit relevant information with respect to the study, including proposals concerning further action to be taken on the final study to be submitted to the General Assembly at its thirty-ninth session.

(e) Draft articles on most-favoured-nation clauses

By its resolution 38/127 of 19 December 1983,<sup>218</sup> adopted on the recommendation of the Sixth Committee,<sup>219</sup> the General Assembly requested the Secretary-General to reiterate his invitation to Member States and interested organs of the United Nations, as well as interested intergovernmental organizations, to submit or bring up to date any written comments and observations which they deemed appropriate on chapter II of the report of the International Law Commission on the work of its thirtieth session,<sup>220</sup> and also requested the Secretary-General to invite Member States to

comment on the most appropriate procedure for completing work on most-favoured-nation clauses and on the forum for future discussion, bearing in mind the suggestions and proposals made in the Sixth Committee, including the suggestion to establish a working group of the Sixth Committee after one of the existing working groups accomplished its mandate.

(f) 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

By its resolution 38/142 of 19 December 1983,<sup>221</sup> adopted on the recommendation of the Sixth Committee,<sup>222</sup> the General Assembly requested the Secretary-General to invite Member States to comment on the most appropriate procedure for completing work on 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 and the forum for future discussion, bearing in mind the suggestions and proposals made in the Sixth Committee; and also requested the Secretary-General to submit to the Assembly at its thirty-ninth session a report containing those comments and observations, with a view to taking a final decision on the procedure to be followed.

(g) United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations

By its resolution 38/139 of 19 December 1983,<sup>223</sup> adopted on the recommendation of the Sixth Committee,<sup>224</sup> the General Assembly decided that the appropriate forum for the final consideration of the draft articles on the law of treaties between States and international organizations or between international organizations, adopted by the International Law Commission at its thirty-fourth session,<sup>225</sup> should be a conference of plenipotentiaries to be convened not earlier than 1985; and agreed to decide at its thirty-ninth session upon the question of the date and place for the convening of the United Nations Conference on the Law of Treaties between States or between International Organizations, as well as upon the question of participation in the Conference.

(h) United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

By its resolution 38/129 of 19 December 1983,<sup>226</sup> adopted on the recommendation of the Sixth Committee,<sup>227</sup> the General Assembly authorized the Secretary-General to carry out in 1984 and 1985 the activities specified in his report on the implementation of the Programme;<sup>228</sup> urged all Governments to encourage the inclusion of courses on international law in the programmes of legal studies offered at institutions of higher learning; and decided to appoint 13 Member States as members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, for a period of four years beginning on 1 January 1984.

(i) Report of the Committee on Relations with the Host Country<sup>229</sup>

In accordance with its resolution 37/113 of 16 December 1982, the General Assembly decided that the Committee on Relations with the Host Country should continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971. In its report to the General Assembly at its thirty-eighth session, the Committee included a set of recommendations whereby it, *inter alia*, urged the host country to continue to take measures to apprehend, bring to justice and punish all those responsible for committing or conspiring to commit 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; called upon the missions of States Members of the United Nations to co-operate as fully as possible with federal and local United States authorities



in cases affecting the security of those missions and their personnel; and called upon the host country to avoid actions not consistent with meeting effectively obligations undertaken by it in accordance with international law, in relation to the privileges and immunities of States Members of the United Nations including those relevant to their participation in the work of the United Nations. Considering questions pertaining to the application of the United Nations Foreign Missions Act, which had been enacted on 24 August 1982, the Committee had before it the legal opinion of the Legal Counsel on the subject.<sup>230</sup> The Committee decided to keep the item on the agenda.

The General Assembly, by its resolution 38/140 of 19 December 1983,<sup>231</sup> adopted on the recommendation of the Sixth Committee,<sup>232</sup> endorsed the recommendations of the Committee on Relations with the Host Country; recalled that continued adherence to the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations remained an indispensable condition for the normal functioning of the Organization; and called upon all countries to build up public awareness by explaining the importance of the role played by the United Nations and all missions accredited to it in the strengthening of international peace and security.

(j) Question concerning the Charter of the United Nations and the strengthening of the role of the Organization

In accordance with General Assembly resolution 37/114 of 16 December 1982, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met at United Nations Headquarters from 11 April to 6 May 1983.<sup>233</sup> It established an open-ended Working Group to discuss the topics referred to in paragraphs 3 and 5 of the resolution. The Working Group started its work with the consideration of the question of rationalization of existing procedures of the United Nations using the draft list of proposals made by Member States prepared by the Philippines and Romania<sup>234</sup> as the basis for its work. Owing to lack of time the Special Committee was not able to complete its consideration of the draft list. Considering the question of the maintenance of international peace and security, the Working Group had before it a revised draft recommendation presented by Egypt on behalf of non-aligned countries of the Special Committee<sup>235</sup> and two proposals submitted by France.<sup>236</sup> After the examination of these proposals the Working Group carried out the work on the preparation of the list of proposals which had been or would be made in the Committee and identified those which had elicited special interest. The discussions and informal consultation which took place on the basis of a draft list prepared by Romania<sup>237</sup> did not lead to the generally agreed results. With regard to the question of the peaceful settlement of disputes, the Working Group considered a proposal orally submitted by Romania and the Philippines for the creation of a United Nations permanent commission on mediation, conciliation and good offices. The Group reviewed also the proposals contained in the list of proposals prepared by the Special Committee at its 1979 session<sup>238</sup> in order to determine which of those proposals on which general agreement was or might be possible called for further action on the part of the Special Committee. As a result of that work the Special Committee, *inter alia*, agreed that the Secretary-General should be entrusted by the General Assembly with the preparation of a preliminary outline on the possible contents of a handbook on the peaceful settlement of disputes which would comprise all existing means and mechanisms available for the purpose.

At its thirty-eighth session the General Assembly, by its resolution 38/141 of 19 December 1983,<sup>239</sup> adopted on the recommendation of the Sixth Committee,<sup>240</sup> requested the Special Committee at its next session: (a) to accord priority by devoting more time to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, in particular the Security Council, and to enable it to discharge fully its responsibilities under the Charter in this field; (b) to continue its work on the question of the peaceful settlement of disputes between States and in this context: (i) to consider the proposal contained in the working paper on the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States; (ii) to continue the consideration of the proposal concerning the elaboration of a handbook on the peaceful

settlement of disputes between States; and (c) to finalize its current work on the question of the rationalization of existing procedures, with a view to submitting its conclusions to the General Assembly at its thirty-ninth session.

(k) Enhancing the effectiveness of the principle of non-use of force  
in international relations

In accordance with General Assembly resolution 37/105 of 16 December 1982, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations met at United Nations Headquarters from 31 January to 25 February 1983.<sup>241</sup> It held a general debate on the questions within its mandate. The Committee had before it the draft World Treaty on the Non-Use of Force in International Relations submitted by the Union of Soviet Socialist Republics.<sup>242</sup> In addition, the reconstituted Working Group of the Committee had before it the working paper submitted at the 1979 session of the Committee by Belgium, France, the Federal Republic of Germany, Italy and the United Kingdom,<sup>243</sup> a revised working paper submitted at the 1981 session of the Committee by 10 non-aligned countries (Benin, Cyprus, Egypt, India, Iraq, Morocco, Nepal, Nicaragua, Senegal and Uganda<sup>244</sup> and a proposal by the Chairman submitted at the 1982 session of the Committee.<sup>245</sup>

Since the Committee had not completed its work, it generally recognized the desirability of further consideration of the question before it. While the majority was in favour of renewing the mandate of the Committee, some delegations took the position that the mandate should not be renewed and others considered that the mandate should be reviewed.

At its thirty-eighth session, the General Assembly, by its resolution 38/133 of 19 December 1983,<sup>246</sup> adopted on the recommendation of the Sixth Committee,<sup>247</sup> 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, and requested the Special Committee, in order to ensure further progress in its work, to continue at its session in 1984 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 the efforts undertaken at its session in 1983.

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

Pursuant to General Assembly resolution 37/109 of 16 December 1982, 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 2 to 26 August 1983.<sup>248</sup> The Committee had before it, *inter alia*, the texts of a draft convention submitted by Nigeria<sup>249</sup> and France.<sup>250</sup> The *Ad Hoc* Committee reconstituted its two working groups, Working Group A, which dealt with issues of definition and with the question of the scope of the convention, and Working Group B, which dealt with all other issues relevant to the future convention. Statements of a general nature were made by the representatives of the Union of Soviet Socialist Republics, the United States of America and the Bahamas at the beginning of the session. The Committee had not completed the mandate entrusted to it under paragraph 2 of General Assembly resolution 37/109.

At its thirty-eighth session, by its resolution 38/137 of 19 December 1983,<sup>251</sup> adopted on the recommendation of the Sixth Committee,<sup>252</sup> the General Assembly decided that the *Ad Hoc* Committee should continue its work with the goal of drafting, at the earliest possible date, an international convention against the recruitment, use, financing and training of mercenaries and invited the *Ad Hoc* Committee to take into account the draft articles contained in paragraph 56 of its report<sup>253</sup> for the elaboration of the provisions relating to the scope of the convention, the definition of the term "mercenary" and the obligations of States, as well as the proposals which had been made and which might be submitted at its next session.

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

By its resolution 38/37 of 5 December 1983,<sup>254</sup> the General Assembly, having considered the report of the Secretary-General on co-operation between the United Nations and the Asian-African Legal Consultative Committee<sup>255</sup> and having heard the statement of the Secretary-General of the Committee<sup>256</sup> on the continuing close and effective co-operation between the two organizations, requested the Secretary-General to continue to take steps to strengthen the co-operation between the United Nations and the Asian-African Legal Consultative Committee in the field of the progressive development and codification of international law and other areas of common interest.

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## 10. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH<sup>257</sup>

During the period under review the United Nations Institute for Training and Research continued to organize, on a selective basis, certain well-established training activities, while at the same time it undertook to reorient and restructure its programme with a view to presenting a redesigned programme to the Board of Trustees at its twenty-second session in April 1984. The Institute carried out the following programmes, among others: a seminar for newly arrived diplomats in permanent missions on the workings of the United Nations system (New York); a seminar for new members of permanent missions on the activities and special features of the various bodies of the United Nations system located at Geneva; United Nations/UNITAR fellowship programme in international law (The Hague and other locations); United Nations/UNITAR regional training and refresher course in international law for Latin American and Caribbean countries (Buenos Aires); as well as training in response to *ad hoc* requests by individual Member States.

In keeping with its statutory mandate, UNITAR focused its research on studies designed to enhance the effectiveness of the United Nations, studies on issues relating to the maintenance of peace and security and studies designed to promote the economic and social development of Member States. The Institute continued to carry out, *inter alia*, projects on the preparation of a guide to the interpretation of the International Covenant on Economic, Social and Cultural Rights; an evaluation of the liability of States for damage through scientific and technological innovations; a study on credentials and representation issues at the United Nations; and a study on the International Civil Service Commission. UNITAR also completed the third and final phase of the study concerning the progressive development of the principles and norms of international law relating to the new international economic order, and the document containing analytical papers and a textual analysis of the study,<sup>258</sup> together with the relevant report of the Secretary-General,<sup>259</sup> were submitted to the General Assembly at its thirty-eighth session.

Among the studies published by UNITAR in 1983, mention should be made of the two-volume research report by Anna Mamalakis Pappas entitled *Law and the Status of the Child*.<sup>260</sup>

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

### 1. INTERNATIONAL LABOUR ORGANISATION<sup>261</sup>

The International Labour Conference, which held its sixty-ninth session at Geneva in June 1983, adopted the following instruments: a Convention and a Recommendation concerning vocational rehabilitation and employment (disabled persons)<sup>262</sup> and a Recommendation concerning the establishment of an international system for the maintenance of rights in social security rights.<sup>263</sup>

The Committee of Experts on the Application of Conventions and Recommendations met at Geneva from 10 to 23 March 1983 and presented its Report.<sup>264</sup>

The Governing Body Committee on Freedom of Association met at Geneva and adopted reports Nos. 222,<sup>265</sup> 223,<sup>265</sup> 224<sup>265</sup> and 225<sup>265</sup> (222nd session of the Governing Body, March 1983); reports Nos. 226,<sup>266</sup> 227,<sup>266</sup> 228,<sup>266</sup> and 229<sup>266</sup> (223rd session of the Governing Body, May-June 1983); and reports Nos. 230,<sup>267</sup> 231<sup>267</sup> and 232<sup>267</sup> (224th session of the Governing Body, November 1983).

Finally, mention may be made of the publication of the report of the Commission of Inquiry appointed under article 26 of the ILO Constitution to examine the observance of certain international labour Conventions by the Dominican Republic and Haiti with respect to the employment of Haitian workers on the sugar plantations of the Dominican Republic.<sup>268</sup>

## 2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

### (a) Constitutional and general legal matters

#### (i) MEETING OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

The Committee on Constitutional and Legal Matters (CCLM) held its forty-third session from 3 to 5 October 1983.<sup>269</sup> At the session CCLM considered two substantive questions: (a) amendment to rule XXXIX.3 of the General Rules of the organization and (b) amendments to the Plant Protection Agreement for the Asia and Pacific Region.

##### a. *Amendment to rule XXXIX.3 of the General Rules of the organization*

CCLM noted that the FAO Council at its eighty-second session in 1982<sup>270</sup> had decided that the Director-General should be authorized to apply immediately, at his discretion, "to staff in the Professional and higher categories (including the Deputy Director-General) any future recommendations of the International Civil Service Commission (ICSC) approved by the General Assembly of the United Nations, reporting his actions or reasons for not taking immediate action to the Finance Committee and, as necessary, to the Council". Further, CCLM noted that the Council had recognized that "although action by the General Assembly on personnel matters did not require similar action on the part of FAO, not to do so would imply a deviation from the United Nations common system".

CCLM considered that the application by the Director-General of recommendations of ICSC approved by the General Assembly concerning the salaries and allowances of staff in the Professional and higher categories, as proposed by the Council, would require changes in the General Rules of the Organization. CCLM proposed for consideration by the Council a draft Conference resolution containing amendments to the General Rules and the Staff Regulations that were required to give effect to the Council's decision.

##### b. *Amendments to the Plant Protection Agreement for the Asia and Pacific region*

CCLM was informed that the Plant Protection Commission for the Asia and Pacific region had, at its thirteenth session, held in April 1983, endorsed amendments to the Agreement which had been prepared by the FAO secretariat at the Commission's request.

CCLM noted that, in accordance with the provisions of the Agreement, proposed amendments should be presented to the FAO Council for approval and that the Director-General had referred the amendments to CCLM for review before they were considered by the Council.

CCLM considered separately the proposed amendments which dealt with two distinct matters: the introduction of mandatory contributions by contracting Governments and the amendment of the definition of the region in order to include the People's Republic of China. CCLM recommended a draft resolution to be adopted by the Council containing approval of these amendments.

(ii) AMENDMENTS TO THE BASIC TEXTS OF THE ORGANIZATION AND TO THE STATUTES OF FAO BODIES

Following review by CCLM<sup>271</sup> and recommendation by the Council at its eighty-fourth session (1-3 November 1983), the Conference at its twenty-second session (5-23 November) adopted a resolution (resolution 10/83) by which it approved the amendment to rule XXXIX.3 of the General Rules of the organization and the consequential amendment to staff regulation 301.122, in order to empower the Director-General to apply without delay ICSC recommendations relating to salaries and allowances approved by the General Assembly of the United Nations.<sup>272</sup>

The Council, having agreed with CCLM's recommendation, approved amendments to the Plant Protection Agreement for the Asia and Pacific Region by adopting resolution 1/84.<sup>273</sup>

(iii) AMENDMENTS TO THE RULES OF PROCEDURES OF FAO BODIES

At its fifty-fourth session (3-7 October 1983), the Committee on Commodity Problems approved the revised Rules of Procedure<sup>274</sup> adopted in 1982 by the following intergovernmental groups: Intergovernmental Group on Oilseeds, Oils and Fats; Intergovernmental Group on Rice; Intergovernmental Group on Grains; Intergovernmental Group on Meat; Intergovernmental Group on Hard Fibres; Intergovernmental Group on Jute, Kenaf and Allied Fibres; and Intergovernmental Group on Bananas. At the same session, the Committee on Commodity Problems also approved the changes to its terms of reference and to its Rules of Procedure proposed by the Intergovernmental Group on Wine and Vine Product.

(iv) ESTABLISHMENT AND ABOLITION OF FAO BODIES

At its eighty-third session (13-24 June 1983), the Council adopted two resolutions (resolutions 4/83 and 5/83) by which it established, respectively, under article VI.1 of the FAO Constitution, the Near East Regional Commission on Agriculture and the Near East Regional Economic and Social Policy Commission. At the same time the Council decided to abolish six of the existing Regional Commissions: Animal Production and Health Commission in the Near East; Near East Plant Protection Commission; Commission on Horticultural Production in the Near East and North Africa; Regional Food and Nutritional Commission for the Near East; Near East Commission on Agricultural Planning; and Near East Commission on Agricultural Statistics.<sup>275</sup>

As requested by the Conference, the Council at its eighty-fifth session (24 November 1983) adopted a resolution (resolution 1/85) by which it established under article VI.1 of the FAO Constitution a Commission to be known as the Commission on Plant Genetic Resources, open to all member nations and associate members of the organization.<sup>276</sup>

(v) CHANGE OF TITLE OF A REGION

At its twenty-second session (5-23 November 1983), the Conference endorsed the proposal made by the Seventeenth Regional Conference for Latin America (1982) to change the name of the region, the Regional Conference and the regional office, from "Latin America" to "Latin America and the Caribbean". Thus the region will be known as "Latin America and the Caribbean"; the Regional Conference will be known as "Regional Conference for Latin America and the Caribbean"; and the regional office will be known as "Regional Office for Latin America and the Caribbean".

In this connection some countries proposed that in due course the distribution of Council seats for the Latin America and the Caribbean region should be consistent with the increased membership of the region.<sup>277</sup>

(vi) APPLICATIONS FOR MEMBERSHIP IN THE ORGANIZATION

The Conference at its twenty-second session (5-23 November 1983) admitted to membership of the organization Antigua and Barbuda, Belize, Saint Christopher and Nevis, and Vanuatu.<sup>278</sup>

(vii) SOVEREIGN ORDER OF MALTA

At its twenty-second session (5-23 November 1983), the Conference agreed that the Sovereign Order of Malta should be invited to send an observer to the current session as well as to future sessions of the Conference and the Council.<sup>279</sup>

(viii) STATUS OF CONVENTIONS AND AGREEMENTS AND AMENDMENTS THERETO FOR WHICH THE DIRECTOR-GENERAL OF FAO ACTS AS DEPOSITARY

(a) In 1983 the amendments to the International Plant Protection Convention<sup>280</sup> were accepted by the following countries: Luxembourg, Belgium, Yugoslavia, Czechoslovakia and Argentina. At its twenty-second session (5-23 November 1983), the Conference<sup>281</sup> recalled that, when approving the amendments to the Convention at its twentieth session (November 1979) by resolution 14/79, it had urged the parties to the Convention to accept the revised text at the earliest possible time, and that at its twenty-first session (November 1981) it had reiterated its appeal. The Conference noted, however, the large number of acceptances still required for the entry into force of the revised text. In view of the importance of the Convention in strengthening international action against the spread of pests attacking plants and plant products, the Conference reiterated its appeal to States that had not yet accepted the revised text of the Convention to deposit an instrument of acceptance as soon as possible.

(b) In 1983 the amendments to the Plant Protection Agreement for the Asia and Pacific region approved by the FAO Council in June 1979<sup>282, 283</sup> were accepted by the following countries: the Philippines and Malaysia. In accordance with article IX.4 of the Agreement, the amendments entered into force on 16 February 1983.

(c) In 1983 the International Convention for the Conservation of Atlantic Tunas<sup>284</sup> was ratified by Venezuela, while Uruguay and Sao Tome and Principe deposited an instrument of adherence to that Convention.

(d) In 1983 the Government of Senegal deposited an instrument of accession to the Agreement for the Establishment of a Centre on Integrated Rural Development for Africa.<sup>285</sup>

(ix) TREATY CONCLUDED AT A PLENIPOTENTIARY CONFERENCE CONVENED BY THE ORGANIZATION

A Conference of Plenipotentiaries which met in Rome from 26 to 28 September 1983 adopted and opened for signature the Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development for the Near East [Accord portant création d'un centre régional de réforme agraire et de développement rural pour le Proche-Orient]. The Director-General of FAO is the depositary of the Agreement. (The Centre was established outside the framework of FAO.)

On 28 September the following countries signed the Agreement: Democratic Yemen, Egypt, Iraq, Jordan (host State) and Syrian Arab Republic. Such signatures are subject to ratification.

(x) AGREEMENTS AND ARRANGEMENTS WITH INTERGOVERNMENTAL ORGANIZATIONS AND BODIES

In 1983 the organization established relations on the basis of a co-operation agreement or a memorandum of understanding with the following intergovernmental organizations: Central African Economic and Customs Union; Organization of the Islamic Conference; Economic Community of West African States; Junta del Acuerdo de Cartagena; South Pacific Bureau for Economic Co-operation; and South Asia Co-operative Environment Programme.

(xi) INTERNATIONAL UNDERTAKING OF PLANT GENETIC RESOURCES

On a proposal by Mexico, the Conference had adopted at its twenty-first session (November 1981) resolution 6/81 entitled "Plant genetic resources",<sup>286</sup> by which it had requested the Director-General to examine and prepare the elements of a draft international convention, including legal provisions designed to ensure that global plant genetic resources of agricultural interest would be

conserved and used for the benefit of all human beings. Moreover, by the resolution the Conference had requested the Director-General to prepare a study on the establishment of an international bank of plant genetic resources of agricultural interest under the auspices of FAO and to present proposals based on the studies mentioned to the Committee on Agriculture for consideration at its seventh session in 1983; the Committee would report thereon to the Council with a view to consideration by the twenty-second session of the FAO Conference.

That report<sup>287</sup> was in fact examined by the Conference at its twenty-second session (5-23 November 1983). It incorporated suggestions of a Working Party of 13 member nations which the Director-General had convened during June and July of this year, as requested by the Committee on Agriculture at its seventh session in March 1983.<sup>288</sup> According to the basic principles that it contained, plant genetic resources should be considered as a common heritage of mankind and be available without restrictions for plant breeding, scientific and development purposes to all countries and institutions concerned.

On the basis of the Director-General's proposals the Conference adopted resolution 8/83 entitled "International undertaking on plant genetic resources".<sup>289, 290</sup> The Undertaking is presented in the form of a Conference resolution with a detailed annex.

The objective of the Undertaking is to ensure that plant genetic resources of economic and/or social interest, particularly for agriculture, will be explored, preserved, evaluated and made available for plant breeding and scientific purposes. It is based on the universally accepted principle that plant genetic resources are a heritage of mankind and consequently should be available without restriction. At the heart of the International Undertaking is an internationally co-ordinated network of national, regional and international centres. It is also envisaged that there should be under the auspices or the jurisdiction of FAO an international network of base collections in gene banks that have assumed the responsibility to hold, for the benefit of the international community and on the principle of unrestricted exchange, base or active collections of plant genetic resources of particular plant species.

It was further recommended in the Undertaking that an intergovernmental body be established within the framework of FAO<sup>291</sup> which would, in particular, monitor the operation of the international arrangements proposed in the Undertaking.

Thus the Conference adopted resolution 9/83 entitled "Establishment of a commission on plant genetic resources",<sup>292, 293</sup> in which it requested the Council to establish at its next session a commission on plant genetic resources in accordance with article VI, paragraph 1, of the Constitution, open to all member nations and associate members, which would meet at the same time as the regular sessions of the Committee on Agriculture.

In consequence, the Council of the organization at its eighty-fifth session (24 November 1983) adopted resolution 1/85<sup>294, 295</sup> by which it decided to establish a commission to be known as the Commission on Plant Genetic Resources.<sup>296</sup> The terms of reference of the Commission shall be to monitor the operation of the arrangements referred to in article 7 of the Undertaking, to recommend measures necessary or desirable in order to ensure the comprehensiveness of the global system and the efficiency of its operation in line with the Undertaking and, in particular, to review all matters relating to the policy, programmes and activities of FAO in the field of plant genetic resources.

#### (xii) FAO'S IMMUNITY FROM LEGAL PROCESS IN ITALY

At its eighty-second (2 November-3 December 1982),<sup>297</sup> eighty-third (13-24 June 1983)<sup>298</sup> and eighty-fourth (1-3 November 1983)<sup>299</sup> sessions,<sup>300</sup> the Council of the organization considered the question connected with the denial by the Italian Supreme Court of Cassation of FAO's immunity from legal process in a dispute with the lessors of certain premises that it had leased,<sup>301</sup> and adopted resolutions on the matter at its eighty-second and eighty-third sessions. In resolution 3/83, adopted at its eighty-third session, the Council urged the host Government, *inter alia*, to ensure that no measures of execution were applied against FAO and that its assets were not frozen, to ensure that relevant sections of the headquarters Agreement were respected, to take the necessary action with a view

to the settlement of the dispute with the landlords of the building concerned without further recourse to the Italian courts and to take expeditious measures to ensure that the future FAO would be immune from all forms of legal process before the Italian courts.

The question was also considered by the FAO Conference at its twenty-second session (5-23 November 1983).<sup>302</sup> In order to explore all possible means of resolving the problems that had arisen, a suggestion was made that, if a solution could not readily be found through discussions or negotiation between FAO and the host Government, consideration should be given by the Council, with the advice of CCLM, to the desirability of either having recourse to arbitration, as envisaged in the headquarters Agreement, regarding the interpretation of that Agreement or, alternatively, to requesting an advisory opinion of the International Court of Justice on the interpretation of the provision.

The Conference expressed its serious concern at and strong dissatisfaction with the current situation. It accordingly urged the host Government to take expeditious measures to give effect to the resolutions adopted by the Council and, especially, to ensure that the organization's immunity from all forms of legal process was safeguarded in the future. Following assurances given by the representative of the host Government, the Conference noted with satisfaction that FAO would at least be immune from measures of execution.

As far as the landlords' actions are concerned,<sup>303</sup> the Italian courts ruled that there were no grounds to evict FAO from the building it occupied,<sup>304</sup> while a judgement on the merits of the action relating to the retroactive increases in rent was expected.

In addition, other actions have been brought against FAO. In two of them, in which FAO had not waived its immunity, the courts rendered judgements in favour of the plaintiff.<sup>305</sup>

In a judgement of 12 November 1983,<sup>306</sup> the Pretore di Roma, referring to the headquarters Agreement between Italy and IFAD, recognized the immunity from legal process of a senior staff member of that organization whose landlord had sought his eviction.<sup>307</sup>

#### (b) Activities of legal interest relating to fisheries

In preparation for the 1984 FAO World Conference on Fisheries Management and Development, an expert consultation on conditions of access to the fish resources of the exclusive economic zones was organized in Rome from 11 to 15 April 1983.<sup>308</sup>

#### (c) Environment law

In 1983, FAO's assistance to Governments relating to international and national environment law included field missions in marine and coastal environmental protection legislation (Comoros, Kenya, Madagascar, Morocco, Mozambique, Seychelles, Somalia and United Republic of Tanzania).

FAO was instrumental in the preparation of a first draft of a Convention for the protection and development of the coastal and marine environment of the East African region, under the aegis of UNEP. It participated in the UNEP *Ad Hoc* Working Group of Experts on the Protection of the Marine Environment against Pollution from Land-based Sources (Geneva) and contributed to a legal training course on forestry and environment (University of Limoges, France).

FAO commented on the work of the International Law Commission on the subject of international liability for injurious consequences of acts not prohibited by international law.

#### (d) Activities of the Joint FAO/WHO Codex Alimentarius Commission in relation to food law

The Codex Alimentarius Commission was established by FAO and WHO in 1962 to implement the Joint FAO/WHO Food Standards Programme. The purpose of the Programme is to protect the health of consumers and to ensure fair practices in the food trade through the development of modern



food laws and regulations and food control systems. The membership of the Codex Alimentarius Commission has reached 122 countries. The Commission has been assisted by some 27 subsidiary bodies. Some 180 international food standards and some 40 international codes of practice have been elaborated. These standards cover all the principal food commodity groups as well as several matters such as food hygiene, additives, labelling and sampling. The Commission's regional co-ordinating committees have adopted a Model Food Law and Regulations. An important code, developed by the Commission in 1979, has been the Code of Ethics for International Trade in Food.

In July 1983, the Commission held its fifteenth session. At that time, 65 countries indicated their acceptance of a number of standards, and 35 countries their acceptance of the Codex Limits for Pesticides Residues.

### (e) Legislative matters

#### (i) ACTIVITIES CONNECTED WITH INTERNATIONAL MEETINGS

FAO participated in and provided contributions to the following international meetings:

Twelfth International Congress of the European Commission on Agrarian Law, Ferrara, Italy (May 1983);

International Water Resources Committee of the International Law Association, Rome (September 1983);

Fifteenth session of the Codex Alimentarius Commission, Rome (4-15 July 1983);

Thirty-second session of the Council of the European Food Law Association, Rome (8 July 1983);

Inter-Agency Consultations on the Development of the International Code of Conduct on the Distribution and Use of Pesticides, Rome (31 August-2 September 1983);

Organization of Eastern Caribbean States (OECS)/FAO Workshop on the Harmonization of Fisheries Legislation, Castries, St. Lucia (28 April-3 May 1983);

DANIDA/FAO/CECAF Regional Workshop on Fisheries Management and Development, Santa Cruz de Tenerife, Spain (1-10 June 1983);

OECS/FAO Workshop on the Harmonization and Co-ordination of Fisheries Régimes, Regulations and Access Agreements in the Lesser Antilles Region, St. John's, Antigua (26 September-1 October 1983);

Council of Europe Parliamentary Conference on the United Nations Convention on the Law of the Sea, Palermo, Italy (2-4 November 1983);

FAO/UNDP Project for the Development of Fisheries in Areas of the Red Sea and Gulf of Aden, Symposium on Fisheries Institution Building, Djibouti (28 October-2 November 1983);

FAO/UNCTC/CECAF Regional Training Workshop on Joint Ventures and other Commercial Arrangements in Fisheries, Casablanca, Morocco (8-17 November 1983).

#### (ii) LEGISLATIVE RESEARCH AND PUBLICATIONS

Research was conducted, *inter alia*, in the following legislative areas:

(a) Water Legislation in Selected European Countries;

(b) Rural land use planning legislation for developing countries;

(c) Muslim water law;

(d) Legislation on food for infants and small children, meat export and import legislation, agricultural census legislation, livestock production and health regulations, plant protection, legislation on toxic wastes and dangerous chemicals, legal limits for toxic substances in fish and fishery products, pesticide registration and legislation;

(e) Coastal State requirements for foreign fishing, fisheries joint ventures, forestry legislation and rural development, compendia of fisheries legislation, conditions of access and compliance control.

(iii) COLLECTION, TRANSLATION AND DISSEMINATION OF LEGISLATIVE INFORMATION

In 1983 FAO published the semi-annual *Food and Agriculture Legislation*. Annotated lists of relevant laws and regulations related to food legislation were also published in the semi-annual *Food and Nutrition Review*.

### 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 UNESCO 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>
Fiji .....	14 July 1983	14 July 1983
Saint Christopher and Nevis .....	26 October 1983	26 October 1983
Saint Vincent and the Grenadines .....	14 January 1983	15 February 1983

Under the terms of articles II and XV of the UNESCO Constitution, each of the above-mentioned States became a member of the organization on the respective date on which its acceptance took effect. At its third and thirty-first plenary meetings, on 26 October and 24 November 1983, the General Conference decided to admit the Netherlands Antilles and the British Virgin Islands as associate members of UNESCO.

On 14 July 1983, the United Kingdom of Great Britain and Northern Ireland gave notice, on behalf of the British Eastern Caribbean Group, of the latter's withdrawal from associate membership in the organization. On 28 December 1983, the United States of America gave notice of withdrawal from the organization. Under the terms of article II (6) of the UNESCO Constitution these notices take effect on 31 December 1984.

#### (b) International regulations

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

In accordance with the terms of its article 18, the Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States, adopted on 5 December 1981 at Arusha, United Republic of Tanzania, by an international conference of States convened by UNESCO, entered into force on 1 January 1983, that is, one month after the deposit with the Director-General of the second instrument of ratification.

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

—Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (adopted on 16 December 1983 at Bangkok).

#### (c) Initial special reports by member States

At its twenty-second session, the General Conference, after considering the initial special reports submitted by member States on the action taken by them on the Recommendation concerning the

Status of the Artist (22 C/22 and Add.), the Recommendation for the Safeguarding and Preservation of Moving Images (22 C/23 and Add.) and the Recommendation concerning the International Standardization of Statistics on the Public Financing of Cultural Activities (22 C/24) adopted by the General Conference at its twenty-first session, adopted a General Report (22 C/116, annex) embodying its comments on the action taken by member States and decided that the General Report would be transmitted to member States, to the United Nations and to National Commissions in accordance with article 19 of the Rules of Procedure concerning Recommendations to member States and International Conventions covered by the terms of article IV, paragraph 4, of the Constitution.

#### (d) 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 16 to 24 May and 12 to 19 September 1983 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 56 communications, of which 45 were examined as to their admissibility and 11 were examined on their substance. Of the 45 communications examined as to admissibility, none were declared admissible and 11 were struck from the list since they were considered as having been settled. The examination of 34 communications was suspended. The Committee presented its report to the Executive Board at its one hundred sixteenth session.

At its fall session, the Committee had before it 47 communications, of which 41 were examined as to their admissibility and 7 were examined on their substance. Of the 41 communications examined as to their admissibility, 1 was declared admissible, 4 were declared irreceivable and 4 were struck from the list since they were considered as having been settled. The examination of 37 communications was suspended. The Committee presented its report on its examination of these communications to the Executive Board at its one hundred seventeenth session.

#### (e) Copyright and neighbouring rights

##### *(i) Universal Copyright Convention*

The Intergovernmental Committee of the Universal Copyright Convention held its second extraordinary session (Paris, 30 November-2 December 1983) and fifth ordinary session (sitting together with the Executive Committee of the Berne Union, at Geneva from 12 to 16 December 1983).

While the extraordinary session dealt with the fair balance of the distribution of seats on the Committee and set up a sub-committee to study the same question prior to its next ordinary session in 1985, at the ordinary session the Committee had on its own agenda the items including (i) implementation of the Universal Copyright Convention; (ii) application of the Recommendation on the Legal Protection of Translators and Translations and the Practical means to Improve the Status of Translators; (iii) legal and technical assistance to States to develop national legislation and infrastructures in the field of copyright; and (iv) partial renewal of the Committee. On the common agenda of the two Committees there appeared topics which included, among others, (i) application of the Rome Convention, the Phonogram Convention and the Satellite Convention, and acceptance of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties; (ii) advisory notes on the implementation of the system of translation and reproduction licences for developing countries under the Copyright Conventions; (iii) Recommendations for Settlement of Copyright Problems Arising from the Use of Computer Systems for Access to or the Creation of Works; (iv) copyright problems arising from or allied with (a) the transmission by cable of television programmes, (b) the rental of materials reproducing protected works and their distribution and (c) relations between employers and employed or salaried authors; (v) protection of folklore; (vi) implementation of the systems of (a) "domaine public payant" and (b) "droit de suite".<sup>309</sup>

(ii) *International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)*

At its ninth ordinary session (Geneva, 8, 9 and 12 December 1983), the Intergovernmental Committee of the Rome Convention had on its agenda items including (i) promotion of the Rome Convention, the Phonograms Convention, and the Satellite Convention; (ii) action to combat piracy; and (iii) problems arising from the transmission by cable of television programmes.<sup>310</sup>

(iii) *Safeguarding of works in the public domain*

In the Committee of Governmental Experts on the Safeguarding of Works in the Public Domain (January 1983), a large majority of the participants favoured the idea of a recommendation to regulate the subject but some delegations were in favour of action at the national level.<sup>311</sup>

(iv) *Protection of Folklore*

Two regional Committees of Experts on means of implementation of the Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore in Asia and Africa were convened jointly by UNESCO and WIPO and met respectively at New Delhi (31 January-2 February 1983) and Dakar (23-25 February 1983) and suggested certain amendments or improvements to the said Model Provisions (drawn up by a Committee of Governmental Experts in June-July 1982).<sup>312</sup>

(v) *Television by cable*

At their second joint meeting (5-7 December 1983) the Sub-Committees on Television by Cable (created by the three Intergovernmental Committees, namely, the Executive Committee of the Berne Union and the Intergovernmental Committees of the Universal Copyright Convention and of the Rome Convention) formulated, on the basis of the work accomplished by the Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright and Neighbouring Rights (March 1980 and May 1981) and a Meeting of Government Consultants (March 1983), the Draft Annotated Principles of Protection of Authors, Performers, Producers of Phonograms and Broadcasting Organizations, which, with certain corrections made by the above-mentioned Intergovernmental Committees at their December 1983 sessions, have been sent to the member States.<sup>313</sup>

(vi) *Institutions administering authors' rights*

The Committee of Governmental Experts on the Drafting of Model Statutes for Institutions Administering Authors' Rights in Developing Countries, convened jointly by UNESCO and WIPO, met at Geneva from 17 to 21 October 1983 and adopted two texts of those statutes under the headings (i) Model Statute for Public Institutions Administering Authors' Rights and (ii) Model Statute for Private Societies Administering Authors' Rights.<sup>314</sup>

(vii) *Joint International UNESCO-WIPO service for access by developing countries to works protected by copyright*

At its second ordinary session, the Joint UNESCO-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (Geneva, 4-7 July 1983) considered, among others, the questions of the "Establishment of recommended standards for obtaining the required clearances from foreign copyright owners" and stressed that the development of guidelines and Model Contracts on the subject should be supplemented by preparing a *vade-mecum* on different steps to be taken in order to secure authorized use of protected foreign works.<sup>315</sup>

(viii) *"Droit de suite"*

UNESCO and WIPO conducted a joint survey, through a questionnaire, of the existing provisions for the system of "droit de suite" in order to discover what structures existed in the member States'

copyright laws to give effect to that institution. The results of the survey were submitted to the two Intergovernmental Copyright Committees at their above-mentioned December 1983 sessions, which kept the item on their agenda.<sup>316</sup>

(ix) *Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties (Madrid Convention)*

A consultation meeting on the implementation of the Madrid Convention and the Protocol annexed to that Convention organized by UNESCO and WIPO (Paris, 14-16 September 1983) expressed the wish that efforts be made to avoid the double taxation of copyright royalties and, should it subsist, to eliminate it or reduce its effect. It also recommended that an explanatory pamphlet on the Convention should be widely disseminated and that a survey on the operation of existing bilateral agreements in the field would be useful.<sup>317</sup>

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#### 4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

##### (a) Legal meetings

The twenty-fifth session of the Legal Committee was held at Montreal from 12 to 25 April 1983. The main subject for consideration was the review of the general work programme, and the Committee, when establishing the work programme, had in mind the decision of the twenty-third session of the ICAO Assembly that only problems of sufficient magnitude and practical importance requiring an urgent international action should be included in the general work programme of the Legal Committee.

As a result of the deliberations and decisions of the Committee, the general work programme contained the following three items:

(a) United Nations Convention on the Law of the Sea; implications, if any, for the application of the Chicago Convention, its annexes and other international air law instruments;

(b) Liability of air traffic control agencies;

(c) Study of the instruments of the Warsaw System.

With respect to the item "Study of the instruments of the Warsaw System", the Committee adopted a resolution whereby it "strongly urges all member States which have not yet ratified the Montreal Protocols to do so as soon as possible".

The Council, on 3 June 1983, approved the general work programme established by the Legal Committee.

##### (b) Work programme of the Legal Committee

During the twenty-fourth session of the Assembly, the Legal Commission had for consideration the general work programme of the Legal Committee established by the Legal Committee at its twenty-fifth session in April and approved by the Council in June. The Commission expressed the opinion that the work programme of the Legal Committee was realistic and reasonable.

The Assembly adopted the recommendation made by the Legal Commission regarding the work programme of the Legal Committee and reconfirmed the decision of the twenty-third session of the Assembly that only problems of sufficient magnitude and practical importance requiring an urgent international action should be included in the work programme in the legal field.

The Assembly decided that the Council should continue to monitor the work of the United Nations Committee on the Peaceful Uses of Outer Space. The Assembly also considered that the organization should continue to monitor closely the deliberations of the United Nations on problems of interest for air law as well as other important decisions taken within the framework of the United Nations and other international organizations.

The Assembly agreed that a proposal presented by Canada concerning a possible convention on the interception of civil aircraft be referred to the Council for further consideration. On 9 December, the Council decided to include in the general work programme of the Legal Committee an item on the preparation of a draft instrument on the interception of civil aircraft and accorded a high priority to the item; furthermore, the Council requested the Chairman of the Legal Committee to establish a sub-committee for its consideration, taking into account the results of the work of the extraordinary session of the Assembly in April 1984 in relation to the amendment to the Chicago Convention, and to convene the sub-committee at Montreal from 25 September to 5 October 1984.

(c) Proposed amendment to the Chicago Convention

The extraordinary session of the Council decided, on 16 September 1983, to include in its work programme and examine with the highest priority the question of an amendment to the Convention on International Civil Aviation involving an undertaking to abstain from recourse to the use of force against civil aircraft and to convene an extraordinary session of the Assembly to examine and adopt that amendment. The decision was endorsed by the twenty-fourth session of the Assembly in resolution A24-5.

During its one hundred tenth session, the Council decided to convene the extraordinary session of the Assembly from 24 April to 11 May 1984 and approved its provisional agenda. By the end of the year, specific proposals for an amendment to the Convention had been received from France and Austria (joint proposal), from the United States of America and from the Union of Soviet Socialist Republics.

(d) Resolutions of legal significance adopted by the twenty-fourth session of the Assembly

(i) *Resolution A24-2: Ratification of the Protocol incorporating article 83 bis into the Convention on International Civil Aviation*

In this resolution the Assembly, having noted that it was highly desirable that the amendment come into force for the benefit of all ICAO member States, so as to facilitate the lease, charter or interchange of aircraft, urged all contracting States which had not yet done so to ratify the amendment as soon as possible.

(ii) *Resolution A24-3: Ratification of the Protocol amending the Final Clause of the Convention on International Civil Aviation*

This resolution recalled Assembly resolution A22-3 on the ratification of the Protocol amending the Final Clause of the Chicago Convention so as to provide for the authentic text of the Convention in the Russian language; the Protocol was adopted in 1977 and has not yet entered into force.

(iii) *Resolution A24-4: Ratification of the Protocols adopted by the International Conference on Air Law, held at Montreal in 1975*

In this resolution the Assembly noted with approval the decision of the twenty-fifth session of the Legal Committee, which strongly urged all member States of ICAO to ratify the Montreal Protocols as soon as possible.

(iv) *Resolution A24-18: Reaffirmation of resolutions for the encouragement of ratification of and accession to international air law conventions and reporting requirements under article 11 of the Hague Convention and article 13 of the Montreal Convention*

In this resolution the Assembly reaffirmed resolutions A22-16 and A23-21, adopted at its twenty-second and twenty-third sessions, whose purpose had been the strengthening of measures to suppress acts of unlawful seizure of aircraft (hijacking) and other acts of unlawful interference with civil aviation. Bearing in mind the continuing importance of the objectives of resolutions A22-16 and A23-21,

the Assembly directed the Secretary-General "to continue, with the utmost vigour, to take follow-up action on these resolutions and to report to each session of the Assembly on the results achieved".

(v) *Resolution A24-19: Strengthening of measures to suppress acts of unlawful seizure of aircraft and other unlawful acts against the security of civil aviation*

This resolution called upon contracting States to intensify their efforts to suppress acts of unlawful seizure of aircraft and other unlawful acts against the security of civil aviation by concluding appropriate agreements for the suppression of such acts which would provide for extradition or submission of the case to competent authorities for the purpose of prosecution.

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## 5. WORLD HEALTH ORGANIZATION

### (a) Constitutional and legal developments

During 1983, the following countries became members of WHO by the deposit of an instrument of acceptance of the WHO Constitution, as provided for in articles 4 and 79 (b) of the Constitution:

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
Saint Vincent and the Grenadines	2 September 1983
Solomon Islands	4 April 1983
Vanuatu	7 March 1983

At the year end there were 161 States members and one associate member of WHO.

The amendments to articles 24 and 25 of the Constitution adopted in 1976 by the twenty-ninth World Health Assembly, providing for an increase in the membership of the Executive Board from 30 to 31, were accepted by a further 21 members, bringing the total number of acceptances to 107.

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 three members, bringing the total number of acceptances to 27.

### (b) Health legislation and human rights

Four issues of the *International Digest of Health Legislation* appeared in 1983. The journal covers significant national and international legal instruments in the health and health-related fields. Reports on relevant conferences and other meetings appear in the "News and views" section of the periodical, while new additions to the literature are covered in the "Book reviews" and "In the literature" sections.

Certain issues of the *Digest* contain articles on current problems in health legislation. A survey by M. Owen on "Laws and policies affecting the training and practice of traditional birth attendants" was published in the course of 1983 (vol. 34, No. 3).

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## 6. WORLD BANK

### International centre for settlement of investment disputes

#### (i) *Signatures and ratifications*

During 1983, Paraguay, Israel and Barbados ratified the Convention,<sup>318</sup> bringing the total number of contracting States to 84. Five countries have signed the Convention but have not yet deposited an instrument of ratification.<sup>319</sup>

### (ii) *Disputes before the Centre*

During 1983, the Secretary-General registered two new requests for the institution of arbitration proceedings and one request for the institution of conciliation proceedings. The arbitration proceedings involve *Swiss Aluminium Ltd. (ALUSUISSE) and Icelandic Aluminium Company Ltd. (ISAL) v. Government of Iceland* (case ARB/83/1), and *Liberian Eastern Timber Corporation (LETCO) v. Government of the Republic of Liberia* (case ARB/83/2). The conciliation proceeding involves *Tesoro Petroleum Corporation v. Government of Trinidad and Tobago* (case CONC/83/1).

On 3 October 1983, the parties in the case *ALUSUISSE/ISAL v. Government of Iceland* agreed to suspend proceedings.

On 23 June 1983, the conciliation proceedings in the case *SEDITEX Engineering Beratungs-gesellschaft für die Textilindustrie mbH v. Government of the Democratic Republic of Madagascar* (case CONC/82/1) were terminated at the request of SEDITEX.

On 21 October 1983, the Arbitral Tribunal rendered an award in the case *Klöckner Industrie-Anlagen GmbH et al v. the United Republic of Cameroon* (case ARB/81/2). Attached to the award was a dissenting opinion of one of the arbitrators.

In addition to the newly registered cases, the following cases are still pending before the Centre: *Amco Asia Corporation et al. v. the Republic of Indonesia* (case ARB/81/1) and *Société Ouest Africaine de Bétons Industriels (SOABI) v. l'Etat du Sénégal* (case ARB/82/1).

### (iii) *Costs*

Pursuant to administrative and financial regulation 13 (1) the Secretary-General, with the approval of the Chairman of the Administrative Council, on 1 April 1983 increased the daily fees of conciliators and arbitrators to SDR 600. The fees will continue to be payable in United States dollars. The United States dollar equivalent of any amount in special drawing rights due in respect of any calendar quarter will be determined as of the first day of such quarter as published by the International Monetary Fund.

### (iv) *Promotional activities*

The Centre continues to receive numerous requests for advice on dispute settlement and, in particular, on the drafting of ICSID clauses.

Amongst the visitors to the Centre were most prominently a group of officials and professors from China under the leadership of Gu Ming, Deputy Secretary-General of the State Council.

The Centre sponsored, with the American Arbitration Association and the International Chamber of Commerce, a joint International Arbitration Conference on "Resolving commercial and investment disputes". The Conference took place on 18 November 1983 at the headquarters of The World Bank in Washington, D.C.

### (v) *Additional Facility*

When the Additional Facility was established in 1978, the Administrative Council decided to review its operation after five years in order to decide, in the light of the experience gained during that period, whether to continue the Additional Facility or to terminate it for the future. The subject of the Additional Facility was placed on the agenda of the Administrative Council at its 17th annual meeting held in Washington, D.C. on 29 September 1983. The Council resolved to continue the Additional Facility until its next annual meeting in 1984, when it will decide whether to continue it or to terminate it for the future.

### (vi) *Investment promotion treaties*

ICSID has collected nearly 200 bilateral investment promotion and protection treaties signed since 1960. The first volume, containing treaties from 1960 to 1974, was published in May 1983 by Oceana Publications, Inc., Dobbs Ferry, N.Y. 10522; the second volume, covering the period from 1975 on, was published in July 1983.



That body of treaties, together with national laws governing investments, constitutes at present the principal legal guidelines for State practice in the field. Publication of the collection complements the Centre's earlier initiative in publishing *Investment Laws of the World*. The treaty collection will be updated on a biennial basis and supplemented as appropriate.

(vii) *ICSID and the courts*

A petition for a writ of *certiorari* has been denied by the Supreme Court of the United States of America in the case of *Maritime International Nominees Establishment v. Republic of Guinea* (104 S. Ct. 71 (1983)).

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## 7. INTERNATIONAL MONETARY FUND

### MEMBERSHIP

At the end of 1983, 146 countries were members of the Fund. Saint Christopher and Nevis applied for membership on 2 August 1983; on 4 April 1984, the Board of Governors approved the terms and conditions of its membership, establishing a quota of SDR 4.5 million. An earlier application for membership by Poland continued to be pending. All of the 146 current members participate in the Special Drawing Rights Department.

### QUOTAS

The Board of Governors approved, on 31 March 1983, a 47.5 percent increase in the total of Fund quotas, from SDR 61,059.8 million to SDR 90,034.8 million. Increases in quotas were proposed for all members, with the exception of Democratic Kampuchea.

Pursuant to that resolution of the Board of Governors, each member had until 30 November 1983 to consent to the proposed increase in its quota, but the increase in quotas would not take place until the Fund had received the consent of members having not less than 70 per cent of total Fund quotas. This requirement was reached by 30 November 1983.

### FINANCIAL ASSISTANCE

During 1983, the Fund again increased its financial assistance to members, reflecting the impact of the prolonged international recession and the debt problems of developing countries. Fund members purchased a record SDR 12.6 billion; the previous high, in 1982, was SDR 7.4 billion. The level of repurchases was at SDR 2 billion; thus net purchasing amounted to SDR 10.6. At the end of 1983, 33 stand-by arrangements and 10 extended arrangements were in effect, with a total commitment of SDR 22.9 billion and an undrawn balance of SDR 12.4 billion.

The Executive Board examined several of the Fund's facilities and associated policies in 1983. The Extended Fund Facility, established in 1974 to provide medium-term assistance to overcome serious structural balance-of-payments problems, was reviewed in November 1983. It was decided that the terms of the Facility remained appropriate and that the decision should be reviewed again not later than 31 December 1984.

The Supplementary Financing Facility, established in 1977 to provide additional financing under stand-by or extended arrangements in conjunction with the use of the Fund's ordinary resources, was financed with loans attained from 14 lenders, which agreed to provide a total of SDR 7.8 billion. Under the terms of the Facility and the borrowing agreements, funds could not be committed by the Fund after 22 February 1982 or be borrowed by the Fund after 22 February 1984. In order to be able to utilize resources that might become available during the two years after 22 February 1982 as a result of cancellation or expiration of stand-by or extended arrangements under the Supplementary Financing Facility that had not been fully drawn, the Fund adopted a decision in 1982 that made it possible for the Fund to use these resources in connection with purchases from

the Fund under the Policy of Enlarged Access that had been approved for members. The arrangements of 12 members were amended to provide for such use.

Disbursements of supplementary financing in purchases by members during the fiscal year ended 30 April 1984 amounted to SDR 1.1 billion, representing the major portion of the balance of SDR 1.6 billion that had not been disbursed as of 30 April 1983. In total, SDR 7.2 billion of the SDR 7.8 billion that had been available originally was called upon and disbursed.

The Policy on Enlarged Access to Fund resources, adopted by the Executive Board on 11 March 1981, enabled the Fund, following the full commitment of resources from the Supplementary Financing Facility, to continue to provide assistance to members whose balance-of-payments problems were large in relation to their quotas and which needed resources in larger amounts and for longer periods than available under the regular credit tranches.

The Executive Board also reviewed several aspects of the Compensatory Financing Facility. In July 1983 the Board reviewed the facility generally together with the Cereal Decision and the Buffer Stock Financing Facility, and made no changes. In September 1983 the Executive Board adopted guidelines on the requirement of co-operation in respect of purchases under the Compensatory Financing Facility.

#### BORROWING

In order to cover the potential need to provide financial assistance to members with assured lines of credit, the Fund has resorted to borrowing from official sources, in member countries and Switzerland.

To finance its Policy on Enlarged Access, the Fund had entered into a medium-term borrowing agreement for SDR 8.0 billion with the Saudi Arabian Monetary Agency (SAMA) in 1981. The Fund had borrowed SDR 3.6 billion under the agreement through 30 April 1983. The commitment period under the agreement with SAMA expires in May 1987.

Under short-term agreements concluded in 1981, the central banks or official agencies of 18 countries agreed to make available to the Fund the equivalent of SDR 1.3 billion over a commitment period of two years.

In January 1982, the Fund adopted guidelines for borrowing by the fund; these were reviewed and revised in December 1983, subsequent to the completion of the Eighth General Review of Quotas. Under those guidelines, outstanding borrowing, plus unused credit lines, will not be allowed to exceed the range of 50 to 60 per cent of the total of Fund quotas.

In respect of the General Arrangement to Borrow (GAB) and borrowing arrangements associated with GAB, the total of outstanding borrowing plus unused credit lines will include either outstanding borrowing by the Fund under these arrangements or two thirds of the total of credit lines under these arrangements, whichever is the greater.

On 24 February 1983, the Executive Board approved the revision and enlargement of GAB, which came into effect on 26 December 1983 when all 10 of the original participants had notified the Fund of their concurrence. GAB, as revised and enlarged, increased substantially the lines of credit available to the Fund under these arrangements to SDR 17 billion from approximately SDR 6.4 billion; for the first time permitted the Fund, under certain circumstances, to extend GAB resources to members that are not GAB participants; amended the interest rate to equal the combined market interest rate computed by the Fund for the purpose of determining the rate at which it pays interest on holdings of special drawing rights; denominated the credit arrangements of participants in special drawing rights; and permitted certain borrowing arrangements between the Fund and non-participating members to be associated with GAB. Saudi Arabia and the Fund have already entered into such an agreement, which also has come into effect with the revised GAB.

The revised GAB will be in effect for five years from its effective date, subject to further review and renewal.

#### CHARGES AND REMUNERATION

Under the procedures in effect since 1 May 1981 the Executive Board determines at the beginning of each financial year a rate of charge applicable to members' use of the Fund's ordinary resources.

For the financial year ended on 30 April 1984, the rate of charge to be applied to holdings arising from purchases financed from the Fund's ordinary resources was set at 6.6 per cent per annum by the Executive Board.

The charges applicable to holdings arising from purchases financed with borrowed resources under the Supplementary Financing Facility and the Policy on Enlarged Access reflect the costs incurred by the Fund in borrowing to finance these facilities. The rates of charges applied to the use of borrowed resources under the Supplementary Financing Facility (SFF) and the Policy on Enlarged Access continued to be determined on the same basis as in the previous financial year. The rate of charge under SFF is the rate of interest paid by the Fund plus 0.2 per cent in the first 3 1/2 years plus 0.325 per cent thereafter. Under the Policy on Enlarged Access, the rate of charge is the net cost of borrowing by the Fund plus 0.2 per cent per annum.

The Fund pays remuneration to those members that hold a remunerated reserve tranche position. In July 1983 the Executive Board amended the Fund's Rules relating to remuneration effective 1 August 1983. Under the amended Rules, remuneration, as well as SDR interest and charges, is paid quarterly instead of annually as of the beginning of the following quarter.

#### SPECIAL DRAWING RIGHTS

Effective 1 August 1983, the Fund adopted the term "SDR" as standard usage in Fund documents, correspondence and publications where a reference to the special drawing right is intended. This new rule allows, however, for the retention of a different usage of the term if the text is in a language in which a different usage has been established.

At the same time, the Executive Board introduced changes in the SDR interest rate and related matters, in order to enhance the role of SDR as an international reserve asset, by bringing its yield closer in line with yields on other reserve assets included in the SDR interest basket. This involved changes in the rules relating to the payment of interest and charges on SDRs and of remuneration.

During the year, the Fund prescribed the East African Development Bank as a holder of SDRs, bringing the total number of "prescribed holders" to 14.

#### STATUS UNDER ARTICLE VIII OR ARTICLE XIV

Under article XIV of the Fund's Articles of Agreement,<sup>320</sup> a member may choose, when joining the Fund, to avail itself of transitional arrangements, thereby maintaining and adapting existing restrictions on payments and transfers for current international transactions. Otherwise, article VIII prohibits members from imposing such restrictions without the approval of the Fund. During 1983, three members, namely, Belize, Iceland, and Antigua and Barbuda, accepted the obligations of article VIII, sections 2, 3 and 4, raising to 59 the number of members that have formally accepted these obligations. Eighty-seven members continued to avail themselves of transitional arrangements under article XIV, section 2.

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### 8. UNIVERSAL POSTAL UNION<sup>321</sup>

As in 1982, UPU continued its study of the following legal and administrative problems:

- (a) Organization, functioning and working methods of the Congress;
- (b) Organization, functioning and working methods of the Executive Council and delimitation of responsibility as between the Executive Council and the Consultative Council for Postal Studies (CCPS);
- (c) Quorum needed for amendment of the Constitution.

The study of these problems was to be the subject of a comprehensive report for submission to the nineteenth Congress, to be convened at Hamburg from 18 June to 27 July 1984.

Two additional studies requested from the Executive Council by the 1979 Rio de Janeiro Congress led to the following developments.

## EXTRAORDINARY CONGRESSES, ADMINISTRATIVE CONFERENCES AND SPECIAL COMMITTEES

As the provisions of the Constitution relating to extraordinary congresses, administrative conferences and special committees had been in desuetude for many years, the question arose as to whether they should be maintained or eliminated. After considering the purpose and justification of those organs, the Executive Council decided to retain the provision regarding extraordinary congresses.

Administrative conferences and special committees were considered in the context of the study relating to the organization, functioning and working methods of the Congress. Finally, for a number of technical, juridical and practical reasons, it was not considered desirable for ITU to introduce the practice of holding administrative conferences for the study of technical questions, as is done at ITU. In addition, the idea of reintroducing special committees—which had lost their reason for existence following the creation of the Executive Council and the Consultative Council for Postal Studies—for the prior consideration of proposals for submission to the Congress was not pursued, bearing in mind the disappointing experience with preparatory committees before the 1929 London Congress and the 1934 Cairo Congress. The Council accordingly recommended to the 1984 Hamburg Congress to delete the provisions relating to administrative conferences and special committees.

## PARTICIPATION OF RESTRICTED UNIONS IN THE TECHNICAL ASSISTANCE PROGRAMME OF UPU

This study dealt in particular with the technical, financial and legal aspects of the participation of restricted unions in the technical assistance programme of UPU. After taking into account the requirements of the restricted unions, the Executive Council recognized the usefulness of developing such participation. It did not, however, consider it necessary to modify the legal situation of restricted unions within UPU. Believing that it was preferable to restrict itself for the time being to an empirical development of UPU/restricted union collaboration for regional projects, the Executive Council adopted resolution CE 6/1983, reproduced below, in order to set the legal framework for such collaboration.

### *Resolution CE 6*

#### PARTICIPATION OF THE RESTRICTED UNIONS IN THE UPU TECHNICAL ASSISTANCE PROGRAMME

*The Executive Council,*

*In view of* Rio de Janeiro Congress resolution C 90,

*Aware of* the assistance which the Restricted Unions can give the Universal Postal Union particularly in the field of technical assistance,

*Basing itself on* the result of the study undertaken by the EC on this subject,

*Having taken note of* the constant development of UPU-Restricted Unions collaboration,

*Anxious to* promote the development of these relations,

*Stressing*

- a.* that the participation in the Restricted Unions in these activities must respect the UNDP procedures;
- b.* that the fundamental rights of UPU member countries, particularly of those countries which do not belong to any Restricted Union, must be taken into consideration,

*Conscious of* the disparity in the technical and administrative capabilities of the Restricted Unions,

*Invites* the International Bureau to strengthen its collaboration with the Restricted Unions in order to:

- (i) identify the needs and priorities peculiar to each region;
- (ii) prepare a global programme for each region, particularly as regards postal training;
- (iii) determine which components of this programme it will implement and co-ordinate those which are to be executed by the Restricted Unions in accordance with their own resources;
- (iv) promote the harmonious implementation of the regional programmes by means of co-ordination machinery in which the member countries of the region concerned will also participate;
- (v) evaluate the result of the global programme executed for each period, in collaboration with all the parties concerned,

*Considers* that it is not necessary to amend the Acts of the Union to promote the development of this co-operation, and that bilateral agreements can be concluded between the UPU and the Restricted Unions whenever this is found to be expedient,

*Is of the opinion* that such agreements will make for greater effectiveness of technical assistance without adverse financial consequences for the Union and without reducing the amounts allocated to the technical assistance programmes concerned.

*Authorizes* the Director-General of the International Bureau to conclude such agreements within the scope of his powers.

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## 9. WORLD METEOROLOGICAL ORGANIZATION

### (a) Questions concerning the Convention

#### AMENDMENTS TO ARTICLE 13 (c) OF THE CONVENTION

The World Meteorological Congress examined the formal proposals for amendments to article 13 (c) of the Convention submitted by Kenya in order to make the Executive Council more representative of the organization as a whole.

There was a consensus that there was a need to increase the number of the elected members of the Executive Council in view of the increased membership of the organization. It was also agreed to increase the maximum and minimum number of members of the Executive Council comprising the President and Vice-Presidents of the organization, the presidents of regional associations and the elected members coming from one region in order to have a better representation of the various regions.

The Congress therefore decided:

(a) To increase the number of directors of meteorological or hydrometeorological services of the organization on the Executive Council, as provided in article 13 (c) of the Convention, from 19 to 26;

(b) To increase the maximum and minimum number of members of the Executive Council coming from one region, as provided for in article 13 (c) (ii) of the Convention, from seven to nine and from two to three respectively.

Resolution 41 (Cg-IX) was adopted unanimously by the delegations of 121 member States present and entitled to vote.

#### DISTRIBUTION OF SEATS ON THE EXECUTIVE COMMITTEE AMONGST THE DIFFERENT REGIONS

The Congress noted with interest the results of the studies made by the Executive Committee in consultation with the members of the organization as requested by Cg-VIII on the question of distribution of seats amongst the different regions.

The Congress endorsed the views of the Executive Committee that the current system of reaching an agreement within and between the delegations to the Congress of members belonging to different regional associations should be continued and that the negotiations to be made to reach a mutually satisfying agreement within the limits of article 13 (c) should be left to the wisdom of the Congress.

#### CHANGE OF NAME OF THE EXECUTIVE COMMITTEE

The Congress examined the recommendation made by the EC Panel of Experts for the Review of the Scientific and Technical Structure of WMO to change the name of the Executive Committee to the "Executive Council." It noted that the Executive Committee at its thirty-fourth session had endorsed the proposal. The Congress agreed that the Executive Committee should be renamed the Executive Council. Resolution 42 (Cg-IX) was accordingly adopted unanimously by the delegations of 107 member States present and entitled to vote.

#### AMENDMENT TO ARTICLE 14 (F)

The Congress examined the proposal for the amendment of article 14 (f) of the Convention contained in resolution 27 (EC-XXXIV) and agreed with the recommendation of the Committee that the French text of article 14 (f) should be considered as expressing the will of the contracting parties to the WMO Convention. As a result, the Congress decided to adopt resolution 43 (Cg-IX) whereby the term "agenda" in the English text of article 14 (f) would be replaced by the term "work programme". Resolution 43 (Cg-IX) was adopted unanimously by the delegations of 112 member States present and entitled to vote.

#### AMENDMENTS TO ARTICLES 3 AND 34

The Congress reconsidered the amendments already proposed at the Eighth Congress by the Executive Committee to articles 3 and 34 of the Convention enabling the United Nations Council for Namibia to become a member of the organization. These amendments were made to comply with United Nations General Assembly resolutions 31/149 of 20 December 1976 and 32/9 of 4 November 1977, by which the General Assembly had requested all specialized agencies and other organizations and conferences within the United Nations system to consider granting full membership to the United Nations Council for Namibia so that it could participate in that capacity as the "administering authority for Namibia in the work of these agencies, organizations and conferences".

In view of the importance of the matter and in order to enable all members to vote, including those not present at the session, the Congress decided to request the Executive Council to arrange for voting by correspondence on the adoption of the proposed amendment to articles 3 and 34 (c) of the Convention.

Some delegations, however, expressed the view that a vote by correspondence on those amendments could only be held after agreement had been reached on a certain interpretation of several articles of the Convention. They also pointed out that the Executive Council was not competent to decide on interpretations of the Convention.

#### AMENDMENTS TO ARTICLE 21

The Congress examined the formal amendments to article 21 of the Convention submitted by Kenya. Many delegations supported the proposed amendment, which would entrust the Congress with the appointment of the Deputy Secretary-General in order to ensure a balance at the senior levels in the secretariat, particularly between the nationals of developed and developing countries.

Other delegations emphasized that the Secretary-General must be able to select his own deputy, with whom he has to work very closely and harmoniously on a day-to-day basis.

The Congress reached a consensus that the basic objective of the proposed amendments could be achieved without amending the Convention by laying down a procedure for the appointment of the Deputy Secretary-General within the existing legal framework.

The Congress consequently adopted the following procedure for the appointment of the Deputy Secretary-General:

(a) In applying article 21 (b) of the Convention:

- (i) The Secretary-General will bring to the Executive Council for its approval the name and qualifications of his proposed appointee for the post of the Deputy Secretary-General before proceeding with the appointment;
- (ii) The Secretary-General will also inform the Executive Council in writing of the names and qualifications of the other candidates;
- (iii) In the case where the Executive Council does not approve the proposed appointee, the Secretary-General will propose another candidate for approval by the Executive Council;
- (iv) This procedure will be repeated, if and as necessary, until a candidate acceptable to both the Secretary-General and the Executive Council is identified;

(b) In addition to the provisions of regulations 4.2 and 4.3 of the Staff Regulations, the Executive Council and the Secretary-General should be guided by the following considerations in the appointment of the Deputy Secretary-General:

- (i) The desirability of a balance between qualified nationals from developed and developing countries in the posts of Secretary-General and Deputy Secretary-General;
- (ii) The desirability of either the Secretary-General and/or the Deputy Secretary-General having occupied a senior position with responsibility for operational meteorological services and having had experience in international meteorological activities.

In addition, the Congress requested the Executive Council to examine the question of establishing a similar procedure for the appointment of staff members at Director levels as well as any unclassified post which may be established and to submit its report to the Tenth Congress.

### (b) Revision of the General Regulations

The Congress considered the proposed amendment to general regulation 83 as a result of the adoption by the Congress of the amendments to article 13 (c) of the Convention relating to the increase in the minimum<sup>7</sup> and maximum number of members per Region on the Executive Council. The amendment was adopted by resolution 44 (Cg-IX).

The Congress requested the Executive Council to consider further possible changes to regulation 83 of the General Regulations resulting from the aforesaid amendment to the Convention.

The Congress examined the proposals by the Executive Committee for new and amended General Regulations. In this connection, the Congress adopted resolution 45 (Cg-IX), the annex to which gives the text of these new and amended regulations.

The Congress considered the proposed amendments to general regulations 109 and 110, submitted by Norway, which aimed at reducing the need for summarized minutes at plenary sessions of constituent bodies and at simplifying related procedures contained in regulation 110. The Congress decided to amend regulations 109 and 110 of the General Regulations as given in the annex to resolution 45 (Cg-IX).

The Congress considered the proposed amendments to general regulations 117 and 119 which were submitted by Jordan, the Libyan Arab Jamahiriya, Saudi Arabia and the Syrian Arab Republic.

One proposal requested that, in addition to providing the equipment for interpretation at sessions of technical commissions, the organization should also provide interpreters, upon request. The other proposal provided for the publication of the Convention and the General Regulations of the organization in Arabic, in addition to Chinese.

Since it was considered that the participation of Arabic countries in the activities of WMO would be greatly facilitated by the proposed amendments, the Congress unanimously agreed to the proposals and made the necessary budgetary provisions to ensure their implementation. The Congress therefore decided to amend regulations 117 and 119 of the General Regulations as given in the annex to resolution 45 (Cg-IX).

The Congress further adopted resolution 46 (Cg-IX) to replace resolutions 50 (Cg-VII) and 54 (CG-VIII), since the provision for the use of the Arabic and Chinese languages in the sessions of the Congress, the Executive Council and technical commissions had already been included in the General Regulations.

The Congress considered and unanimously agreed to the proposed amendment to the General Regulations submitted by Malaysia to change the name Malaya to "Malaysia" in the appropriate texts of the General Regulations as well as in all other related future WMO publications. The Congress decided to amend annex II to the General Regulations as given in the annex to resolution 45 (Cg-IX).

The Congress studied the report of the EC Panel of Experts for the Review of the Scientific and Technical Structure of WMO. The proposals to amend general regulations 144, 177 and 195 to provide guidance on programme management and implementation were carefully examined, as were the suggested amendments to regulations 128 and 152 relating to the attendance of presidents

of technical commissions at sessions of the Congress and the Executive Council. The Congress decided to amend regulations 128, 144, 152, 177 and 195 of the General Regulations as given in the annex to resolution 45 (Cg-IX).

The Congress studied the recommendations of the EC Panel for the Review of the Scientific and Technical Structure of WMO relating to the technical commission system. It agreed that the current eight technical commissions should be retained with revised general and individual terms of reference. The Congress also agreed that the title of the Commission for Climatology and Applications of Meteorology should be changed to the Commission for Climatology (CCl). The Congress therefore adopted resolution 47 (Cg-IX), which establishes the system and terms of reference of the technical commissions and which replaces resolution 53 (Cg-VIII).

The Congress reconsidered the question of the interpretation of the term “designated” in regulation 142 of the General Regulations and made no new decision on the matter. However, it requested the Executive Council to reconsider the question.

The Congress decided that the word “designated” in regulation 142 of the General Regulations should continue to mean “elected” until the Congress decided otherwise.

The Congress considered the proposal of the President of the Commission for Hydrology (CHy) to incorporate the provisions of resolution 31 (Cg-VII), “Co-operation between hydrological services in the relevant General Regulations”. It decided that, instead of amending the General Regulations, resolution 31 (Cg-VIII) should be retained with minor amendment and should specify the terms of reference of regional hydrological advisers. The Congress adopted resolution 48 (Cg-IX).

The Congress considered the proposal submitted by Canada, Denmark, the Federal Republic of Germany, France and Sweden aimed at instructing the Executive Council to examine the possibility of limiting the number of terms of office of the Secretary-General and to prepare the necessary amendments to the General Regulations in order to achieve this.

The Congress decided that there was no need to submit the question for further study to the Executive Council since the existing provisions relating to the appointment of the Secretary-General already provided sufficient flexibility.

### (c) Questions concerning the Convention and the General Regulations

The Executive Council noted that the Ninth Congress had requested it to study the following matters relating to the Convention and General Regulations and to submit its report thereupon to the Tenth Congress:

(a) Establishment of procedures for the appointment of staff members at Director levels similar to those established by Cg-IX for the appointment of the Deputy Secretary-General (Cg-IX, general summary, para. 10.1.16);

(b) Possible changes to regulation 83 of the General Regulations resulting from the amendments adopted by Cg-IX to article 13 (c) of the Convention (Cg-IX, general summary, para. 10.2.1);

(c) Interpretation of the term “designated” given in regulation 142 of the General Regulations relating to filling vacant seats on the Executive Council between sessions of the Congress. In this connection it was noted that the word “designated” in regulation 142 should continue to mean “elected” until the Congress decided otherwise (Cg-IX, general summary, para. 10.2.13).

The Council requested the Secretary-General to submit reports on these three subjects to the next session of the Executive Council for its consideration.

The Executive Council noted with satisfaction the advice of the Legal Counsel of the United Nations that the decision of the Ninth Congress to direct the Executive Council to arrange voting by correspondence to amend articles 3 and 34 (c) of the Convention to enable the United Nations Council for Namibia to become a WMO member had been validly made. The texts of the question sent to the United Nations Legal Counsel and his reply are given in annex V to this report.



In compliance with the directives of the Ninth Congress on this matter as given in paragraph 10.1.2 of the general summary of its work, the Executive Council directed the Secretary-General:

(a) To communicate to the members of the organization which are States the draft resolution given in annex VI to the report on the proposed amendments to articles 3 and 34 (c) of the Convention;

(b) To invite the members which are States to vote on the adoption of these amendments in accordance with articles 5 (b) and 11 (a) of the Convention.

These amendments shall come into force on approval by two thirds of the members which are States, in accordance with article 28 (c) of the Convention.

#### (d) Staff matters

##### AMENDMENTS TO THE STAFF RULES

The Executive Council noted that, since the thirty-fourth session, some amendments had been made to the Staff Rules applicable to headquarters staff and to those applicable to technical assistance project personnel. These amendments are pursuant to the amendments made by the United Nations or have been made following decisions of the International Civil Service Commission.

##### STAFF RULES APPLICABLE TO HEADQUARTERS STAFF

These amendments relate to the addition of a subparagraph (vii) to staff rule 171.16 to include "passport costs" in the list of "miscellaneous travel expenses" reimbursable by the organization; to an adjustment of the salary scales for staff in the General Service category (staff rule 131.2, appendix B.1), effective 1 February 1983; to an increase of the children's allowance for staff in the Professional and higher categories (staff rule 134.1 (i)) effective 1 January 1983; and to an adjustment of the pensionable remuneration for staff in the Professional and higher categories (staff rule 134.2, appendix A.1) effective 1 October 1982.

##### STAFF RULES APPLICABLE TO TECHNICAL ASSISTANCE PROJECT PERSONNEL

These amendments relate to an adjustment of the pensionable remuneration for project personnel (staff rule 203.1, appendix I), effective 1 October 1982 and an increase of the children's allowance (staff rule 203.6), effective 1 January 1983; an increase of the installation grant (staff rule 207.22) and of the assignment allowance (staff rule 203.8), effective 1 January 1983.

#### (e) Membership of the organization

The membership of the Organization, comprising 152 member States and five Territories, remained unchanged during 1983.

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## 10. INTERNATIONAL MARITIME ORGANIZATION

#### (a) Membership of the organization

In 1983, the following countries became members of the International Maritime Organization: Fiji (14 March), Guatemala (16 March) and Togo (20 June). At 31 December 1983, the number of members of IMO was 125. There is also one associate member.

#### (b) Amendments to the IMO Convention

On 10 November 1983, the requirements for entry into force were fulfilled in respect of the amendments to the Convention on the International Maritime Organization which were adopted in November 1977<sup>322</sup> and November 1979.<sup>323, 324</sup>

### (c) Changes in status of IMO Conventions

#### (i) *International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 thereto (MARPOL 1973/78)*

The conditions for the entry into force of the 1978 MARPOL Protocol were met on 1 October 1982 following acceptance by 15 States, the combined fleets of which represented more than 50 per cent of the gross tonnage of the world's merchant shipping. Accordingly, the Protocol entered into force on 2 October 1983, viz., 12 months after the conditions for entry into force had been met. With effect from that date the régime of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 thereto (MARPOL 1973/78), was in force.

#### (ii) *Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973*

The conditions for the entry into force of this Protocol were met on 30 December 1982 with the deposit of the fifteenth instrument. In accordance with article VI (1) thereof the Protocol entered into force on 30 March 1983.

#### (iii) *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978*

The conditions for the entry into force of the 1978 STCW Convention were met on 27 April 1983 following acceptance by twenty-five States, the combined merchant fleets of which represented more than 50 per cent of the gross tonnage of the world's merchant shipping. Accordingly, the Convention will enter into force on 28 April 1984, viz., 12 months after the conditions for entry into force have been met.

#### (iv) *1983 Amendments to the International Convention for the Safety of Life at Sea, 1974*

The amendments were adopted by the Maritime Safety Committee on 17 June 1983. In accordance with the determination made at the time of their adoption, the amendments will enter into force on 1 July 1986 unless, prior to 1 January 1986, more than one third of the contracting Governments to the Convention, or contracting Governments the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, notify their objection to the amendments.

#### (v) *1981 Amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972*

The amendments, adopted by the IMO Assembly on 19 November 1981 (resolution A.464(XII)), entered into force on 1 June 1983, in accordance with the provisions of the Convention and the terms of the Assembly resolution.

#### (vi) *1973 Amendment to the Convention on Facilitation of International Maritime Traffic, 1965*

The amendment was adopted by a Conference of Parties to the Convention in November 1973. In accordance with the provisions of article IX of the Convention, the conditions for the entry into force of the amendment were met on 2 June 1983, and the amendment will accordingly enter into force on 2 June 1984.

#### (vii) *1983 Amendments to the International Convention for Safe Containers, 1972, as amended*

The amendments were adopted on 13 June 1983 in accordance with article X (2) of the CSC Convention. They entered into force on 1 January 1984.

(d) Legal activities\*

(i) *Review of the limits of liability and compensation in the 1969 Civil Liability Convention and the 1971 Fund Convention*

The Legal Committee concluded its work on the preparation of two draft protocols for revising the limits of liability and compensation and related provisions in the 1969 Civil Liability Convention and the 1971 Fund Convention. The draft articles for the two protocols prepared by the Legal Committee were collated and circulated in the usual way to the States and organizations invited to a diplomatic conference to be held in April/May 1984.

(ii) *Draft convention on liability and compensation in connection with the carriage of hazardous and noxious substances by sea Convention*

The Legal Committee undertook a final review of its work on the draft hazardous and noxious substances (HNS) convention, which was substantially concluded at its forty-eighth session. The Committee noted and approved the documentation, in respect of the draft convention, which has been circulated by the secretariat for the diplomatic conference to be convened in April/May 1984.

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## 11. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

### ADOPTION OF GUIDELINES ON SUPPLEMENTARY FINANCING OF COST OVERRUNS<sup>325</sup>

In order to provide an operational framework for the handling of proposals for supplementary financing of cost overruns, the Executive Board, after due deliberation at its eighteenth session in April 1983, approved the Guidelines on Supplementary Financing of Cost Overruns. The Guidelines envisage a case-by-case approach to the problems of supplementary cost overruns which, against a restrictive background, provide, notwithstanding the necessary flexibility for the management and the Executive Board to handle each specific case on its merits taking account of factors such as the nature of the project, the stage of implementation, the extent of the cost overrun and the underlying reason for the cause, especially of the Borrower to raise additional resources, the possibility of scaling down or rephrasing the project scope and facility, the need for supplementary financing. The Guidelines place emphasis on providing measures for avoiding cost overrun situations through strengthening the attention to be paid at the appraisal stage to cost estimates and contingencies provided and by monitoring implementation carry-over to enable timely adjustments to be made and thus avoid or reduce the need for supplementary financing.

### EXTENSION *AD INTERIM* OF THE CURRENT PRESIDENT'S TERM OF OFFICE

The Governing Council, during its first annual session held in Rome from 13 to 16 December 1977, appointed the first President of IFAD for a three-year constitutional term. Prior to the expiry of his first term of office on 12 December 1980, the Governing Council, during its fourth annual session, held from 8 to 11 December 1980, reappointed the incumbent President for a second term of three years by consensus. Paragraph (a), section 8, of article 6 of the Agreement establishing IFAD, pursuant to which the Governing Council appoints the President, restricts any one person to holding the office of President to two terms of three years each, a total of six years.

The current second term of office of the incumbent President was to expire on 12 December 1983. The 60-day time-limit prescribed by section 6 of IFAD's by-laws for the conduct of business was to expire on 7 October 1983. No nominations of candidature for the position of President were

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\*It should also be noted that an Agreement between the Government of Sweden and the International Maritime Organization regarding the World Maritime University was signed at London on 9 February 1983. Excerpts from that Agreement are reproduced in the present volume, p. 62.

received prior to that date and the election of the President was due to be held during the seventh annual session of the Governing Council, scheduled for 6-9 December 1983. In view of this, the Executive Board recommended an *ad interim* arrangement to enable the incumbent President to continue in his position until the Governing Council had appointed his successor and the appointee assumed the office. Under any circumstance, however, the arrangement as recommended by the Executive Board was not to extend beyond 12 December 1984. In presenting the proposal to the Governing Council for its consideration, the Executive Board had specifically taken into account the current status of negotiations for the second replenishment, which had entered a critical phase.

To implement the interim arrangement referred to above, the Executive Board was of the view that adoption by the Governing Council of a suitable resolution would be sufficient to provide a legal basis for the incumbent President to continue performing his functions uninterrupted on an interim basis. This would be accomplished through waiving temporarily the constitutional restriction of a total of six years' duration prescribed for any one person to be President. The resolution, *inter alia*, would explicitly provide for the timing for the interim arrangement to terminate so as to prevent its becoming the legal basis for any future action or decision by the Governing Council. This recommended approach to resolving the current situation had the advantage of leaving intact the requirements as currently provided for the appointment of any future President and also other provisions related to that office, and during the interim period the current incumbent would be able to perform the responsibilities of his office beyond the date of his current term.

Since the IFAD Agreement in its present form does not envisage that at some point the need might arise to set aside the restrictive effect of its paragraph (a), section 8, of article 6, in order to deal as an interim measure with a particular unforeseen situation, it was imperative that the adoption of the proposed resolution be accomplished in accordance with the constitutional procedures prescribed therein for an amendment. This was considered to be in accordance with the legal requirements for the validity of the proposed solution once it had passed through all the formal motions.

Accordingly, the Governing Council adopted the following resolution under procedures described in article 12 of the Agreement. At the same time, the Governing Council decided that the resolution was to enter into force and effect immediately upon approval as provided under article 12, thus waiving the normal three-month waiting period prescribed therein.

#### *Resolution 29/VII*

##### *The Governing Council,*

*Having considered* the proposal of the Executive Board contained in Document GC 7/L.9 for continuation *ad interim* in office of the incumbent President of IFAD beyond his current term of office which ends on 12 December 1983,

*Notwithstanding* the restriction of two terms consisting of a cumulative total tenure of six years for any one person to be the President of IFAD contained in paragraph (a) of Section 8 of Article 6 of the Agreement Establishing IFAD, as adopted by the United Nations Conference on the Establishment of an International Fund for Agricultural Development held on 13 June 1976 in Rome,

##### *A. Decides:*

(a) to extend *ad interim* the second term of office of the incumbent President of IFAD beyond 12 December 1983; and

(b) that during the interim the President shall continue to discharge the responsibilities of his office on terms and conditions set forth in the Governing Council Resolution 77/6 adopted at its First Annual Session and subject to the provisions of this Resolution.

##### *B. Further decides that:*

(a) this Resolution shall enter into force and effect immediately upon its adoption;

(b) the extension *ad interim* of the second term of the incumbent President shall not exceed beyond 12 December 1984;

(c) this Resolution shall not be construed for any future action or decision as having modified or amended paragraph (a) of Section 8 of Article 6 of the Agreement;

(d) The Governing Council shall meet prior to 12 December 1984 at an appropriate time determined by the Executive Board, to appoint the new President in accordance with the requirements of paragraph (a) of Section 8 of Article 6 of the Agreement; and

(e) this Resolution shall cease to be operational after the date the President, appointed by the Governing Council pursuant to paragraph (d) above, assumes the office which shall not be later than the date specified in paragraph B (b) above.

C. *Requests* Mr. Abdelmushin M. Al-Sudeary to continue as the President of IFAD for the interim period referred to in this Resolution.

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## 12. INTERNATIONAL ATOMIC ENERGY AGENCY

### REGIONAL CO-OPERATION

The Agreement of 1980 Establishing the Asian Regional Co-operative Project on Food Irradiation<sup>326</sup> for a period of three years was extended for a further period of one year with effect from 28 August 1983. By the end of 1983, the Agreement as extended was in force for IAEA and the following Member States: India, Indonesia, Japan, the Republic of Korea, Malaysia, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam.

### SEMINAR ON NUCLEAR LAW

An interregional seminar on nuclear law and safety regulations was organized in Morocco in co-operation with the Ministry of Energy and Mines and the National Electricity Board of Morocco. The purpose of the seminar was to provide an overview of the major areas of nuclear regulation and to discuss both the elaboration and the implementation of legislation. More than 100 participants, from Algeria, Morocco and Tunisia, took part in the seminar. Lectures were presented by Agency staff members and by experts from France, Spain and the Nuclear Energy Agency of the Organization for Economic Co-operation and Development. The lectures and discussions covered nuclear safety, radiation and environmental protection, functions of a nuclear regulatory body, licensing requirements, site selection and environmental impact assessment, national systems of materials control and nuclear third-party liability and insurance. Emphasis was placed on the regulatory steps required in the planning and implementation of a nuclear power programme.

### ADVISORY SERVICES

Advisory services were provided to the Government of Morocco in the preparation of legislation for radiation protection and for the control of nuclear installations. Advice and assistance were also provided to the Government of Tunisia for the framing of radiation protection regulations.

### PHYSICAL PROTECTION

By the end of 1983, 36 States and one regional organization had signed the Convention on the Physical Protection of Nuclear Material<sup>327</sup> and 8 States had ratified it. The Convention requires 21 ratifications for its entry into force.

### FUEL SUPPLY ARRANGEMENTS

In February 1983, IAEA and the Governments of the United States of America and Yugoslavia concluded an agreement for the transfer of approximately 20,200 grams of uranium of United States origin, enriched to less than 20 per cent, for use in the operation of the TRIGA Mark II research reactor at the Josef Stefan Institute in Ljubljana, Yugoslavia.<sup>328</sup>

Agreements for the supply of enriched uranium by IAEA to the Governments of Romania and Viet Nam were concluded in July 1983.<sup>329</sup> These were the first cases in which enriched uranium

was provided by the Government of the Union of Soviet Socialist Republics under IAEA's technical co-operation programme. Five kilograms of uranium dioxide powder containing 4.5 kilograms of 20-per-cent-enriched uranium were supplied to Romania for the fabrication of experimental fuel elements for use in irradiation tests in a TRIGA research reactor and in post-irradiation studies at the Institute of Nuclear Power Reactors, Pitesti. In the case of Viet Nam, 3.6 kilograms of 36-per-cent-enriched uranium were supplied for the operation of a TRIGA-type research reactor which was being reconstructed and upgraded at the Nuclear Research Institute at Da Lat.

In December 1983, an agreement was concluded between IAEA and the Governments of Morocco and the United States<sup>330</sup> concerning the transfer of about 12.896 kilograms of uranium enriched to less than 20 per cent for use as fuel in a TRIGA Mark I research reactor which was to be installed at and operated by the National School for the Mineral Industry, Rabat, and used for training and research.

In October 1983, the Board of Governors approved an agreement between IAEA and the Governments of Canada, Jamaica and the United States<sup>331</sup> for the transfer from Canada to Jamaica, through IAEA, of approximately 906 grams of 93-per-cent-enriched uranium of United States origin, contained in fuel elements, and of approximately one gram of the same material contained in metal foils. The materials were for the operation of a low-power critical-experiment reactor supplied by Canada to Jamaica. The reactor has been installed at the Centre for Nuclear Sciences of the University of the West Indies at Kingston, Jamaica, for training and research purposes.

#### GUIDELINES FOR EMERGENCY ASSISTANCE ARRANGEMENTS

A group of experts was convened by IAEA in April 1983 to consider terms and conditions which could be applied to emergency assistance and could (a) serve as a model for the negotiation of bilateral or regional agreements and (b) be readily agreed between a requesting State and an assisting party at the time of a nuclear emergency. The group recommended a set of "Guidelines for mutual emergency assistance arrangements in connection with a nuclear accident or radiological emergency", together with a technical annex which provides information on the nature and extent of the assistance which might be required. The Guidelines were subsequently published<sup>332</sup> as advisory material for use by Member States as they deem suitable.

#### COMMITTEE ON ASSURANCES OF SUPPLY

The Committee on Assurances of Supply (CAS) held its seventh to tenth sessions in January, April, September and December 1983 respectively. It continued its consideration of principles of international co-operation in the field of nuclear energy, in accordance with its mandate, and narrowed down further the areas where the views of Member States diverged. During 1983 it also considered the question of mechanisms for revising international nuclear co-operation agreements and formulated a number of conclusions for examination by the Board of Governors.

CAS concluded its consideration of emergency and back-up mechanisms by making recommendations to the Board of Governors for the establishment within IAEA of a system which would:

- (a) Receive, register and keep records on supplies made available for a back-up mechanism and register and keep records on the conditions for making available and drawing on such supplies;
- (b) Provide Member States upon request and to the extent possible, with such information and services as are needed for the implementation of the mechanism;
- (c) Serve, upon request, as an intermediary between a State requesting relief from the mechanism and back-up suppliers.

#### IAEA TRANSPORT REGULATIONS

The IAEA Regulations for the Safe Transport of Radioactive Materials, first published in 1961 (IAEA Safety Series No. 6), had been revised in 1964, 1967 and 1973. A further revised edition was published in 1979. The Regulations, which are applied to the Agency's own operations and to operations carried out with its assistance, have been adopted by all international organizations

concerned with transport and by most countries. They now form the regulatory basis for the international transport of radioactive materials by all means of transport.

The last extensive revision, which was started in 1979, was nearing completion at the end of 1983 with a view to the publication of a revised version in 1984 after approval by the Board of Governors.

#### SAFEGUARDS

During 1983, safeguards agreements concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) with the Ivory Coast and Papua New Guinea entered into force, bringing the total number of non-nuclear-weapon States with agreements in force pursuant to NPT and/or the Tlatelolco Treaty to 77.

Negotiations started in May 1983 between IAEA and the Union of Soviet Socialist Republics on a voluntary offer by the latter to place some of its peaceful nuclear installations under the Agency's safeguards.

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#### NOTES

<sup>1</sup> This summary has been prepared on the basis of *The United Nations Disarmament Yearbook*, vol. 8: 1983 (United Nations Publication, Sales No. E.84.IX.3).

<sup>2</sup> *Official Records of the General Assembly, Thirty-eighth Session, Plenary Meetings*, 5th to 33rd and 97th to 103rd meetings; *ibid.*, *First Committee*, 3rd to 41st and 46th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

<sup>3</sup> Adopted by a recorded vote of 73 to 19, with 44 abstentions.

<sup>4</sup> Adopted by a recorded vote of 114 to 17, with 12 abstentions.

<sup>5</sup> Adopted without a vote.

<sup>6</sup> Adopted without a vote.

<sup>7</sup> Adopted by a recorded vote of 135 to none, with 12 abstentions.

<sup>8</sup> Adopted by a recorded vote of 109 to 20, with 18 abstentions.

<sup>9</sup> *Official Records of the General Assembly, Thirty-eighth session, Supplement No. 27 (A/38/27)*, paras. 87 and 88; paragraph 88 embodies the report of the *Ad Hoc* Working Group and the "Texts for the comprehensive programme of disarmament submitted by the *Ad Hoc* Working Group" in an annex.

<sup>10</sup> Adopted without a vote.

<sup>11</sup> Adopted without a vote.

<sup>12</sup> All four draft resolutions on bilateral nuclear-arms negotiations between the Soviet Union and the United States were entitled "Bilateral nuclear-arms negotiations" and submitted under the item entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session".

<sup>13</sup> Adopted by a recorded vote of 88 to 31, with 24 abstentions.

<sup>14</sup> Adopted by a recorded vote of 122 (including China and the USSR) to 1 (United States), with 25 abstentions (including France and the United Kingdom).

<sup>15</sup> Adopted by a recorded vote of 99 to 18, with 24 abstentions.

<sup>16</sup> Adopted by a recorded vote of 133 to 1, with 14 abstentions.

<sup>17</sup> Adopted by a recorded vote of 108 to 19, with 16 abstentions. China did not participate in the vote.

<sup>18</sup> Adopted by a recorded vote of 74 to 12, with 57 abstentions.

<sup>19</sup> Adopted by a recorded vote of 134 to none, with 7 abstentions. China and France did not participate in the vote.

<sup>20</sup> Adopted by a recorded vote of 110 to 19, with 15 abstentions.

<sup>21</sup> Adopted by a recorded vote of 128 to none, with 20 abstentions.

<sup>22</sup> Adopted by a recorded vote of 126 to 17, with 6 abstentions.

<sup>23</sup> Adopted by a recorded vote of 95 to 19 (Western States), with 30 abstentions.

<sup>24</sup> Adopted by a recorded vote of 124 to 15 (mainly Western States), with 7 abstentions.

<sup>25</sup> Adopted by a recorded vote of 124 to 13 (Western States, Israel, Japan and New Zealand), with 8 abstentions.

<sup>26</sup> Adopted by a recorded vote of 108 to 18, with 20 abstentions.

- <sup>27</sup> Adopted by a recorded vote of 108 to 17 (mainly Western States), with 18 abstentions.
- <sup>28</sup> Adopted by a recorded vote of 141 to none, with 6 abstentions.
- <sup>29</sup> Adopted by a recorded vote of 119 to 2, with 26 abstentions.
- <sup>30</sup> United Nations, *Treaty Series*, vol. 480, p. 43.
- <sup>31</sup> General Assembly resolution 2373 (XXII), annex; see also United Nations, *Treaty Series*, vol. 729, p. 161.
- <sup>32</sup> Adopted by a recorded vote of 117 to none, with 29 abstentions.
- <sup>33</sup> Adopted by a recorded vote of 118 to 4, with 24 abstentions.
- <sup>34</sup> United Nations, *Treaty Series*, vol. 634, p. 281.
- <sup>35</sup> Adopted by a recorded vote of 135 to none, with 9 abstentions.
- <sup>36</sup> Adopted by a recorded vote of 142 to none, with 6 abstentions.
- <sup>37</sup> Adopted without a vote.
- <sup>38</sup> Adopted by a recorded vote of 99 to 2, with 39 abstentions.
- <sup>39</sup> Adopted by a recorded vote of 94 to 3, with 46 abstentions.
- <sup>40</sup> Adopted without a vote.
- <sup>41</sup> Adopted without a vote.
- <sup>42</sup> Adopted by a recorded vote of 98 to 1, with 49 abstentions.
- <sup>43</sup> Adopted without a vote.
- <sup>44</sup> League of Nations, *Treaty Series*, vol. XCIV, p. 65.
- <sup>45</sup> For the text of the Convention, see General Assembly resolution 2826, annex.
- <sup>46</sup> Adopted by a recorded vote of 116 to 1, with 26 abstentions.
- <sup>47</sup> Adopted without a vote.
- <sup>48</sup> Adopted by a recorded vote of 147 to 1, with one abstention.
- <sup>49</sup> General Assembly resolution 2222 (XXI), annex; see also United Nations, *Treaty Series*, vol. 610, p. 205.
- <sup>50</sup> As of the end of the year, 23 countries had deposited their instrument of ratification with the Secretary-General. For the text of the Convention and its Protocols, see *Status of Multilateral Arms Regulation and Disarmament Agreements*, 2nd ed., 1982 (United Nations publication, Sales No. E.83.IX.5).
- <sup>51</sup> Adopted without a vote.
- <sup>52</sup> Adopted without a vote.
- <sup>53</sup> See the report of the Working Group, *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 42 (A/38/42)*, sect. IV, para. 23.
- <sup>54</sup> Adopted without a vote.
- <sup>55</sup> Adopted by a recorded vote of 116 to 13, with 8 abstentions.
- <sup>56</sup> Adopted without a vote.
- <sup>57</sup> General Assembly resolution 2832 (XXVI).
- <sup>58</sup> For the text of the Treaty see General Assembly resolution 2660 (XXV), annex; also reproduced in *Juridical Yearbook*, 1970, p. 121 and United Nations *Treaty Series*, vol. 955, p. 115.
- <sup>59</sup> SBT/CONF. II/20.
- <sup>60</sup> Adopted without a vote.
- <sup>61</sup> General Assembly resolution 2734 (XXV); also reproduced in *Juridical Yearbook*, 1970, p. 62.
- <sup>62</sup> Adopted by a recorded vote of 135 to none, with 12 abstentions.
- <sup>63</sup> See A/38/643.
- <sup>64</sup> General Assembly resolution 1514 (XV).
- <sup>65</sup> Adopted by a recorded vote of 109 to 20, with 18 abstentions.
- <sup>66</sup> See A/38/644.
- <sup>67</sup> For the report of the Legal Sub-Committee, see document A/AC.105/320 and Corr.1.
- <sup>68</sup> A/AC.105/320 and Corr.1, annex III, sect. A, document A/AC.105/C.2/L.137.
- <sup>69</sup> A/AC.105/320 and Corr.1, annex III, sect. A, document A/AC.105/C.2/L.138.
- <sup>70</sup> A/AC.105/320 and Corr.1, annex II, para. 6.
- <sup>71</sup> A/AC.105/320 and Corr.1, annex III, sect. B, document A/AC.105/C.2/L.139.
- <sup>72</sup> A/AC.105/320 and Corr.1, annex III, sect. C, document A/AC.105/C.2/L.142.
- <sup>73</sup> *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 20 (A/38/20)*, chap. II.B.
- <sup>74</sup> 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).
- <sup>75</sup> Reproduced in *Juridical Yearbook*, 1982, p. 77.
- <sup>76</sup> Adopted by a recorded vote of 124 to 12, with 8 abstentions.
- <sup>77</sup> See A/38/714.



<sup>78</sup> 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).

<sup>79</sup> For detailed information, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 25* (A/38/25).

<sup>80</sup> *Ibid.*, annex.

<sup>81</sup> UNEP/GC.10/5/Add.2 and Corr.1 and 2, annex, chap. II.

<sup>82</sup> Adopted without a vote.

<sup>83</sup> See A/38/702/Add.7.

<sup>84</sup> Adopted without a vote.

<sup>85</sup> See A/38/702/Add.2.

<sup>86</sup> For detailed information, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 12* (A/38/12) and *ibid.*, *Supplement No. 12A* (A/38/12/Add.1).

<sup>87</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

<sup>88</sup> *Ibid.*, vol. 606, p. 267.

<sup>89</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12A* (A/37/12/Add.1), para. 70 (4) (d).

<sup>90</sup> Adopted without a vote.

<sup>91</sup> See A/38/688.

<sup>92</sup> Adopted without a vote.

<sup>93</sup> See A/38/680.

<sup>94</sup> *Official Records of the Economic and Social Council, 1983, Supplement No. 5* (E/1983/15).

<sup>95</sup> Adopted without a vote.

<sup>96</sup> See A/38/689.

<sup>97</sup> For background information on the question, see *Juridical Yearbook, 1981*, p. 59.

<sup>98</sup> Adopted without a vote.

<sup>99</sup> See A/38/687.

<sup>100</sup> For the text of the Principles, see General Assembly resolution 37/194, annex; also reproduced in *Juridical Yearbook, 1982*, p. 88.

<sup>101</sup> See General Assembly resolution 2200 A (XXI), annex; also reproduced in *Juridical Yearbook, 1966*, pp. 170 *et seq.*

<sup>102</sup> General Assembly resolution 2200 A (XXI), annex; see also United Nations, *Treaty Series*, vol. 993, p. 3.

<sup>103</sup> General Assembly resolution 2200 A (XXI), annex; see also United Nations, *Treaty Series*, vol. 999, p. 171.

<sup>104</sup> *Ibid.*

<sup>105</sup> Adopted without a vote.

<sup>106</sup> See A/38/686.

<sup>107</sup> *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 40* (A/38/40).

<sup>108</sup> Adopted without a vote.

<sup>109</sup> See A/38/686.

<sup>110</sup> A/38/393.

<sup>111</sup> See *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 40* (A/38/40), para. 32.

<sup>112</sup> See General Assembly resolution 2106 A (XX), annex; also reproduced in *Juridical Yearbook, 1965*, p. 63, and in United Nations, *Treaty Series*, vol. 660, p. 195.

<sup>113</sup> Adopted without a vote.

<sup>114</sup> See A/38/543.

<sup>115</sup> Adopted without a vote.

<sup>116</sup> See A/38/543.

<sup>117</sup> A/38/393.

<sup>118</sup> Adopted without a vote.

<sup>119</sup> See A/38/543.

<sup>120</sup> Adopted without a vote.

<sup>121</sup> See A/38/541.

<sup>122</sup> United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

- <sup>123</sup> For the text of the Convention, see General Assembly resolution 3068 (XXVIII); also reproduced in *Juridical Yearbook*, 1973, p. 70, and in United Nations, *Treaty Series*, vol. 1015, p. 244.
- <sup>124</sup> Adopted by a recorded vote of 110 to 1, with 23 abstentions.
- <sup>125</sup> See A/38/543.
- <sup>126</sup> E/CN.4/1286, annex.
- <sup>127</sup> For the text of the Convention, see General Assembly resolution 34/180; also reproduced in *Juridical Yearbook*, 1979, p. 115.
- <sup>128</sup> Adopted without a vote.
- <sup>129</sup> See A/38/682.
- <sup>130</sup> For background information on the question, see *Juridical Yearbook*, 1980, pp. 66 and 67.
- <sup>131</sup> Adopted without a vote.
- <sup>132</sup> See A/38/687.
- <sup>133</sup> Adopted without a vote.
- <sup>134</sup> See A/38/680.
- <sup>135</sup> Adopted by a recorded vote of 132 to 1, with 13 abstentions.
- <sup>136</sup> See A/38/690.
- <sup>137</sup> Adopted without a vote.
- <sup>138</sup> See A/38/690.
- <sup>139</sup> Adopted without a vote.
- <sup>140</sup> See A/38/680.
- <sup>141</sup> Adopted without a vote.
- <sup>142</sup> See A/38/680.
- <sup>143</sup> Adopted without a vote.
- <sup>144</sup> See A/38/685.
- <sup>145</sup> Adopted without a vote.
- <sup>146</sup> See A/38/683.
- <sup>147</sup> For the text of the Declaration, see General Assembly resolution 36/55; also reproduced in *Juridical Yearbook*, 1981, pp. 63-65.
- <sup>148</sup> Adopted without a vote.
- <sup>149</sup> See A/38/680.
- <sup>150</sup> Adopted without a vote.
- <sup>151</sup> See A/38/684.
- <sup>152</sup> Adopted by a recorded vote of 125 to none, with 22 abstentions.
- <sup>153</sup> See A/38/684.
- <sup>154</sup> For the text of the Declaration, see General Assembly resolution 3384 (XXX); also reproduced in *Juridical Yearbook*, 1975, pp. 51 and 52.
- <sup>155</sup> Adopted by a recorded vote of 123 to none, with 23 abstentions.
- <sup>156</sup> See A/38/689.
- <sup>157</sup> *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.2), document A/CONF.62/122.
- <sup>158</sup> For detailed information on the Preparatory Commission, see the report of the Secretary-General on the Third United Nations Conference on the Law of the Sea (A/38/570 and Corr.1 and Add.1 and Corr.1).
- <sup>159</sup> LOS/PCN/3.
- <sup>160</sup> LOS/PCN/5.
- <sup>161</sup> LOS/PCN/6.
- <sup>162</sup> LOS/PCN/27.
- <sup>163</sup> LOS/PCN/27, para. 2.
- <sup>164</sup> LOS/PCN/28.
- <sup>165</sup> Adopted by a recorded vote of 136 to 2, with 6 abstentions.
- <sup>166</sup> For the composition of the Court, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 51*, (A/36/51) sect. X, p. 253.
- <sup>167</sup> As of 31 December 1983, 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.
- <sup>168</sup> For detailed information, see *I.C.J. Yearbook 1981-1982*, No. 36, and *I.C.J. Yearbook 1982-1983*, No. 37.
- <sup>169</sup> *I.C.J. Reports 1982*, p. 554.
- <sup>170</sup> *I.C.J. Reports 1983*, p. 3.
- <sup>171</sup> For detailed information, see *I.C.J. Yearbook 1981-1982*, No. 36, and *I.C.J. Yearbook 1982-1983*, No. 37.
- <sup>172</sup> *I.C.J. Reports 1982*, p. 560.

- <sup>173</sup> *I.C.J. Reports* 1983, p. 6.
- <sup>174</sup> For the membership of the Commission, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 10* (A/38/10), chap. I.
- <sup>175</sup> For detailed information, see *Yearbook of the International Law Commission*, 1983, vol. I (United Nations publication, Sales No. 84.V.6); *ibid.*, vol. II, Part One (United Nations publication, Sales No. 84.V.7 (Part I)); and *ibid.*, Part Two (United Nations publication, Sales No. 84.V.7 (Part II)).
- <sup>176</sup> *Yearbook of the International Law Commission*, vol. II, Part One (United Nations publication, Sales No. E.84.V.7 (Part I)), document A/CN.4/367.
- <sup>177</sup> *Ibid.*, document A/CN.4/363 and Add.1.
- <sup>178</sup> A/CN.4/L.367.
- <sup>179</sup> *Yearbook of the International Law Commission*, vol. II, Part One (United Nations publication, Sales No. E.84.V.7 (Part I)), document A/CN.4/366 and Add.1.
- <sup>180</sup> *Ibid.*, document A/CN.4/374 and Add.1-4.
- <sup>181</sup> *Ibid.*, document A/CN.4/367.
- <sup>182</sup> *Ibid.*, document A/CN.4/370.
- <sup>183</sup> *Ibid.*, document A/CN.4/373.
- <sup>184</sup> *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 10* (A/38/10).
- <sup>185</sup> Adopted without a vote.
- <sup>186</sup> See A/38/671.
- <sup>187</sup> Adopted by a recorded vote of 128 to none, with 13 abstentions.
- <sup>188</sup> See A/38/665.
- <sup>189</sup> *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 10* (A/38/10), paras. 67 and 69.
- <sup>190</sup> For the membership of the Commission, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 17*, (A/38/17), chap. I.B, para. 4.
- <sup>191</sup> For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. XIV:1983 (United Nations publication, Sales No. E.85.V.3).
- <sup>192</sup> *Ibid.*, part two, chap. I, document A/CN.9/235.
- <sup>193</sup> For the text of the draft rules, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 17* (A/38/17), annex I.
- <sup>194</sup> *Yearbook of the United Nations Commission on International Trade Law*, vol. XIV:1983 (United Nations publication, Sales No. E.85.V.3), part two, chap. I, document A/CN.9/242.
- <sup>195</sup> *Ibid.*, chap. III, sect. A, document A/CN.9/232, and sect. B, document A/CN.9/233.
- <sup>196</sup> *Ibid.*, chap. IV, sect. A, document A/CN.9/234.
- <sup>197</sup> *Ibid.*, sect. B, document A/CN.9/WG.V/WP.9 and Add.1-5.
- <sup>198</sup> *Ibid.*, chap. V, sect. A, document A/CN.9/239.
- <sup>199</sup> *Ibid.*, sect. B, document A/CN.9/237 and Add.1-3.
- <sup>200</sup> *Ibid.*, sect. C, document A/CN.9/236.
- <sup>201</sup> 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 Rules); United Nations Convention on the Contracts for the International Sale of Goods (Vienna 1980).
- <sup>202</sup> *Yearbook of the United Nations Commission on International Trade Law*, vol. XIV:1983 (United Nations publication, Sales No. E.85.V.3), chap. VII, document A/CN.9/240.
- <sup>203</sup> Adopted without a vote.
- <sup>204</sup> See A/38/667.
- <sup>205</sup> Adopted without a vote.
- <sup>206</sup> See A/38/667.
- <sup>207</sup> Adopted without a vote.
- <sup>208</sup> See A/38/668.
- <sup>209</sup> Adopted without a vote.
- <sup>210</sup> See A/38/663.
- <sup>211</sup> *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37* (A/34/37), para. 118.
- <sup>212</sup> Adopted without a vote.
- <sup>213</sup> See A/38/659.
- <sup>214</sup> General Assembly resolution 2625 (XXV).
- <sup>215</sup> A/38/440, annex.
- <sup>216</sup> Adopted by a recorded vote of 110 to 1, with 30 abstentions.
- <sup>217</sup> See A/38/661.

<sup>218</sup> Adopted without a vote.  
<sup>219</sup> See A/38/660.  
<sup>220</sup> *Official Records of the General Assembly, Thirty-third Session, Supplement No. 10* (A/33/10).  
<sup>221</sup> Adopted without a vote.  
<sup>222</sup> See A/38/675.  
<sup>223</sup> Adopted without a vote.  
<sup>224</sup> A/38/672.  
<sup>225</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10* (A/37/10), chap. II.  
<sup>226</sup> Adopted without a vote.  
<sup>227</sup> See A/38/662.  
<sup>228</sup> A/38/546.  
<sup>229</sup> For detailed information, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 26* (A/38/26).  
<sup>230</sup> *Ibid.*, annex I. The text of the legal opinion is reproduced also in the present volume, p. 220.  
<sup>231</sup> Adopted without a vote.  
<sup>232</sup> See A/38/673.  
<sup>233</sup> For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 33* (A/38/33).  
<sup>234</sup> A/AC.182/WG/39.  
<sup>235</sup> A/AC.182/L.29/Rev.1; *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 33* (A/37/33), paras. 254 and 255.  
<sup>236</sup> A/AC.182/L.25 and A/AC.182/WG/51; *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 33* (A/37/33), paras. 256 and 265.  
<sup>237</sup> A/AC.182/WG/56 and Add.1-3.  
<sup>238</sup> *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 33* (A/34/33), para. 13.  
<sup>239</sup> Adopted without a vote.  
<sup>240</sup> See A/38/674.  
<sup>241</sup> For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 41* (A/38/41).  
<sup>242</sup> *Ibid.*, *Thirty-fourth Session, Supplement No. 41* (A/34/41 and Corr.1), annex.  
<sup>243</sup> See *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 41* (A/34/41), paras. 94 and 130-149.  
<sup>244</sup> *Ibid.*, *Thirty-sixth Session, Supplement No. 41* (A/36/41), para. 259.  
<sup>245</sup> *Ibid.*, *Thirty-seventh Session, Supplement No. 41* (A/37/41), para. 372.  
<sup>246</sup> Adopted by a recorded vote of 119 to 15, with 8 abstentions.  
<sup>247</sup> See A/38/666.  
<sup>248</sup> For the report of the *Ad Hoc* Committee, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 43* (A/38/43).  
<sup>249</sup> *Ibid.*, *Thirty-seventh Session, Supplement No. 43* (A/37/43 and Corr.1), annex.  
<sup>250</sup> A/AC.207/L.15 and Corr.1.  
<sup>251</sup> Adopted without a vote.  
<sup>252</sup> See A/38/669.  
<sup>253</sup> *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 43* (A/38/43).  
<sup>254</sup> Adopted without a vote.  
<sup>255</sup> A/38/491.  
<sup>256</sup> *Official Records of the General Assembly, Thirty-eighth Session, Plenary Meetings*, 82nd meeting, paras. 88-104.  
<sup>257</sup> For detailed information, see *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 14* (A/38/14), and *ibid.*, *Thirty-ninth Session, Supplement No. 14* (A/39/14).  
<sup>258</sup> "Progressive development of the principles and norms of international law relating to the new international economic order" (UNITAR/DS/6).  
<sup>259</sup> A/38/366.  
<sup>260</sup> UNITAR publication, Sales No. E.83.XV.RR/29.  
<sup>261</sup> 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.  
<sup>262</sup> *Official Bulletin*, vol. LXVI, 1983, Series A, No. 2, pp. 53-57 and 78-85; English, French, Spanish. Regarding preparatory work, see *First discussion—Vocational Rehabilitation*, ILC, 68th session (1982), report VI (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 report VI (2), 52 and 96 pages respectively; English, French, German, Russian, Spanish. See also ILC, 68th session (1982), *Record of Proceedings*, No. 25; No. 32, pp. 1-5; English, French, Spanish. *Second discussion*—Vocational Rehabilitation, ILC, 69th session (1983), report IV (1) and report IV (2), 39 and 61 pages respectively; English, French, German, Russian, Spanish. See also ILC, 69th session (1983), *Record of Proceedings*, No. 27; No. 36, pp. 1-5; No. 37, pp. 5-6, pp. 10-15; English, French, Spanish.

<sup>263</sup> *Official Bulletin*, vol. LXVI, 1983, Series A, No. 2, pp. 57-78; English, French, Spanish. *Single Discussion*—Maintenance of Rights in Social Security, ILC, 69th session (1983), report V (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), 101 pages; English, French, German, Russian, Spanish. See also ILC, 69th session (1983) *Record of Proceedings*, No. 24; No. 29, pp. 1-4; No. 37, pp. 7-9; English, French, Spanish.

<sup>264</sup> The report has been published as report III (part 4) to the 69th session of the Conference and comprises two volumes: vol. A: "General report and observations concerning particular countries" (report III (part 4A)), 316 pages; English, French, Spanish; vol. B: "General survey on the application of the Conventions on freedom of association, the right to organise and collective bargaining and the Convention and Recommendation concerning rural workers' organisations" (report III (part 4B)), 157 pages; English, French, Spanish.

<sup>265</sup> *Official Bulletin*, vol. LXVI, 1983, Series B, No. 1.

<sup>266</sup> *Ibid.*, No. 2.

<sup>267</sup> *Ibid.*, No. 3.

<sup>268</sup> *Official Bulletin*, vol. LXVI, 1983, Series B.

<sup>269</sup> See the report of the forty-third session of the Committee on Constitutional and Legal Matters, document CL 84/5 and CL 84/REP. paras. 112-122.

<sup>270</sup> CL 82/REP, paras. 181 and 182.

<sup>271</sup> See section (a) (i) a. above.

<sup>272</sup> C 83/REP, paras. 327-329.

<sup>273</sup> CL 84/REP, paras. 117-122.

<sup>274</sup> CL 84/6, paras. 66-95.

<sup>275</sup> CL 83/REP, paras. 270 and 271.

<sup>276</sup> CL 85/REP, paras. 12-15.

<sup>277</sup> C 83/REP, paras. 325 and 326.

<sup>278</sup> C 83/REP, paras. 367-369.

<sup>279</sup> C 83/REP, para. 27.

<sup>280</sup> See *Juridical Yearbook*, 1979, p. 79, and *Juridical Yearbook*, 1981, p. 81.

<sup>281</sup> C 83/REP, paras. 323 and 324.

<sup>282</sup> See *Juridical Yearbook*, 1979, pp. 78 and 79.

<sup>283</sup> The present title was adopted as a result of amendments to the Agreement which entered into force on 16 February 1983.

<sup>284</sup> The Convention was adopted by a conference of plenipotentiaries which met at Rio de Janeiro, Brazil, from 2 to 14 May 1966.

<sup>285</sup> See *Juridical Yearbook*, 1979, p. 79, and *Juridical Yearbook*, 1980, p. 85.

<sup>286</sup> C 81/REP, paras. 152 and 153.

<sup>287</sup> See C 83/25.

<sup>288</sup> CL 83/9, paras. 219-238.

<sup>289</sup> C 83/REP, paras. 275-285.

<sup>290</sup> The delegations of Canada, France, the Federal Republic of Germany, Japan, Switzerland, the United Kingdom and the United States reserved their position with respect to the resolution and the International Undertaking. The delegation of New Zealand reserved its position on the text of the International Undertaking because there was no provision which took account of plant breeders' rights.

<sup>291</sup> Article 9.2 of the Undertaking.

<sup>292</sup> C 83/REP, para. 287.

<sup>293</sup> The delegations of Canada, France, the Federal Republic of Germany, Japan, the Netherlands, Switzerland, the United Kingdom and the United States reserved their position with respect to the resolution.

<sup>294</sup> CL 85/REP, paras. 12-15.

<sup>295</sup> The Governments of Canada, France, the Federal Republic of Germany, Japan, the United Kingdom and the United States reserved their positions with respect to the resolution.

<sup>296</sup> See note 289 above.

<sup>297</sup> For details, see *Juridical Yearbook*, 1982, p. 234.

<sup>298</sup> CL 82/REP, paras. 200-218.

<sup>299</sup> CL 83/REP, paras. 262-269.

<sup>300</sup> CL 84/REP, paras. 123-127.

- <sup>301</sup> The Finance Committee also considered the matter at its fifty-first (25 April-6 May 1983) and fifty-second (19-30 September 1983) sessions; see CL 83/4 and CL 84/4.
- <sup>302</sup> C 83/REP, paras. 342-345 and appendix G; C 83/III/PV/2; C 83/III/PV/4; C 83/PV/20.
- <sup>303</sup> C 83/REP, appendix G.
- <sup>304</sup> Judgement No. 634 of the Tribunale Civile di Roma, sez. III, rendered on 31 October 1980, and Judgement No. 827 of the Corte di Appello di Roma, rendered on 9 February 1983.
- <sup>305</sup> *ENPALS v. FAO*, Pretura di Roma, Sez. controversie di lavoro, 2 October 1982, reproduced in *Juridical Yearbook*, 1982, p. 236, and *Carbone v. FAO*, Judgement of Pretore di Roma, 2nd sez. of Pretura Civile di Roma, 6 July 1983.
- <sup>306</sup> *Aziz v. Caruzzi*, Pretura di Roma; reproduced in the present volume, p. 232.
- <sup>307</sup> See *Il Foro Italiano*, anno CIX, No. 2, February 1984, pp. 599-602, which, in addition to summarizing the judgement, also cites in footnotes a number of cases in which the immunity from legal process of senior officials of FAO and IFAD has been upheld by Italian courts. Reproduced in the present volume, p. 232.
- <sup>308</sup> FAO Fisheries Report No. 293.
- <sup>309</sup> IGC(1971)/V/23.
- <sup>310</sup> ILO/UNESCO/WIPO/ICR.9/8.
- <sup>311</sup> PRS/CPY/DP/CEG/I/11.
- <sup>312</sup> UNESCO/WIPO/FOLK/ASIA/5 and UNESCO/WIPO/FOLK/AFR/4.
- <sup>313</sup> BEC/IGC/ICR/SC.2 (part II)/CTV/7.
- <sup>314</sup> UNESCO/WIPO/SSA/CGE/5.
- <sup>315</sup> UNESCO/WIPO/CCC/II/11.
- <sup>316</sup> B/EC/XXII/19-IGC(1971)/V/19, 19 Corr., 19 Add. and 19 annex.
- <sup>317</sup> UNESCO/WIPO/DT/CM/3.
- <sup>318</sup> Convention on the Settlement of Investment Disputes between States and National of Other States of 1965, reproduced in *Juridical Yearbook*, 1966, p. 196; see also United Nations, *Treaty Series*, vol. 575, p. 159.
- <sup>319</sup> The list of contracting States and other signatories to the Convention is reproduced in document ICSID/3.
- <sup>320</sup> For the Articles of Agreement of the International Monetary Fund, see United Nations, *Treaty Series*, vol. 2, p. 39.
- <sup>321</sup> English Translation prepared by the Secretariat of the United Nations on the basis of a French version provided by UPU.
- <sup>322</sup> United Kingdom Command Paper No. 9719.
- <sup>323</sup> United Kingdom Command Paper No. 9777.
- <sup>324</sup> The amendments entered into force on 10 November 1984.
- <sup>325</sup> EB 83/18/R.29.
- <sup>326</sup> Reproduced in document INFCIRC/285.
- <sup>327</sup> Reproduced in document INFCIRC/274/Rev.1.
- <sup>328</sup> The agreement was concluded in connection with the Fourth Supply Agreement of 1980; reproduced in document INFCIRC/32/Add.4, part I.
- <sup>329</sup> Reproduced in documents INFCIRC/307 and INFCIRC/308 respectively.
- <sup>330</sup> Reproduced in document INFCIRC/313.
- <sup>331</sup> The agreement was subsequently concluded on 25 January 1984 and is reproduced in document INFCIRC/315.
- <sup>332</sup> Reproduced in document INFCIRC/310.